Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Articles I-XIV and Appendices

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Article I - General Provisions

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THE CITY OF NEW YORK
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Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

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Chapter 1 - Title, Establishment of Controls and Interpretation of Regulations

11-00 - TITLE

LAST AMENDED
12/15/1961

11-01 - Long Title

LAST AMENDED
12/15/1961

A Resolution regulating the height and bulk of buildings and other structures, regulating and determining the area of yards, courts and other open spaces, and the density of population, and regulating and restricting the location of trades and industries and the location of buildings designed for specific uses within the City of New York, and for such purposes dividing the City into districts.

11-02 - Short Title

LAST AMENDED
12/15/1961

This Resolution shall be known and may be cited as the Zoning Resolution of the City of New York.

11-10 - ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS

LAST AMENDED
12/15/1961

11-11 - Establishment of Control over Use and Bulk

LAST AMENDED
12/15/1961

11-111 - Applicability of this Resolution

LAST AMENDED
2/2/2011

In all districts, after December 15, 1961, any #zoning lot# or other tract of land, as applicable, and anything therein or thereupon, including any #development#, #enlargement#, #extension#, change of #use#, new or existing #use#, #conversion#, alteration, site alteration, relocation, reconstruction and any #building or other structure# shall be subject to the regulations of this Resolution; and shall continue to be subject to the provisions of this Resolution in effect at the time of such #development#, #enlargement#, establishment of or change of #use#, #conversion#, alteration, site alteration, relocation or reconstruction, unless such provisions are modified by an amendment of this Resolution applicable to #buildings or other structures# or #uses# existing at the time of such amendment.

Where an existing #use# or #building or other structure# is #non-conforming# or #non-complying#, the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings) may apply.

11-12 - Establishment of Districts

LAST AMENDED
5/8/2013

11-121 - District names

LAST AMENDED
6/6/2024

Each zoning district is designated by a letter indicating the general land use classification – R for Residence, C for Commercial and M for Manufacturing – followed by one or two numbers and, sometimes, a letter suffix. In residence districts, generally, the higher the first number, the greater the density permitted and the larger the building. Parking requirements usually decrease as density increases. A second number, following a hyphen (such as R3-1 or R3-2), denotes variations in use, bulk or parking regulations among districts within a common density category. In commercial and manufacturing districts, the first number denotes the intensity of permitted uses; the higher the first number, generally, the broader the scope of uses that are permitted and the more significant the land use impact of such uses. The second number, following a hyphen, denotes differences in bulk or parking regulations within a common use category. The higher the second number, generally, the larger the building permitted and/or the lower the parking requirements. Letter suffixes have been added to the designations of certain districts (such as R10A) to indicate contextual counterparts that seek to maintain, enhance or establish new neighborhood characteristics or building scale.

In certain Special Purpose Districts, a specific #Manufacturing District# is paired with a #Residence District#. Regulations pertaining to such paired district, including how to consider such districts with regards to the applicability of other underlying zoning regulations, are set forth Article XII, Chapter 3 (Special Mixed Use District).

11-122 - Districts established

LAST AMENDED
8/14/2025

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

Residence Districts

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

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

R3-1 Detached and Semi-Detached Residence District
R3-2 General Residence District
R3A Detached Residence District
R3X Detached Residence District

R4 General Residence District
R4-1 Detached and Semi-Detached Residence District
R4A Detached Residence District
R4B General Residence District

R5 General Residence District

R5A Detached Residence District

R5B General Residence District

R5D General Residence District

R6 General Residence District

R6-1 General Residence District

R6-2 General Residence District

R6A General Residence District

R6B General Residence District

R6D General Residence District

R7-1 General Residence District

R7-2 General Residence District

R7-3 General Residence District

R7A General Residence District

R7B General Residence District

R7D General Residence District

R7X General Residence District

R8 General Residence District

R8A General Residence District

R8B General Residence District

R8X General Residence District

R9 General Residence District

R9-1 General Residence District

R9A General Residence District

R9D General Residence District

R9X General Residence District

R10 General Residence District
R10A General Residence District
R10H General Residence District
R10X General Residence District

R11 General Residence District
R11A General Residence District

R12 General Residence District

Commercial Districts

C1-1 Local Commercial District
C1-2 Local Commercial District
C1-3 Local Commercial District
C1-4 Local Commercial District
C1-5 Local Commercial District
C1-6 Local Commercial District
C1-6A Local Commercial District
C1-7 Local Commercial District
C1-7A Local Commercial District
C1-8 Local Commercial District
C1-8A Local Commercial District
C1-8X Local Commercial District
C1-9 Local Commercial District
C1-9A Local Commercial District

C2-1 Local Commercial District

C2-2 Local Commercial District

C2-3 Local Commercial District

C2-4 Local Commercial District

C2-5 Local Commercial District

C2-6 Local Commercial District

C2-6A Local Commercial District

C2-7 Local Commercial District

C2-7A Local Commercial District

C2-7X Local Commercial District

C2-8 Local Commercial District

C2-8A Local Commercial District

C3 Waterfront Recreation District

C3A Waterfront Recreation District

C4-1 General Commercial District

C4-2 General Commercial District

C4-2A General Commercial District

C4-2F General Commercial District

C4-3 General Commercial District

C4-3A General Commercial District

C4-4 General Commercial District

C4-4A General Commercial District

C4-4D General Commercial District

C4-4L General Commercial District

C4-5 General Commercial District

C4-5A General Commercial District

C4-5D General Commercial District

C4-5X General Commercial District

C4-6 General Commercial District

C4-6A General Commercial District

C4-7 General Commercial District

C4-8 General Commercial District

C4-9 General Commercial District

C4-11 General Commercial District

C4-11A General Commercial District

C4-12 General Commercial District

C5-1 General Central Commercial District

C5-1A General Central Commercial District

C5-2 General Central Commercial District

C5-2.5 General Central Commercial District

C5-2A General Central Commercial District

C5-3 General Central Commercial District

C5-3.5 General Central Commercial District

C5-4 General Central Commercial District

C5-5 General Central Commercial District

C5-P General Central Commercial District

C6-1 General Central Commercial District

C6-1A General Central Commercial District

C6-1G General Central Commercial District

C6-2 General Central Commercial District

C6-2A General Central Commercial District

C6-2G General Central Commercial District

C6-2M General Central Commercial District

C6-3 General Central Commercial District

C6-3A General Central Commercial District

C6-3D General Central Commercial District

C6-3X General Central Commercial District

C6-4 General Central Commercial District

C6-4.5 Restricted Central Commercial District

C6-4A General Central Commercial District

C6-4M General Central Commercial District

C6-4X General Central Commercial District

C6-5 General Central Commercial District

C6-5.5 Restricted Central Commercial District

C6-6 General Central Commercial District

C6-6.5 Restricted Central Commercial District

C6-7 General Central Commercial District

C6-7.5 Restricted Central Commercial District

C6-7T Restricted Central Commercial District

C6-8 General Central Commercial District

C6-9 General Central Commercial District

C6-11 General Central Commercial District

C6-12 General Central Commercial District

C7-1 General Commercial District

C7-2 General Commercial District

C7-3 General Commercial District

C7-4 General Commercial District

C7-5 General Commercial District

C7-6 General Commercial District

C7-7 General Commercial District

C7-8 General Commercial District

C7-9 General Commercial District

C8-1 General Service District

C8-2 General Service District

C8-3 General Service District

C8-4 General Service District

Manufacturing Districts

M1-1 Light Manufacturing District (High Performance)

M1-1A Light Manufacturing District (High Performance)

M1-1D Light Manufacturing District (High Performance)

M1-2 Light Manufacturing District (High Performance)

M1-2A Light Manufacturing District (High Performance)

M1-2D Light Manufacturing District (High Performance)

M1-3 Light Manufacturing District (High Performance)

M1-3A Light Manufacturing District (High Performance)

M1-3D Light Manufacturing District (High Performance)

M1-4 Light Manufacturing District (High Performance)

M1-4A Light Manufacturing District (High Performance)

M1-4D Light Manufacturing District (High Performance)

M1-5 Light Manufacturing District (High Performance)

M1-5A Light Manufacturing District (High Performance)

M1-5B Light Manufacturing District (High Performance)

M1-5D Light Manufacturing District (High Performance)

M1-5M Light Manufacturing District (High Performance)

M1-6 Light Manufacturing District (High Performance)
M1-6A Light Manufacturing District (High Performance)
M1-6D Light Manufacturing District (High Performance)
M1-6M Light Manufacturing District (High Performance)
M1-7A Light Manufacturing District (High Performance)
M1-8A Light Manufacturing District (High Performance)
M1-9A Light Manufacturing District (High Performance)

M2-1 Medium Manufacturing District (Medium Performance)
M2-1A Medium Manufacturing District (Medium Performance)
M2-2 Medium Manufacturing District (Medium Performance)
M2-2A Medium Manufacturing District (Medium Performance)
M2-3 Medium Manufacturing District (Medium Performance)
M2-3A Medium Manufacturing District (Medium Performance)
M2-4 Medium Manufacturing District (Medium Performance)
M2-4A Medium Manufacturing District (Medium Performance)

M3-1 Heavy Manufacturing District (Low Performance)
M3-1A Heavy Manufacturing District (Low Performance)
M3-2 Heavy Manufacturing District (Low Performance)
M3-2A Heavy Manufacturing District (Low Performance)

Special Purpose Districts

Establishment of the Special 125th Street District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the #Special 125th Street District# is hereby established.

Establishment of the Special Atlantic Avenue Mixed Use District

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

Establishment of the Special Battery Park City District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 4, the #Special Battery Park City District# is hereby established.

Establishment of the Special Bay Ridge District

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

Establishment of the Special Bay Street Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 5, the #Special Bay Street Corridor District# is hereby established.

Establishment of the Special Brooklyn Navy Yard District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 4, the #Special Brooklyn Navy Yard District# is hereby established.

Establishment of the Special City Island District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 2, the #Special City Island District# is hereby established.

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special Coastal Risk District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 7, the #Special Coastal Risk District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

Establishment of the Special Coney Island District

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

Establishment of the Special Coney Island Mixed Use District

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

Establishment of the Special Downtown Brooklyn District

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

Establishment of the Special Downtown Far Rockaway District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 6, the #Special Downtown Far Rockaway District# is hereby established.

Establishment of the Special Downtown Jamaica District

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

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

Establishment of the Special Flushing Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 7, the #Special Flushing Waterfront District# is hereby established.

Establishment of the Special Forest Hills District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 6, the #Special Forest Hills District# is hereby established.

Establishment of the Special Garment Center District

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

Establishment of the Special Governors Island District

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

Establishment of the Special Gowanus Mixed Use District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 9, the #Special Gowanus Mixed Use District# is hereby established.

Establishment of the Special Grand Concourse Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 2, the #Special Grand Concourse Preservation District# is hereby established.

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

Establishment of the Special Hillsides Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillsides Preservation District# is hereby established.

Establishment of the Special Hudson River Park District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 9, the #Special Hudson River Park District# is hereby established.

Establishment of the Special Hudson Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 8, the #Special Hudson Square District# is hereby established.

Establishment of the Special Hudson Yards District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 3, the #Special Hudson Yards District# is hereby established.

Establishment of the Special Hunts Point District

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

Establishment of the Special Inwood District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 2, the #Special Inwood District# is hereby established.

Establishment of the Special Jerome Corridor District

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

Establishment of Special Limited Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 3, the #Special Limited Commercial District# is hereby established.

Establishment of Limited Height Districts

The following are hereby established as #Limited Height Districts# to which the provisions of paragraph (c) of Section 23-443 (Special provisions in other geographies), Sections 24-591 or 33-491 (Limited Height Districts) shall apply either directly or in other provisions of this Resolution, where they are incorporated by cross-reference:

LH-1 Limited Height District No. 1

LH-1A Limited Height District No. 1A

LH-2 Limited Height District No. 2

LH-3 Limited Height District No. 3

Establishment of the Special Lincoln Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 2, the #Special Lincoln Square District# is hereby established.

Establishment of the Special Little Italy District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 9, the #Special Little Italy District# is hereby established.

Establishment of the Special Long Island City Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 7, the #Special Long Island City Mixed Use District# is hereby established.

Establishment of the Special Lower Manhattan District

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

Establishment of the Special Madison Avenue Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 9, the #Special Madison Avenue Preservation District# is hereby established.

Establishment of the Special Manhattanville Mixed Use District

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

Establishment of the Special Midtown District

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

Establishment of the Special Midtown South Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 1, the #Special Midtown South Mixed Use District# is hereby established.

Establishment of the Special Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 3, the #Special Mixed Use District# is hereby established.

Establishment of the Special Natural Area District

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

Establishment of the Special Ocean Parkway District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 3, the #Special Ocean Parkway District# is hereby established.

Establishment of the Special Park Improvement District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 2, the #Special Park Improvement District# is hereby established.

Establishment of the Special Planned Community Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 3, the #Special Planned Community Preservation District# is hereby established.

Establishment of the Special Scenic View District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 2, the #Special Scenic View District# is hereby established.

Establishment of the Special Sheepshead Bay District

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

Establishment of the Special SoHo-NoHo Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 3, the #Special SoHo-NoHo Mixed Use District# is hereby established.

Establishment of the Special South Richmond Development District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.

Establishment of the Special Southern Hunters Point District

In order to carry out the special purposes of this Resolution, as set forth in Article XII, Chapter 5, the #Special Southern Hunters Point District# is hereby established.

Establishment of the Special Southern Roosevelt Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 3, the #Special Southern Roosevelt Island District# is hereby established.

Establishment of the Special St. George District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 8, the #Special St. George District# is hereby established.

Establishment of the Special Stapleton Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 6, the #Special Stapleton Waterfront District# is hereby established.

Establishment of the Special Transit Land Use District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 5, a #Special Transit Land Use District# is hereby established.

Establishment of the Special Tribeca Mixed Use District

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

Establishment of the Special Union Square District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 8, the #Special Union Square District# is hereby established.

Establishment of the Special United Nations Development District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 5, the #Special United Nations Development District# is hereby established.

Establishment of the Special West Chelsea District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 8, the #Special West Chelsea District# is hereby established.

Establishment of the Special Willets Point District

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

11-123 - Special Purpose Districts

LAST AMENDED
2/2/2011

For the Special Purpose Districts listed in Section 11-122 (Districts established), each Special Purpose District appears on the #zoning maps# superimposed on other districts and its regulations supplement or modify those of the districts upon which it is superimposed.

11-13 - Public Parks

LAST AMENDED
12/10/2013

District designations indicated on #zoning maps# do not apply to #public parks#, except as set forth in Section 105-91 (Special District Designation on Public Parks) and in paragraph (c) of Section 62-361 (Special floor area regulations). In the event that a #public park# or portion thereof is sold, transferred, exchanged or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any #use# be permitted on such former #public park# or portion thereof, until a zoning amendment designating a zoning district therefor has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions of Section 71-10 (PROCEDURE FOR AMENDMENTS).

11-14 - Incorporation of Maps

LAST AMENDED
12/15/1961

The location and boundaries of the districts established by this Resolution are shown upon the #zoning maps#, which are hereby incorporated into the provisions of this Resolution. The said #zoning maps# in their entirety, including all amendments thereto, shall be as much a part of this Resolution as if fully set forth and described herein.

11-15 - Environmental Requirements

LAST AMENDED
3/28/2012

The designation (E) or an environmental restrictive declaration, where listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Requirements) of this Resolution, indicate that environmental requirements pertaining to potential hazardous materials, noise or air quality impacts have been established in connection with an amendment of or an action pursuant to this Resolution for one or more tax lots. Such environmental requirements are set forth in the CEQR determination related to such amendment or action.

CEQR determinations are on file with the lead agency and the Mayor's Office of Environmental Coordination (MOEC). A listing of such CEQR determinations and their related environmental requirements is found within APPENDIX C of this Resolution. (E) designations and environmental restrictive declarations may only be removed from APPENDIX C or modified in accordance with the provisions of paragraph (d) of this Section.

In the case of a merger or subdivision of lots, any of which is subject to an (E) designation or environmental restrictive declaration, such (E) designation or environmental restrictive declaration shall be considered assigned to all portions of the merged or subdivided lots. The environmental

requirements of such (E) designation or environmental restrictive declaration shall apply to the merged or subdivided lots, or portions thereof, as determined by the Office of Environmental Remediation (OER).

Tax lots with environmental requirements shall be subject to the following:

(a) Building permit conditions

Prior to issuing a building permit or temporary or final certificate of occupancy, for any action listed in paragraphs (a)(1), (a)(2) or (a)(3) of this Section, on a tax lot that has an (E) designation or an environmental restrictive declaration related to hazardous materials, noise or air quality, the Department of Buildings (DOB) shall be furnished with a notice issued by OER stating that OER does not object to the issuance of such building permit, or temporary or final certificate of occupancy, in accordance with the applicable rules of the City of New York (OER Notice).

(1) For hazardous materials

(i) any #development#;

(ii) an #enlargement#, #extension# or change of #use#, any of which involves a #residential# or a #community facility use#; or

(iii) an #enlargement# or alteration of a #building# for any #use# that involves a disturbance of the soil;

(2) For air quality

(i) any #development#;

(ii) an #enlargement#, #extension# or change of #use#; or

(iii) an alteration that involves ventilation or exhaust systems, including, but not limited to, stack relocation or vent replacement; or

(3) For noise

(i) any #development#;

(ii) an #enlargement#, #extension# or change of #use#; or

(iii) an alteration that involves window or exterior wall relocation or replacement.

(b) Ongoing site management

In the event that a duly issued OER Notice indicates that a tax lot that has an (E) designation or an environmental restrictive declaration requires ongoing site management, OER may require that a declaration of covenants and restrictions governing the ongoing site management requirements be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's Office in the county where the lot is located.

As a condition to the issuance of a temporary or final certificate of occupancy or granting of permit sign-off, if no certificate of occupancy is required, DOB shall be provided with proof that the declaration of covenants and restrictions for ongoing site management has been duly recorded. The recording information for the ongoing site management declaration shall be referenced on the first certificate of occupancy to be issued after such declaration is recorded, as well as all subsequent certificates of occupancy, for as long as the declaration remains in

effect.

(c) Modifications

Upon application to OER by the owner of the affected lot(s), OER may, with the consent of the lead agency, modify the environmental requirements set forth in a CEQR determination based upon new information, additional facts or updated standards, as applicable, provided that such modifications are equally protective.

(d) Completion of environmental requirements

(1) Removal of tax lots subject to an (E) designation or an environmental restrictive declaration from APPENDIX C

The Department of City Planning (DCP) shall administratively modify APPENDIX C after receiving a duly issued OER Notice, stating that the environmental requirements related to an (E) designation or contained in an environmental restrictive declaration related to potential hazardous materials, noise or air quality have been completed or otherwise no longer apply to a tax lot(s), because:

(i) no further testing, remediation or ongoing site management is required for hazardous materials contamination;

(ii) the noise-generating source has been permanently eliminated; or

(iii) the emissions source related to air quality has been permanently eliminated.

(2) Removal of an (E) designation from APPENDIX C

DCP shall administratively remove an (E) designation from APPENDIX C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements for all tax lots subject to the (E) designation have been completed.

(3) Cancellation of an environmental restrictive declaration and modification of APPENDIX C

DCP shall administratively remove an environmental restrictive declaration from APPENDIX C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements contained in such environmental restrictive declaration have been completed for all tax lots and a Notice of Cancellation of the environmental restrictive declaration has been duly recorded against the subject tax lots in the Office of the City Register or, where applicable, in the County Clerk's Office in the county where the lots are located.

(4) Notification

DCP shall notify DOB, MOEC and OER when modifications to APPENDIX C are made.

(e) The provisions of this Section shall apply to all (E) designations and environmental restrictive declarations, notwithstanding the date such environmental requirements were established.

11-151 - Special requirements for properties in the Borough of Queens

LAST AMENDED
10/29/2025

(a) Block 9898, Lots 1 and 117, in the Borough of Queens, shall be subject to the provisions of Section 11-15 (Environmental Requirements) governing (E) designations. The City Environmental Quality Review (CEQR) Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Requirements) of the Zoning Resolution.

(b) The following special requirements shall apply to a #development#, #enlargement# or change of #use# for properties in the Borough of Queens located within the areas described in paragraphs (1) through (4) of this paragraph, (b).

(1) The regulations of an R4 District shall apply within an area bounded by Liberty Avenue, 170th Street, a line 100 feet southeasterly of Liberty Avenue, and a line 100 feet southwesterly of 168th Place.

(2) The regulations of a C8-1 District shall apply within an area bounded by Liberty Avenue, a line 100 feet southwesterly of 168th Place, a line 150 feet northwesterly of 104th Avenue, and Merrick Boulevard.

(3) The regulations of an M1-1 District shall apply within an area bounded by Liberty Avenue, Sutphin Boulevard, 105th Avenue, a line 50 feet southwesterly of 148th Street, a line 100 feet northwesterly of 105th Avenue, and a line 150 feet northeasterly of Sutphin Boulevard.

(4) The regulations of an R6 District with a C2-2 District overlay shall apply within an area bounded by 163rd Street, a line perpendicular to 163rd Street passing through a point distant 109.42 feet as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street, a line 86 feet northeasterly of 163rd Street, a line perpendicular to 163rd Street passing through a point 146.92 feet distant as measured along the easterly #street line# of 163rd Street from the intersection of the

southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street.

However, in the event that the Chairperson of the City Planning Commission, based on consultation with the Department of Environmental Protection of the City of New York, provides a certificate of no effect to the Department of Buildings with regard to industrial air emissions for an area described in paragraph (b) of this Section, the regulations of the zoning districts designated on the #zoning map# shall apply to any #development#, #enlargement# or change of #use# within such area, to the extent permitted under the terms of the certificate of no effect.

11-16 - Pierhead Lines, Bulkhead Lines and Marginal Streets

LAST AMENDED
10/25/1993

The pierhead and bulkhead lines shown on the #zoning maps# shall be the lines adopted by the United States Army Corps of Engineers, except where a New York City pierhead or bulkhead line is adopted, in which case the New York City line shall be the governing line for the purposes of this Resolution. In the event a provision of this Resolution refers to a pierhead or bulkhead line and no such line is shown on the #zoning map#, then the #shoreline# shall control.

Marginal streets, ways, places or wharves shown on the #zoning maps# shall not be deemed to be #streets# for the purposes of this Resolution, unless expressly stated otherwise.

11-20 - INTERPRETATION OF PROVISIONS

LAST AMENDED
12/15/1961

11-21 - Provisions Are Minimum Requirements

LAST AMENDED
12/15/1961

In interpreting and applying the provisions of this Resolution, such provisions shall be considered as the minimum requirements:

(a) to promote and protect public health, safety and general welfare, as set forth in the Preamble to this Resolution and in the statements of legislative intent for the respective districts and other regulations; and

(b) to provide a gradual remedy for existing conditions which are detrimental thereto.

11-22 - Application of Overlapping Regulations

LAST AMENDED
12/15/1961

Whenever any provision of this Resolution and any other provisions of law, whether set forth in this Resolution or in any other law, ordinance or resolution of any kind, impose overlapping or contradictory regulations over the #use# of land, or over the #use# or #bulk# of #buildings or other structures#, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

11-23 - Demolition and Replacement

LAST AMENDED
3/22/2016

The alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development# for the purposes of the following provisions. The provisions of this Section shall apply notwithstanding the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings). However, these provisions shall not apply where the #building# to be replaced is a #single-# or #two-family residence# utilizing the provisions of Article V.

Section 23-611 (Street tree planting)

Section 23-612 (Planting strips in residence districts)

Section 33-04 (Street Tree Planting in Commercial Districts)

Section 37-35 (Parking Wrap and Screening Requirements)

Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR)

Section 81-42 (Retail Continuity Along Designated Streets)

Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair)

Section 81-72 (Use Regulations Modified)

Section 82-12 (Mandatory Off-Street Relocation of a Subway Stair)

Section 91-43 (Off-street Relocation or Renovation of a Subway Stair)

Section 93-14 (Ground Floor Level Requirements)

Section 93-65 (Transit Facilities)

Section 93-66 (Open Area Requirements in the Large-Scale Plan Subdistrict A)

Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES)

Section 95-03 (Transit Easement)

Section 95-04 (Certification of Transit Easement Volume)

Section 95-08 (Special Use Regulations)

Section 97-12 (Arts and Entertainment Use Requirement)

Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue)

Section 98-53 (Required Open Areas on the East Side of the High Line)

Section 98-54 (Transparency Requirements on the East Side of the High Line)

Section 98-60 (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS)

Section 101-11 (Special Ground Floor Use Regulations)

Section 101-43 (Off-street Relocation or Renovation of a Subway Stair)

Section 108-30 (MODIFICATION OF STREET TREE REQUIREMENTS)

Section 109-33 (Special Front Wall Regulations)

Section 117-42 (Special Bulk and Use Regulations in the Court Square Subdistrict)

Section 117-44 (Mandatory Subway Improvements)

Section 117-45 (Developer's Notice)

Section 117-55 (Mandatory sidewalk widening)

Section 118-30 (OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT)

Section 119-112 (Tier I tree planting requirements)

Section 119-216 (Tier II tree planting requirements)

Section 124-30 (MANDATORY IMPROVEMENTS)

Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS)

Section 126-21 (Street Tree Planting)

11-24 - Equivalence of Use Group Classifications

LAST AMENDED
6/6/2024

#Uses# existing prior to June 6, 2024, within a Use Group that on June 6, 2024, were recategorized into another Use Group shall not be considered a change of #use# for the purposes of applying the provisions of this Resolution.

11-25 - District Designations Appended with Suffixes

LAST AMENDED
6/29/1994

All regulations applicable to a district designation shall be applicable to such district designation appended with a suffix, except as otherwise set forth in express provisions of this Resolution. If a section lists an R4 District, therefore, the provisions of that section shall also apply to R4-1, R4A and R4B Districts, unless separate provisions for the districts with suffixes are listed within such section. Wherever a section lists only a district with a suffix, the provisions applicable to such district are different from the provisions of that district without a suffix. If a section lists only a C4-6A District, therefore, the provisions of that section are not applicable to a C4-6 District.

11-27 - Regulations Concerning Effective Date of Amendment and Alteration Permits

LAST AMENDED
6/29/1989

11-271 - Alteration permits filed for residential occupancy prior to May 18, 1981, in certain M1-6 Districts

LAST AMENDED
6/29/1989

In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:

(a) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to

permit #residential use# as-of-right for such #dwelling unit#; and

(b) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

11-272 - Alteration applications filed prior to effective date of amendment C821182 ZMM, rezoning the area between Canal Street, Baxter Street, White Street and Broadway

LAST AMENDED
6/29/1989

In the #Manufacturing District# located in the area between Canal Street, Baxter Street, Walker Street, Centre Street, White Street and Broadway, #residential use# shall not be permitted. However:

(a) all #dwelling units# for which an alteration application to permit such #use# was filed with the Department of Buildings prior to December 16, 1982, and a temporary or permanent certificate of occupancy is obtained not later than December 16, 1984, shall be a permitted #use#; and

(b) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on August 31, 1982, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than August 31, 1983. For the purposes of Article 7C of

the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.

11-28 - Regulations Concerning Effective Date of Permits Issued Pursuant to BSA Variances

LAST AMENDED
6/29/1989

11-281 - Permits issued pursuant to variances granted prior to the effective date of amendment C880800 ZMM, removing the Special Yorkville-East 86th Street District

LAST AMENDED
6/29/1989

If, within the area affected by #zoning map# amendment C880800 ZMM, a variance to modify #bulk# regulations was granted prior to June 30, 1989, and a permit was issued in accordance with the terms of said variance within two years of the grant of said variance, construction pursuant to said permit may be continued.

11-30 - BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT

LAST AMENDED
12/5/1991

11-31 - General Provisions

LAST AMENDED
12/5/2024

For the purposes of Section 11-33, relating to Building Permits Issued before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply:

(a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution. In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met.

(b) The rights set forth in these Sections shall be retained only if all modifications, made in such plans after the effective date of any applicable amendment to this Resolution, do not create a new #non-compliance# or #non-conformity# or increase the degree of #non-compliance# or #non-conformity# with the provisions of this Resolution, as amended.

(c) As used in Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment):

(1) "minor development" shall include:

(i) construction of any single #building# which will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution; or

(ii) construction of two or more #buildings# on a single #zoning lot# which under the provisions of any applicable amendment to this Resolution will be #non-conforming#; or

(iii) construction of two or more #buildings# on contiguous #zoning lots# or #zoning lots# which would be contiguous except for their separation by a #street# or #street# intersection; and

(a) have been planned as a unit evidenced by a site plan for all such #zoning lots# filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and

(b) will be #non-conforming# under the provisions of any applicable amendment to this Resolution; or

(iv) a major #enlargement#, which is an #enlargement# requiring the installation of foundations and involving at least 50 percent of the total #floor area# of such #enlarged building#, and which #enlargement# will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution. For the purposes of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment) only, a major #enlargement# shall also include any other #enlargement# adding at least 50,000 square feet to the #floor area# of an existing #building#, which #enlargement# will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution.

(2) "major development" shall include:

(i) construction of two or more #buildings# on a single #zoning lot# which will be #non-complying# under the provisions of any applicable amendment to this Resolution; or

(ii) construction of two or more #buildings# on contiguous #zoning lots# or #zoning lots# which would be contiguous except for their separation by a

#street# or #street# intersection; and

(a) have been planned as a unit evidenced by a site plan for all such #zoning lots# filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and

(b) will be #non-complying# under the provisions of any applicable amendment to this Resolution.

(3) "Other construction" shall include:

(i) any #enlargement# other than a major #enlargement#; or

(ii) any #extension#, #conversion# or structural alteration; or

(iii) construction of any structure other than a #building#;

which will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution.

11-33 - Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment

LAST AMENDED
12/5/1991

The provisions of this Section shall apply to minor developments, major developments or other construction authorized by building permits lawfully issued before the effective date of an applicable amendment of this Resolution except as specifically provided elsewhere in this Resolution.

11-331 - Right to construct if foundations completed

LAST AMENDED
2/2/2011

If, before the effective date of an applicable amendment of this Resolution, a building permit has been lawfully issued, as set forth in paragraph (a) of Section 11-31, to a person with a possessory interest in a #zoning lot#, authorizing a minor development or a major development, such construction, if lawful in other respects, may be continued provided that:

(a) in the case of a minor development, all work on foundations had been completed prior to such effective date; or

(b) in the case of a major development, the foundations for at least one #building# had been completed prior to such effective date.

In the event that such required foundations have been commenced but not completed before such effective date, the building permit shall automatically lapse on the effective date and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit and authorize an extension of time limited to one term of not more than six months to permit the completion of the required foundations, provided that the Board finds that, on the date the building permit lapsed, excavation had been completed and substantial progress made on foundations.

11-332 - Extension of period to complete construction

LAST AMENDED

(a) In the event that the construction permitted in Section 11-331 (Right to construct if foundations completed) has not been completed and a certificate of occupancy including a temporary certificate of occupancy, issued therefor within two years after the effective date of any applicable amendment, or for other construction if construction has not been completed on the effective date of any applicable amendment, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew such building permit for two terms of not more than two years each for a minor development or three terms of not more than two years each for a major development or one term of not more than three months for other construction. In granting such an extension, the Board shall find that substantial construction has been completed and substantial expenditures made, subsequent to the granting of the permit, for work required by any applicable law for the use or development of the property pursuant to the permit.

(b) However, in the event that construction has not been completed at the expiration of the extended terms specified in paragraph (a) of this Section, or in Sections 11-333 (Residential developments with building permits issued on or before June 30, 1989) or 11-334 (Building permits issued prior to June 29, 1994), such building permit may be renewed by the Board for terms of one year each upon the following findings:

(1) that the applicant has been prevented from completing such construction by hardship or circumstances beyond the applicant's control;

(2) that the applicant has not recovered all or substantially all of the financial expenditures incurred in construction, nor is the applicant able to recover substantially all of the financial expenditures incurred through development that conforms and complies with any applicable amendment to this Resolution; and

(3) that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the permit that indicate an overriding benefit to the public in enforcement of the applicable amendment to this Resolution.

(c) The rights or obligations that accrue or are created by this Section shall commence on December 5, 1991.

(d) If judicial proceedings affecting the validity of the building permit have been instituted, the rights or obligations that accrue or are created by this Section shall commence upon the date of entry of the final order in such proceedings, including all appeals.

11-333 - Special allowances for building permits issued prior to certain dates

LAST AMENDED
10/29/2025

(a) Residential developments with building permits issued on or before June 30, 1989

If on or before June 30, 1989, the foundations of a #residential# major or minor development have been completed and permits issued pursuant to the requirements of Section 11-331 (Right to construct if foundations completed), and a certificate of occupancy has not been issued by June 30, 1991, construction may continue until June 30, 1995, for a minor development, or until June 30, 1997, for a major development, provided the Commissioner of Buildings determines that 30 percent of the #floor area# of the major or minor development was roofed and enclosed by walls by June 30, 1991. Applications to continue construction

under this Section must be filed with the Commissioner of Buildings within 90 days of December 5, 1991. If the Commissioner of Buildings has granted the right to continue construction of a major or minor development pursuant to this Section, the Board of Standards and Appeals may not grant the right to continue construction pursuant to paragraph (a) of Section 11-332.

(b) Building permits issued prior to June 29, 1994

If, before June 29, 1994, a building permit has been lawfully issued, as set forth in paragraph (a) of Section 11-31, to a person with a possessory interest in a #zoning lot# authorizing construction, such construction may be started or continued for a period of one year pursuant to the regulations governing R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X or R10A Districts or #Commercial Districts# with such #Residence District# #bulk# regulations, or in any other district in which such construction complies with the Quality Housing Program, prior to the adoption of N940257 ZRY - Quality Housing Follow-Up Text Amendments.

(c) Building permits for other construction in R1-2A and R2A Districts

In R1-2A Districts established on or after April 22, 2009, and R2A Districts established on or after December 20, 2006, if a building permit for other construction has been lawfully issued prior to the dates establishing such districts, such construction may be continued, notwithstanding the provisions of paragraph (a) of Section 11-332 (Extension of period to complete construction), provided that the Department of Buildings determines that all of the requisite structural framing to perform the work authorized under the permit was completed on or before the date establishing the district. If the Commissioner of Buildings determines that such framing was not complete on such date, the provisions of paragraph (a) of Section 11-332 shall apply.

(d) Building permits issued before April 30, 2008

In all districts other than R1, R2, R3, R4 or R5 Districts, if, before April 30, 2008, a building permit has been lawfully issued authorizing construction on a #zoning lot#, the provisions of N080078 ZRY, pertaining to #yards# and N080081 ZRY, pertaining to #street# trees, shall not apply, provided that foundations have been completed in accordance with paragraphs (a) and (b) of Section 11-331 (Right to construct if foundations completed), as applicable, before April 30, 2009. The provisions of Section 11-332 (Extension of period to complete construction) shall not apply.

(e) Building permits issued and applications filed before April 22, 2009

If, before April 22, 2009, a building permit has been lawfully issued authorizing construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply. If, on or before November 17, 2008, an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been certified or referred to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply. For hospitals, if, before April 22, 2009, an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been filed to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

(f) Building permits issued before February 2, 2011

If a building permit has been lawfully issued on or before February 2, 2011, authorizing "other construction" as set forth in paragraph (c)(3) of Section 11-31 (General Provisions), construction pursuant to such permit may continue pursuant to the regulations governing such construction prior to the adoption of N110090(A) ZRY (Key Terms Clarification zoning

text amendment) until February 2, 2012. However, this Section shall not apply to "other construction" subject to Sections 23-738 (Height limitations for narrow buildings or enlargements) or 109-122 (Height and setback regulations).

(g) Building permits issued before December 6, 2024

The provisions of this Section shall apply to #developments# or #enlargements# seeking building permits for #buildings# in which floor space is exempted pursuant to paragraph (12)(ii) of the definition of #floor area# as was set forth in Section 12-10 (DEFINITIONS) before December 6, 2023.

If, on or before December 6, 2023, an application for a #development#, #enlargement# or #conversion# has been filed with the Department of Buildings, and if, on or before December 6, 2024, the Department of Buildings has approved an application for a foundation, a new building or an alteration based on a complete zoning analysis showing zoning compliance for such #development#, #enlargement#, or #conversion#, such application may be continued, and construction may be started or continued.

#Buildings# receiving building permits pursuant to this Section shall not be considered #ultra low energy buildings#.

(h) Building permits issued before June 6, 2025

If, on or before June 6, 2024, an application for a #development#, #enlargement# or change of #use# has been filed with the Department of Buildings that would not conform with the applicable provisions of N 240010 ZRY pertaining to #ground floor level# streetscape regulations, and if, on or before June 6, 2025, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development#, #enlargement# or change of

#use#, with the applicable rules existing prior to June 6, 2024, such application may be continued, and construction may be started or continued.

(i) Building permit applications approved before December 5, 2025

If, on or before December 5, 2024, an application for a #development#, #enlargement# or change of #use# has been filed with the Department of Buildings to authorize construction with the applicable rules of this Resolution existing prior to the adoption of the provisions of N 240290 ZRY on December 5, 2024, and if, on or before December 5, 2025, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development#, enlargement# or change of #use#, such application may be continued, and construction may be started or continued.

Any such application may be amended one or more times prior to December 5, 2025 to modify the #development#, #enlargement# or change of #use# or to modify the configuration of the #zoning lot# on which such #development#, #enlargement# or change of #use# is located, and retain vested status, provided the complete zoning analysis associated with such amended application is approved prior to December 5, 2025.

(j) Building permit applications approved before October 29, 2025

If, on or before October 29, 2025, an application for a # development#, #enlargement# or change of #use# has been filed with the Department of Buildings to authorize construction with applicable rules of this Resolution existing prior to the adoption of the provisions of N 250173 ZRQ on October 29, 2025, and if, on or before October 29, 2026, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development#, #enlargement# or change of #use#, such application may be continued, and construction may

be started or continued.

Any such application may be amended one or more times prior to October 29, 2026, to modify the #development#, #enlargement# or change of #use#, and retain vested status, provided the complete zoning analysis associated with such amended application is approved prior to October 29, 2026.

11-334 - Building permits issued in the flood zone

LAST AMENDED
12/6/2023

The provisions of this Section shall apply within #flood zones#. The provisions of this Section are subject to all provisions of Title 28 of the Administrative Code of the City of New York and Appendix G of the New York City Building Code, or its successors, including those pertaining to expiration, reinstatement, revocation and suspension. Changes in #flood maps# shall be considered an amendment of the Zoning Resolution for the purposes of applying the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT).

(a) Construction approved pursuant to previous versions of #flood maps#

If, within one year prior to a change in the #flood maps# affecting a property, the Department of Buildings issued a building permit for construction on that property pursuant to the previous #flood maps#, the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas) shall be deemed modified so as to substitute the previous #flood maps# for the current #flood maps# and such construction may continue pursuant to such prior #flood maps# until two years after the date of adoption of the new #flood maps#. After

this date, the vesting provisions of Section 11-30 shall apply.

(b) Provisions applying when Appendix A (Special Regulations for Neighborhood Recovery) of Article VI, Chapter 4 expires

This provision shall become effective only upon the expiration of Appendix A of Article VI, Chapter 4, adopted on July 23, 2015. If a building permit authorizing construction pursuant to Appendix A has been approved on or before the expiration of such Appendix, construction may continue up to two years after the expiration. After such date, the provisions of Section 11-30 shall apply.

11-34 - Additional Provisions for Extension of Period to Complete Construction

LAST AMENDED
5/29/2019

11-341 - Building applications filed before July 8, 2017

LAST AMENDED
5/29/2019

If, before July 8, 2017, an application has been filed with the Department of Buildings for a #development# on a #corner lot# with a #lot area# of less than 5,000 square feet, located in a C5-2 District in Community District 5 of the Borough of Manhattan, the provisions established in N 190230 ZRY pertaining to calculating #floor area# in a tower containing #residences# shall not apply in the portion of such #building# below a height of 130 feet above the #base plane#, provided that the aggregate height of any floor space on #stories# occupied predominantly by mechanical equipment

provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, does not exceed 80 feet.

11-40 - EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS

LAST AMENDED
7/18/1995

11-41 - Exceptions, Variances or Permits Previously Authorized Pursuant to the 1916 Zoning Resolution

LAST AMENDED
7/18/1995

Whenever under the provisions of the 1916 Zoning Resolution as amended, either the Board of Standards and Appeals or the City Planning Commission with the approval of the Board of Estimate or the City Council, has authorized any #use# to locate in a district in which it is not permitted as-of-right by issuing a variance, exception or permit, such existing #use# established pursuant to such grant may be continued, changed, #extended#, #enlarged# or structurally altered only as provided in this Section or in Article VII, Chapter 3 or 4, provided that the #lot area# of the #zoning lot# occupied by such #use# is not increased.

11-411 - Renewals

LAST AMENDED

12/15/1961

Where no limitation as to duration of the #use# was imposed at the time of authorization, such #use# may be continued. Where such #use# was authorized subject to a term of years, such #use# may be continued until the expiration of the term, and thereafter, the agency which originally authorized such #use# may, in appropriate cases, extend the period of continuance for one or more terms of not more than 10 years each. The agency may prescribe appropriate conditions and safeguards to minimize adverse effects of such #use# on the character of the neighborhood.

11-412 - Alterations, extensions or enlargements

LAST AMENDED
12/5/1991

Repairs or #incidental alterations# may be made and in appropriate cases the authorizing agency may permit structural alterations, #extensions# or #enlargements# limited to the #zoning lot# that was granted a variance, exception or permit prior to December 15, 1961. However, the #use# of any #building or other structure# shall not be #extended#, and the #building or other structure# shall not be #enlarged#, in excess of 50 percent of the #floor area# of such #building# (or size of such structure) occupied or utilized by the #use# on December 15, 1961, and, except as otherwise provided in Article VII, no structural alterations, #extensions# or #enlargements# shall be authorized for a new #non-conforming use# authorized under the provisions of Section 11-413 (Change of use).

11-413 - Change of use

LAST AMENDED
10/25/1967

Such #use# may be changed to a conforming #use# and in appropriate cases the authorizing agency may permit such #use# to be changed to another #non-conforming use# which would be permitted under the provisions applicable to #non-conforming uses# as set forth in Sections 52-31 to 52-36, inclusive, relating to Change of Non-Conforming Use, provided that the authorizing agency finds that such change of #use# will not impair the essential character or the future use or development of the surrounding area.

In permitting a change to another #non-conforming use#, such authorizing agency may impose appropriate conditions and safeguards to minimize any adverse effects upon the character of the surrounding area.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other Use Group. A change in ownership or occupancy shall not, by itself, constitute a change of #use#.

11-42 - Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution

LAST AMENDED
12/5/2024

(a) Except as otherwise provided in paragraphs (b), (c) or (d) of this Section, any authorization or special permit granted by the City Planning Commission under the provisions of the 1961 Zoning Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such special permit or authorization was granted, has not been completed within four years from the effective date of such permit or authorization. Substantial construction shall mean, in the case of a new #building# or #buildings#, the substantial construction of at least one #building#.

(b) Any authorization or special permit for a site that is part of an urban renewal area or other government-sponsored or government-assisted project shall automatically lapse within four years from the date of the applicant's possession of the site, or sites, or the effective date of an authorization or special permit, whichever is later; or

(c) Upon a showing that a longer time period for substantial construction is required for a phased construction program of a multi-#building# complex, the Commission may, at the time of granting an authorization or special permit, extend the period set forth in paragraph (a) of this Section to a period not to exceed 10 years; or

(d) In the event judicial proceedings have been instituted to review the decision to grant any authorization or special permit, the lapse period set forth in paragraph (a), (b) or (c) of this Section, whichever is applicable, shall commence upon the date of entry of the final order in such proceedings, including appeals.

11-43 - Renewal of Authorization or Special Permit

LAST AMENDED
7/18/1995

Any authorization or special permit granted by the City Planning Commission, except one granted with a 10 year lapse period, that would automatically lapse as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) may be renewed without public hearing, for two additional three-year terms, provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed. However, all special permits or authorizations granted by the Commission shall lapse after a total of 10 years from the date of their original granting if substantial construction has not taken place at such time. An application for a renewal of authorization or special permit shall be filed with the Commission before it lapses.

11-44 - Special Permits Granted Prior to August 12, 2004

LAST AMENDED
8/12/2004

Within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, any special permit granted by the City Planning Commission may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the #bulk# regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

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

LAST AMENDED
8/15/2024

The provisions of this Section shall apply within #lower density growth management areas#.

(a) Notwithstanding the provisions of N 040414 ZRY, pertaining to #lower density growth management areas#, and subject to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) with respect to amendments of this Resolution other than N040414ZRY, Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and Section 11-43 (Renewal of Authorization or Special Permit), the following provisions shall

apply with respect to special permits and authorizations granted by the City Planning Commission or for which certification or referral for public review has been made prior to August 12, 2004:

(1) Any #development# or #enlargement#, including minor modifications thereto, granted a special permit or authorization by the Commission and, where applicable, the City Council, prior to August 12, 2004, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such permit or authorization was granted.

(2) Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to May 24, 2004, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

(b) Notwithstanding the provisions of N 040414 ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#:

(1) #Developments#, including minor modifications thereto, within the #Special South Richmond Development District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including

provisions for public access to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

(2) #Developments# within the #Special South Richmond Development District# accessed, in part, by #private roads# and consisting, in part, of construction within #streets# that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, or its successor, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets) prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

11-46 - Special Vesting Provisions

LAST AMENDED
6/6/2024

If, before June 6, 2024, an application for a special permit #use# has been certified by the City Planning Commission or has been filed with the Board of Standards and Appeals, such application may continue pursuant to the regulations in effect at the time such special permit was certified by the Commission or filed with the Board. Such special permits, if granted by the Commission or Board, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permits were certified by the Commission or filed with the Board.

11-47 - Applications for Certain Approvals Filed Prior to December 5, 2024

LAST AMENDED
12/5/2024

If, on or before December 5, 2024, an application for a certification has been filed with the Department of City Planning, an application for an authorization or special permit has been certified or referred by the City Planning Commission or an application for a project has been filed with the Board of Standards and Appeals, such application may continue pursuant to the rules in effect at the time such certification was filed with the Department, such authorization or special permit was certified or referred by the Commission or such project was filed with the Board. Such applications, if granted by the Chairperson, Commission or Board, as applicable, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such certification was filed with the Department, such authorizations or special permits were certified or referred by the Commission or such project was filed with the Board.

Any certification granted by the Chairperson, authorization or special permit granted by the Commission, or application granted by the Board prior to December 5, 2024 may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted.

11-50 - SEPARABILITY

LAST AMENDED
11/16/1978

It is hereby declared to be the legislative intent that:

(a) if a court of competent jurisdiction finds any provisions of this Resolution to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Resolution shall continue to be separately and fully effective.

(b) if a court of competent jurisdiction finds the application of any provision or provisions of this Resolution to any #zoning lot#, #building or other structure#, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

11-60 - VIOLATIONS

LAST AMENDED
9/14/1989

11-61 - General Provisions

LAST AMENDED
9/14/1989

The owner, general agent, lessee or tenant of any #building or other structure# or tract of land in which a violation of this Resolution has been committed or shall exist; or the general agent, architect, builder or contractor; or any other person who commits, takes part or assists in any such violation or who maintains any #building or other structure# or tract of land in which any such violation shall

exist, shall be guilty of a misdemeanor.

Any such person, having been served with an order to remove any such violation, who shall fail to comply with such order within 10 days after such service or who shall continue to violate any provision of this Resolution in the respect named in such order shall be guilty of a misdemeanor.

In addition to the foregoing remedies, the City may maintain an action for an injunction to restrain any violation of this Resolution.

11-62 - Failure to Comply with Special Permits, Variances, Authorizations or Certifications

LAST AMENDED
9/14/1989

Failure to comply with any conditions or restrictions in special permits, variances, authorizations or certifications granted under this Resolution shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for revocation of such special permit, variance, authorization or certification, and for all other applicable remedies.

In any application for modification, renewal or extension of a previously granted special permit, authorization or certification, or for modification or renewal of a previously granted variance, the applicant shall verify whether it has complied with each of the conditions and safeguards theretofore prescribed by the City Planning Commission, the Board of Estimate or the Board of Standards and Appeals, or their successors, as applicable. In the event that the applicant has not complied with such conditions and safeguards, such #non-compliance# may constitute grounds for the City Planning Commission, the Board of Estimate or the Board of Standards and Appeals, or their successors, as applicable, to disapprove the application for modification, renewal or extension.

11-70 - EFFECTIVE DATE

LAST AMENDED
12/15/1961

This Resolution shall take effect one year after the date of its approval by the Board of Estimate.

After the date of approval by the Board of Estimate, applications for permits to build in accordance with the provisions of this Resolution may be filed with and approved by the Department of Buildings, provided that no building permit shall be lawfully issued under this Resolution until such effective date or thereafter.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Construction of Language and Definitions

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Chapter 2 - Construction of Language and Definitions

12-00 - RULES FOR CONSTRUCTION OF LANGUAGE

LAST AMENDED
12/15/1961

12-01 - Rules Applying to Text of Resolution

LAST AMENDED
2/2/2011

The following rules of construction apply to the text of this Resolution:

(a) The particular shall control the general.

(b) In case of any difference of meaning or implication between the text of this Resolution and any caption, illustration, summary table or illustrative table, the text shall control.

(c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(d) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(e) A "building" or "structure" includes any part thereof. The terms #residential building#, #commercial building# and #community facility building# shall refer to an entire #building# used exclusively for such #use#.

(f) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", "or occupied for".

(g) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

(h) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

(1) "and" indicates that all the connected items, conditions, provisions or events shall apply;

(2) "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination; and

(3) "either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(i) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(j) References within a Section or cross-references to a Section numbered with four digits shall include all following Sections with numbers whose first four digits are identical with such Section number but references or cross-references to a Section numbered with five digits shall refer only to such specific five-digit Section. For Sections starting with 101-00, references within a Section or cross-references to a Section numbered with five digits shall include all following Sections with numbers whose first five digits are identical with such Section number but references or cross-references to a Section numbered with six digits shall refer only to such specific six-digit Section.

12-02 - Rules for Interpretation of District Designations

LAST AMENDED
2/2/2011

District designations, where applicable, are listed within a ruled bar below the number and title of each section.

When one or more district designations are listed in a section, the specific text of the paragraphs that follow applies to such district or districts.

When a section includes a table and one or more district designations are listed opposite a specific item or number in such table, the item or number applies specifically to that district or districts only.

When no district designations are listed for a specific section, the provisions of such section shall be construed to apply to all districts under consideration in the Article in which the section appears or, if specified, only to those districts referred to directly within the section itself. For this purpose, Article II applies to all Residence Districts, Article III applies to all Commercial Districts, and Article IV applies to all Manufacturing Districts. All other articles apply to all districts, unless otherwise provided.

12-10 - DEFINITIONS

LAST AMENDED
3/26/2026

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.

above-grade mass transit station

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, an "above-grade mass transit station" shall refer to a ***mass transit station*** with a platform that is located entirely above five feet from ***curb level***.

abut, or abutting

General Definition
Last Amended 2/2/2011

"Abut" is to be in contact with or join at the edge or border. "Abutting" #buildings# are #buildings# that are in contact with one another on the same or another #zoning lot#, except as subject to separations required for seismic load as set forth in the New York City Building Code. A #building# may also #abut# a #lot line#. In addition, for #buildings# existing prior to February 2, 2011, such existing #building# shall be considered #abutting# if it is within six inches of a #lot line# or another #building#.

access zone

Applicable to Article I - Chapter 3

FROM 13-02: For the purposes of this Chapter, an "access zone" shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by:

(a) vehicular ramps between parking levels, or between a parking level and a vehicular entrance or exit, provided that such ramps are not used as parking spaces or associated maneuvering space;

(b) vehicular elevators;

(c) required reservoir spaces;

(d) portions of required accessible pedestrian egress routes, including any associated ramps or elevators; or

(e) bicycle parking spaces.

accessory use, or accessory

General Definition
Last Amended 12/5/2024

An “accessory use”:

(a) is a #use# conducted on the same #zoning lot# as the principal #use# to which it is related (whether located within the same or an #accessory building or other structure#, or as an #accessory use# of land), except that, where specifically provided in the applicable district regulations or elsewhere in this Resolution, #accessory# docks, off-street parking or off-street loading need not be located on the same #zoning lot#; and

(b) is a #use# which is clearly incidental to, and customarily found in connection with, such principal #use#; and

(c) is either in the same ownership as such principal #use#, or is operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of such principal #use#.

When “accessory” is used in the text, it shall have the same meaning as #accessory use#.

An #accessory use# includes, but is not limited to:

(1) Living or sleeping accommodations for servants in connection with a #use# listed in Use Group II;

(2) Living or sleeping accommodations for caretakers in connection with any #use# listed in other Use Groups, provided that:

(i) no #building# contains more than one living or sleeping accommodation for caretakers;

(ii) no such living or sleeping accommodation shall exceed 1,200 square feet of #floor area#;

(iii) the owner shall sign a Restrictive Declaration that any such caretaker will provide maintenance and/or repair services, and containing a list of services to be performed by such caretaker. Such Restrictive Declaration shall be recorded in the Office of the City Register, or, where applicable, the County Clerk's Office, of the county where the #building# is located. A copy of such declaration shall be provided to the Department of Buildings;

(iv) in C6-2M, C6-4M, M1-5M, M1-6M and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#; and

(v) such living or sleeping accommodation shall not be considered a #residential use# or cause a #building# to be considered a #mixed building#.

(3) Living or sleeping accommodations in connection with #commercial# or #manufacturing uses#, including living or sleeping accommodations in connection with a studio listed in Use Group VIII, provided that:

(i) no #building# contains more than two kitchens; and

(ii) no such living or sleeping accommodations are located in a C7, C8 or #Manufacturing District#.

(4) Keeping of domestic animals, but not for sale or hire. A #commercial# stable or kennel is not an #accessory use#.

(5) Swimming pools not located within a #building# listed in Use Group II, provided that:

(i) the #use# of such pools shall be restricted to occupants of the principal #use# and guests for whom no admission or membership fees are charged;

(ii) if #accessory# to a #use# listed in Use Group II, the edge of the pool shall be located not less than five feet from any #lot line#, except that such minimum distance between the edge of the pool and any #side lot line# may be not less than three feet in the case of lots less than 25 feet in width, providing that it is screened from adjoining lots by a six foot high continuous solid opaque fence along the #side lot line# adjacent to such pool. In the event that such pool is located between 50 and five feet from any #rear lot line# or #side lot line#, it shall be screened by a continuous fence supplemented with a strip of densely planted trees or shrubs at least four feet high at the time of planting along such #rear lot line# to such pool; and

(iii) illumination of such pools shall be limited to underwater lighting.

Swimming pool clubs are not #accessory uses#.

(6) Domestic or agricultural storage in a barn, shed, tool room, or similar #building or other structure#.

(7) #Home occupations#.

(8) A newsstand primarily for the convenience of the occupants of a #building#, which is located wholly within such #building# and has no exterior #signs# or displays.

(9) Incinerators.

(10) In connection with #commercial# or #manufacturing uses#, the storage of goods normally carried in stock, used in, or produced by such #uses#, unless the storage is expressly prohibited under the applicable district regulation. The #floor area# used for such #accessory# storage shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.

(11) Incidental repairs, unless expressly prohibited under the applicable district regulations. The #floor area# used for such #accessory# repairs shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.

(12) The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a #building or other structure# on the same #zoning lot#, or in connection with the regrading of a #zoning lot#, but in the latter case, not below the legal #street# grade.

(13) #Accessory# off-street parking spaces.

(14) #Accessory# off-street loading berths.

(15) #Accessory signs#.

(16) #Accessory# radio or television towers.

(17) #Accessory# activities when conducted underground as part of the operation of railroad passenger terminals, such as switching, storage, maintenance or servicing of trains.

(18) #Accessory# sewage disposal plants, except such plants serving more than 50 #dwelling units#.

(19) An ambulance outpost operated by or under contract with a government agency or a public benefit corporation and located either on the same #zoning lot# as, or on a #zoning lot# adjacent to, a #zoning lot# occupied by a fire or police station.

(20) Composting, without prohibition on the sale of compost to customers, or on the acceptance of organic material produced on another zoning lot.

(21) #Accessory# mechanical equipment, including equipment serving the following #building# systems:

(i) mechanical, electrical, or plumbing systems;

(ii) fire protection systems;

(iii) power systems, including, energy generation systems such as solar or wind energy systems and generators; and

(iv) energy storage systems, where the amount of energy being stored shall not exceed 24 hours of the electrical load generated at peak demand by the principal #use# on the #zoning lot#. Where a #zoning lot# contains multiple #uses#, such calculation may be applied to the total demand of all the #uses# such power system is #accessory# to.

#Accessory# mechanical equipment shall be subject to the provisions of Sections 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS), or 37-20, as applicable.

accessory use, or accessory

Applicable from 117-50 to 117-57

FROM 117-503:

accessory use

In addition to those ***accessory uses*** listed in Section 12-10, for the purposes of this Section, an ***accessory use*** shall also include a ***dwelling unit*** in connection with any ***commercial***, ***manufacturing*** or ***community facility*** establishment permitted in the Queens Plaza Subdistrict of the ***Special Long Island City Mixed Use District***, pursuant to Section 117-51 (Queens Plaza Subdistrict Special Use Regulations), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

accessory use, or accessory

Applicable to Article XII - Chapter 3

FROM 123-11:

accessory use

In addition to those "accessory uses" listed in Section 12-10 (DEFINITIONS), for the purposes of this Chapter, an #accessory use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in #Special Mixed Use Districts#, pursuant to Section 123-20 (SPECIAL USE REGULATIONS), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

adjacent lot

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676

Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, an "adjacent lot" is:

(a) a #zoning lot# that is contiguous to the lot occupied by the designated #landmark building or other structure# or one that is across a #street# and opposite the lot occupied by such designated #landmark building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by such #landmark building or other structure#; and

(b) in C5-3 or C6-6 Districts, a #zoning lot# that is contiguous to, or across a #street# and opposite another lot or series of lots that, except for the intervention of #streets# or #street# intersections, extend to the lot occupied by such designated #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS).

adult establishment

General Definition
Last Amended 2/2/2011

(1) Adult Establishment: An "adult establishment" is a #commercial# establishment which is or includes an adult book store, adult eating or drinking establishment, adult theater, or other adult #commercial# establishment, or any combination thereof, as defined below:

(a) An adult book store is a book store that offers "printed or visual material" for sale or rent to customers where a "substantial portion" of its stock-in-trade of "printed or visual material" consists of "adult printed or visual material," defined as "printed or visual material" characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas";

(b) An adult eating or drinking establishment is an eating or drinking establishment which regularly features in any portion of such establishment any one or more of the following:

(1) live performances which are characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"; or

(2) films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(3) employees who, as part of their employment, regularly expose to patrons "specified anatomical areas"; and

which is not customarily open to the general public during such features because it excludes or restricts minors.

(c) An adult theater is a #commercial# establishment which regularly features one or more of the following:

(1) films, motion pictures, videocassettes, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(2) live performances characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"; and

which is not customarily open to the general public during such features because it excludes or restricts minors.

An adult theater shall include #commercial# establishments where such materials or performances are viewed from one or more individual enclosures.

(d) An other adult #commercial# establishment is a facility -- other than an adult book store, adult eating or drinking establishment, adult theater, #commercial# studio, or business or trade school -- which features employees who as part of their employment, regularly expose to patrons "specified anatomical areas" and which is not customarily open to the general public during such features because it excludes or restricts minors.

(2) Defined Terms:

(a) For purposes of paragraph (1)(a), "printed or visual materials" are books, magazines, or other printed matter, including product packaging or wrapping, or photographs, films, motion pictures, video cassettes, slides or other visual matter;

(b) For purposes of paragraph (1)(a), (b) and (c), "specified sexual activities" are: (i) human genitals in a state of sexual stimulation or arousal; (ii) actual or simulated acts of human masturbation, sexual intercourse or sodomy; or (iii) fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast.

(c) For purposes of paragraph (1)(a), (b), (c) and (d), "specified anatomical areas" are: (i) less than completely and opaquely concealed: (aa) human genitals, pubic region, (bb) human buttock, anus, or (cc) female breast below a point immediately above the top of the areola; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely concealed.

(d) For the purpose of determining under paragraph (1)(a) whether a "substantial portion" of a book store's stock-in-trade of "printed or visual" material consists of "adult printed or visual material", the following factors shall be considered: (i) the amount of stock of "adult printed or visual material" accessible to customers as compared to the total stock of "printed or visual material" accessible to customers in the establishment; and (ii) the amount of #floor area# and #cellar# space accessible to customers containing stock of "adult printed or visual material"; and (iii) the amount of #floor area# and #cellar# space accessible to customers containing stock of "adult printed or

visual material" as compared to the amount of #floor area# and #cellar# space accessible to customers containing "printed or visual material" which is not "adult printed or visual material," provided that "printed or visual material" which is not "adult printed or visual material" (hereinafter for purposes of this paragraph "other printed or visual material") shall not be considered stock-in-trade for purposes of this paragraph where such store has one or more of the following features:

(aa) An interior configuration and layout which requires customers to pass through an area of the store with "adult printed or visual material" in order to access an area of the store with "other printed or visual material;"

(bb) One or more individual enclosures where adult movies or live performances are available for viewing by customers;

(cc) A method of operation which requires customer transactions with respect to "other printed or visual material" to be made in an area of the store which includes "adult printed or visual material;"

(dd) A method of operation under which "other printed or visual material" is offered for sale only and "adult printed or visual material" is offered for sale or rental;

(ee) A greater number of different titles of "adult printed or visual material" than the number of different titles of "other printed or visual material";

(ff) A method of operation which excludes or restricts minors from the store as a whole or from any section of the store with "other printed or visual material;"

(gg) A sign that advertises the availability of "adult printed or visual material" which is disproportionate in size relative to a sign that advertises the availability of "other printed or visual material," when compared with the proportions of “adult” and other “printed or visual materials” offered for sale

or rent in the store, or the proportions of #floor area# or #cellar# space accessible to customers containing stock of “adult” and “other printed or visual materials”;

(hh) A window display in which the number of products or area of display of "adult printed or visual material" is disproportionate in size relative to the number of products or area of display of "other printed or visual material," when compared with the proportions of adult and “other printed or visual materials” offered for sale or rent in the store, or the proportions of #floor area# or #cellar# space accessible to customers containing stock of “adult” and “other printed or visual materials”;

(ii) Other features relating to configuration and layout or method of operation, as set forth in rules adopted by the Commissioner of Buildings, which the Commissioner has determined render the sale or rental of "adult printed or visual material" a substantial purpose of the business conducted in such store. Such rules shall provide for the scheduled implementation of the terms thereof to #commercial# establishments in existence as of October 31, 2001, as necessary.

(e) For the purposes of paragraph (1)(b), an "eating or drinking establishment" includes:

(i) any portion of a #commercial# establishment within which food or beverages are offered for purchase, or are available to or are consumed by customers or patrons; and

(ii) any portion of a #commercial# establishment from which a portion of a #commercial# establishment, described in paragraph (e)(i) of this Section, is accessible by customers or patrons.

advertising sign

General Definition

see #sign, advertising#

affordable floor area

General Definition

FROM 23-911:

(a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site# or #MIH site#, other than any #super's unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# or #MIH site# is "affordable floor area."

(b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #generating site# is the sum of:

(1) all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# ; plus

(2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super's unit#, that are not #affordable housing units#.

(c) Where one or more of the #dwelling units# or #rooming units# in an #MIH site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #MIH site# is the sum of:

(1) all of the #residential floor area# of the #affordable housing units# in such #MIH site# ; plus

(2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #MIH site# by a fraction, the numerator of which is all of the #residential floor area# of the #affordable housing units# in such #MIH site# and the denominator of which is the sum of the #residential floor area# of the #affordable housing units# in such #MIH site# plus the #residential floor area# of the #dwelling units# or #rooming units# in such #MIH site#, other than any #super's unit#, that are not #affordable housing units#.

affordable independent residence for seniors

General Definition
Last Amended 12/5/2024

An "affordable independent residence for seniors" is a #building# or portion thereof, containing #residences#, in which at least 90 percent of the #dwelling units# allocated to #affordable independent residences for seniors# are each occupied by at least one person who is 62 years of age or over; where, except for a #super's unit#, all of the #dwelling units# allocated to #affordable independent residences for seniors# are restricted pursuant to an #affordable housing regulatory agreement# for households with incomes at or below 60 percent of the #income index# and used for class A occupancy as defined in the New York State Multiple Dwelling Law. For the purposes of this definition, "super's unit", "affordable housing regulatory agreement" and "income index" shall be as defined in Section 27-111 (General definitions).

An #affordable independent residence for seniors# may consist of one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#, and shall contain related #accessory# social and welfare facilities primarily for residents, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities, which may also be made available to the community. Floor space in an amount not less than four percent of the total #floor area# of such #affordable independent residence for seniors# shall be allocated to such #accessory# facilities. Such floor space may occupy #floor area# or #cellar# space, and may include indoor recreation space provided in accordance with Section 23-63 (Required Recreation Space in Multi-family Buildings). In no event shall the floor space occupied by lobbies, passageways, storage space or other spaces normally provided in #residential buildings# be attributed to the #floor area# of the #accessory# social and welfare facilities.

An #affordable independent residence for seniors# shall also include a #building# used, #enlarged# or #developed# prior to March 22, 2016, as a “non-profit residence for the elderly”.

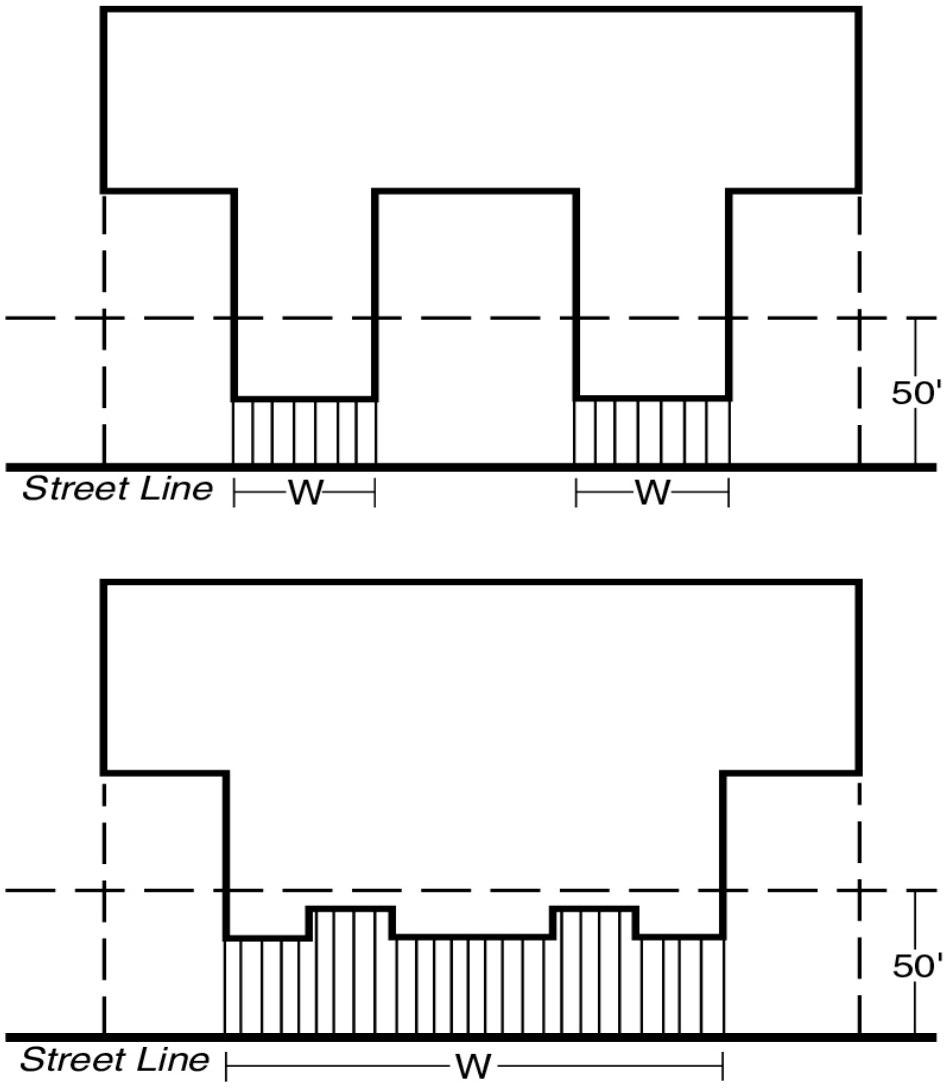
Any temporary or final certificate of occupancy issued after March 22, 2016, for a #building# or portion thereof to be used as an #affordable independent residence for seniors# shall state that such #building# or portion thereof shall be used as an #affordable independent residence for seniors#, notwithstanding the fact that a legally binding restriction on household income for #income-restricted housing units# may have expired and shall state that such certificate of occupancy may be amended or superseded to reflect that the #building# or portion thereof may be used other than as an #affordable independent residence for seniors# only in accordance with the provisions of this Zoning Resolution.

aggregate width of street walls

General Definition
Last Amended 2/2/2011

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all #street walls# of a #building# that are within 50 feet of a #street line#. The width of a #street wall# is the

length of the #street line# from which, when viewed directly from above, lines perpendicular to the #street line# may be drawn to such #street wall#.



W - The *aggregate width of street walls*

AGGREGATE WIDTH OF STREET WALLS

airport reference point (or points)

Applicable to Article VI - Chapter 1

The "airport reference point" (or "points") is a point (or points) within the boundaries of each major airport, as indicated on the #flight obstruction area# maps for each such major airport. The

point or points applicable to each major airport are set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

airport referenced imaginary surfaces

Applicable to Article VI - Chapter 1

FROM 61-30: "Airport referenced imaginary surfaces" include the #horizontal surface#, the #conical surface#, the #approach surfaces# and the #transitional surfaces#.

alterations, incidental or to alter incidentally

General Definition
Last Amended 12/15/1961

"Incidental alterations" are:

(a) Changes or replacements in the non-structural parts of a #building or other structure#, without limitation to the following examples:

(1) alteration of interior partitions to improve livability in a #non-conforming residential building#, provided that no additional #dwelling units# are created thereby;

(2) a minor addition on the exterior of a #residential building#, such as an open porch;

(3) alteration of interior non-load-bearing partitions in all other types of #buildings or other structures#;

(4) replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits; or

(b) Changes or replacements in the structural parts of a #building or other structure#, limited to the following examples or others of similar character or extent:

(1) making windows or doors in exterior walls;

(2) replacement of #building# facades;

(3) strengthening the load-bearing capacity, in not more than 10 percent of the total #floor area#, to permit the accommodation of a specialized unit of machinery or equipment. To "alter incidentally" is to make an #incidental alteration#.

Amusement or recreation facilities

General Definition
Last Amended 6/6/2024

An “amusement or recreation facility” is any establishment providing recreational or amusement activities found in North American Industry Classification System (NAICS) industry codes 71312 (Amusement Arcades), 71394 (Fitness and Recreational Sports Centers) or 71399 (All Other Amusement and Recreation Industries). However, an #amusement or recreation facility# shall not include establishments listed in the definitions of #health and fitness establishments# or #select entertainment facilities#. In no event shall an #amusement or recreation facility# include establishments listed in NAICS industry code 71311 (Amusement and Theme Parks).

ancillary dwelling unit

General Definition
Last Amended 12/5/2024

An “ancillary dwelling unit” is an additional #dwelling unit#, permitted on the same #zoning lot# as a #single-# or #two-family residence# that does not exceed eight hundred square feet of #floor area#. Only one #ancillary dwelling unit# shall be permitted per every #single-# or #two-family residence# on a #zoning lot#.

#Ancillary dwelling units# shall be subject to the following limitations:

(a) in the #high-risk flood zone#, as defined in Section 64-11, no #ancillary dwelling unit# shall be permitted below the #flood-resistant construction elevation#;

(b) in the areas included in maps promulgated by the Department of Environmental Protection (DEP) designating the "10-year rainfall flood risk area" based on 2050 sea level rise projections by the New York City Panel on Climate Change (NPCC), and the "coastal flood risk area" where there is a 1 percent chance of flooding in any year based on 2080 sea level rise projections by the NPCC, including as such maps and baseline reference dates are updated by subsequent rulemaking by DEP:

(1) no #ancillary dwelling units# shall be permitted in a #basement# or #cellar#; and

(2) no #backyard ancillary dwelling units# shall be permitted;

(c) in R1-2A, R2A and R3A Districts, or portions thereof, located beyond the #Greater Transit Zone#, no #backyard ancillary dwelling units# shall be permitted;

(d) in Historic Districts designated by the Landmarks Preservation Commission, no #backyard ancillary dwelling units# shall be permitted;

(e) #backyard ancillary dwelling units# shall be accessible directly from a #side yard# or open area along a #side lot line# with a minimum width of five feet; and

(f) at the time of initial occupancy for an #ancillary dwelling unit#, the #zoning lot# on which the #ancillary dwelling unit# is located must be the primary residence of an owner of such #zoning lot#.

In areas where #backyard ancillary dwelling units# are prohibited, nothing herein shall permit the legalization of an #ancillary dwelling unit# in a #building or other structure# that prior to December 5, 2024, was #non-complying# as to its location within a required #yard# or #open space#.

apartment hotel

General Definition

see #hotel, apartment#

approach surfaces

Applicable to Article VI - Chapter 1

The "approach surfaces" are imaginary inclined planes, trapezoidal in shape and located symmetrically with respect to the extended center line of any runway. Such #approach surfaces#, extending from both ends of any runway, consist of contiguous inner and outer sections whose dimensions are as follows:

(a) The plane of the inner section:

(1) begins at a line drawn parallel to, and at the same elevation as, the end of the runway, and at a distance, measured horizontally along the extended runway centerline, of 200 feet from the end of the runway;

(2) extends for a distance of 10,000 feet, measured horizontally along the extended runway centerline;

(3) has a width of 1,000 feet measured along the line described in paragraph (a)(1) of this Section, which increases uniformly (with respect to the extended runway centerline) to a width of 4,000 feet at the outer edge of such inner section, as described in paragraph (a)(2) of this Section; and

(4) rises at a slope of one foot in height for every 50 feet of horizontal distance.

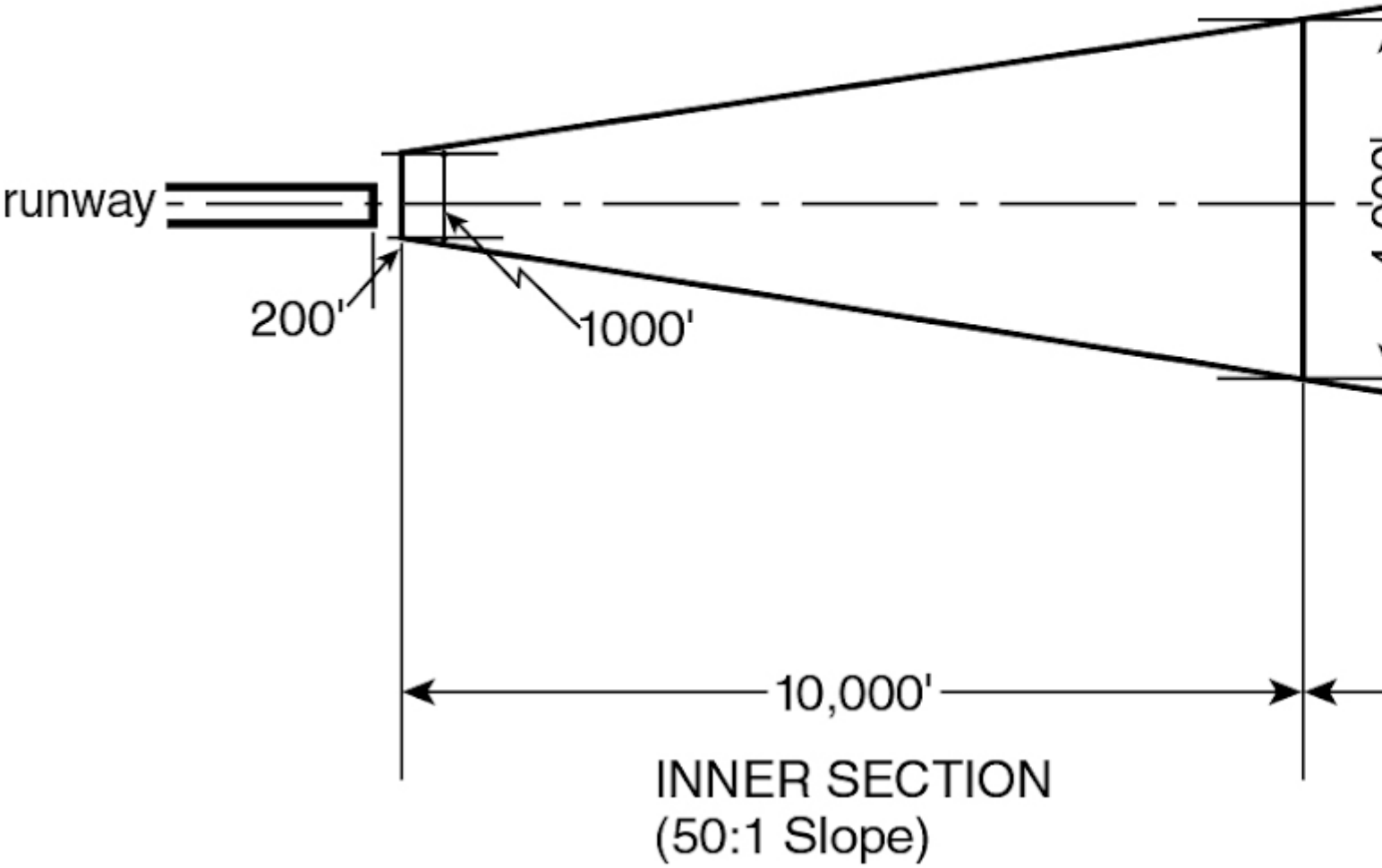
(b) The plane of the outer section:

(1) begins at the outer edge of the inner section;

(2) extends for a distance of 15,000 feet, measured horizontally along the extended runway centerline;

(3) has a width of 4,000 feet commencing at the outer edge of the inner section, which increases uniformly (with respect to the extended runway center line) to a width of 8,500 feet at the outer edge of such outer section; and

(4) rises at a slope of one foot in height for every 40 feet of horizontal distance.



DESCRIPTION OF APPROACH SURFACE

arcade

General Definition
Last Amended 2/2/2011

An "arcade" is a continuous covered space fronting on and open to a #street# or #publicly accessible open area#, provided in accordance with the provisions set forth in Section 37-80.

area of no disturbance

Applicable to Article X - Chapter 5

FROM 105-01:

area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

area of no disturbance

Applicable to Article XI - Chapter 9

FROM 119-01:

area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

area of no disturbance

Applicable to Article X - Chapter 7
Last Amended 11/2/2023

FROM 107-01:

area of no disturbance

An “area of no disturbance” is an area designated on a site plan or #area plan# to be protected from #site alteration#, except for new native planting. An #area of no disturbance# shall contain natural features including trees of six-inch caliper or more, #designated open space#, and aquatic features.

#Plan review sites# may include safeguards such as an #area of no disturbance# to define areas where #site alterations# shall not be proposed.

area of no land alteration

Applicable to Article X - Chapter 7
Last Amended 11/2/2023

From Section 107-01:

An “area of no land alteration” is an area adjacent to a wetland or other body of water regulated by the New York State Department of Environmental Conservation (NYSDEC) where a permit indicates #development# restrictions may occur such as those pursuant to permits or deed restrictions issued by NYSDEC.

area plan

Applicable to Article X - Chapter 7
Last Amended 11/2/2023

FROM 107-01:

area plan

An “area plan” is a proposed layout for a #zoning lot# subdivision with traffic circulation, including curb cuts on #arterials#; access easements; #areas of no disturbance#; #areas of no land alteration#; areas of #designated open space#; #building# envelopes; required #building# setbacks within proposed #zoning lots# in #Residence Districts#; and any other information prescribed by the City Planning Commission.

arterial

Applicable to Article X - Chapter 7
Last Amended 11/2/2023

FROM 107-01:

arterial

An "arterial" is a #street# listed in Section 107-24 (Special Regulations for Arterials or Railroad rights of Way) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply.

artist

General Definition
Last Amended 4/27/1976

An "artist" is a person so certified by the New York City Department of Cultural Affairs.

at or below-grade mass transit station

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, an “at- or below-grade mass transit station” shall refer to a ***mass transit station*** that is not an ***above-grade mass transit stations***.

attached (building)

General Definition
Last Amended 2/2/2011

A #building# shall be considered “attached” when it #abuts# two #lot lines# other than a #street line#, or another #building# or #buildings# other than a #semi-detached building#.

automated parking facility

General Definition
Last Amended 12/6/2023

An “automated parking facility” shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an #automated parking

facility#.

automotive service station

General Definition
Last Amended 12/6/2023

An "automotive service station" is a #building or other structure# or an open #use# on a #zoning lot#, or portion thereof, used exclusively for the storage and sale of fuels for motor vehicles, and for any #uses accessory# thereto.

The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles with hand tools only, or the occasional washing of motor vehicles, or electric vehicle charging, are permitted #accessory uses#.

A #public parking lot# or #public parking garage# is not a permitted #accessory use#.

average percent of slope

Applicable to Article X - Chapter 5

FROM 105-01:

average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{} \times 100$$

$$S = \frac{0.0023 \times I \times L}{A} \times 100$$

Where: S - #average percent of slope#

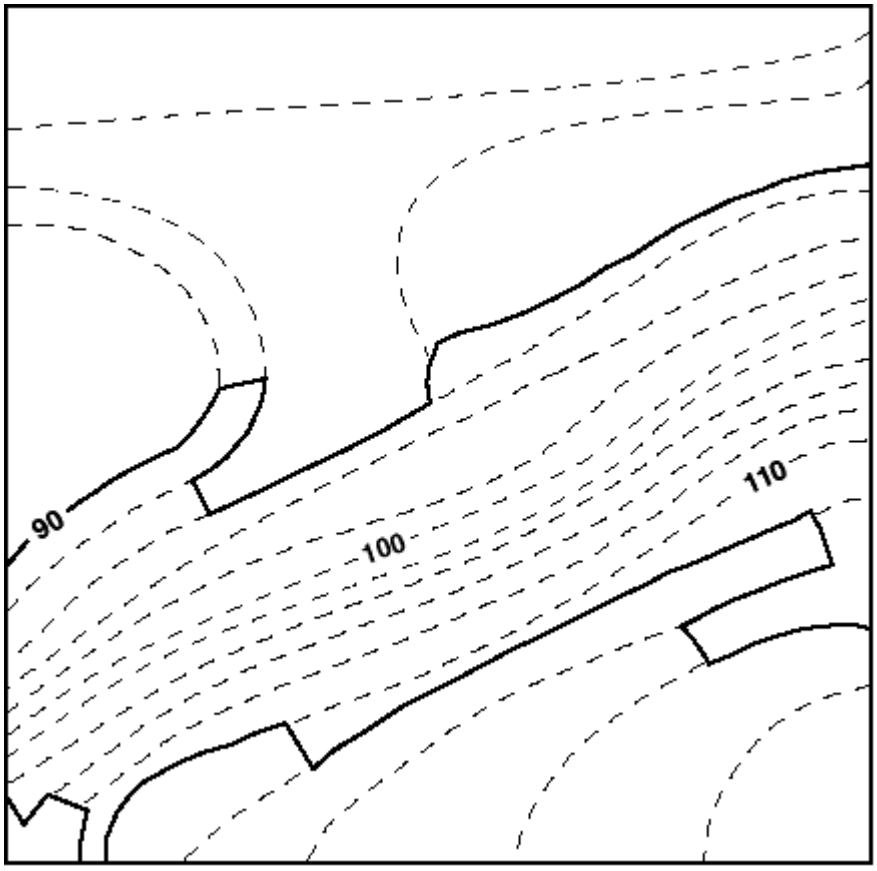
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)



Example:

$$X = \frac{\text{Contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to

20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

average percent of slope

Applicable to Article XI - Chapter 9

FROM 119-01:

average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where: S - #average percent of slope#

I - contour interval in feet

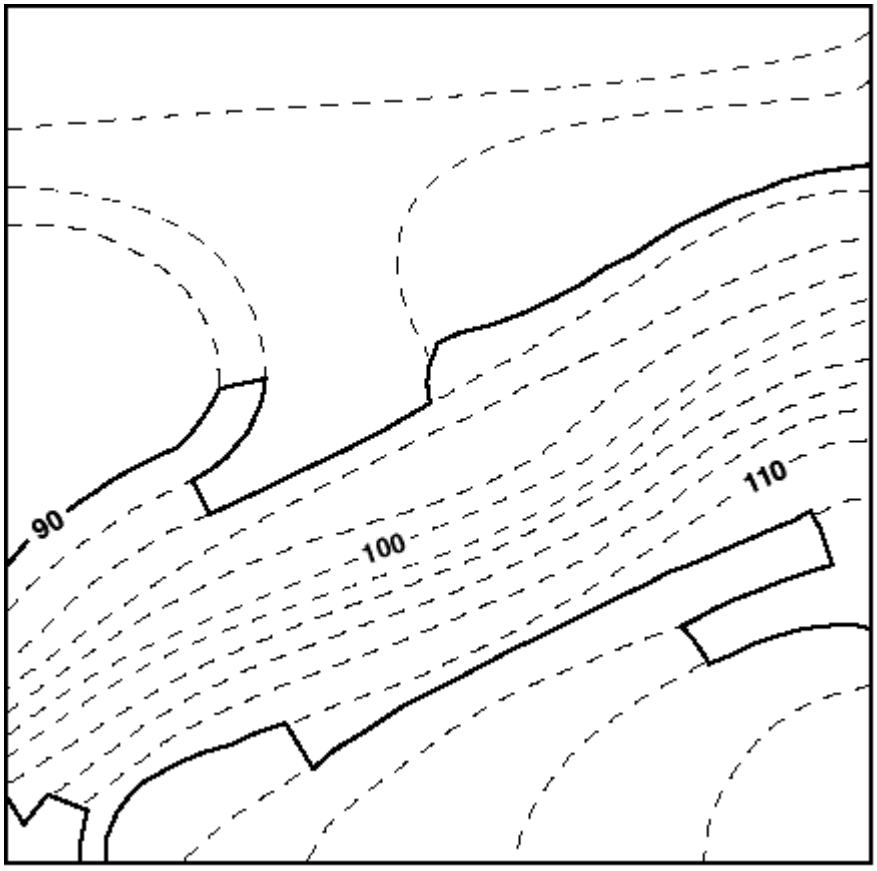
L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition

of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)



Example:

$$X = \frac{\text{Contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to

20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

backyard ancillary dwelling unit

General Definition
Last Amended 12/5/2024

A “backyard ancillary dwelling unit” is an #ancillary dwelling unit# that is located in a #building# #developed# after December 5, 2024, where the only #dwelling unit# in such #building# is an #ancillary dwelling unit#.

A #backyard ancillary dwelling unit# may be free-standing or #abut# another #building# on the #zoning lot#. Where such #backyard ancillary dwelling unit# #abuts# a #detached#, #semi-detached# or #zero lot line building#, and the combination of such #buildings# meet the respective definitions, such #buildings# shall be considered a single #detached#, #semi-detached#, or #zero lot line building#, as applicable, for the purposes of applying the #use# and #bulk# regulations of Article II, Chapters 2 and 3, respectively.

Barge Basin

Applicable to Article XIV - Chapter 4
Last Amended 12/15/2021

From Section 144-01:

#Barge Basin# shall mean that inlet from the East River identified on Map 2 in the Appendix to this Chapter as the Barge Basin.

base plane

General Definition
Last Amended 5/12/2021

The "base plane" is a plane from which the height of a #building or other structure# is measured as specified in certain Sections. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a #street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the New York City Building Code for adjoining grade elevation. For the purposes of this definition, #abutting buildings# on a single #zoning lot# may be considered a single #building#. In addition, the following regulations shall apply:

(a) Within 100 feet of a #street line#:

(1) The level of the #base plane# for a #building# or #building segment# without a #street wall# shall be determined by the average elevation of the final grade adjoining such #building# or #building segment#.

(2) Where a #base plane# other than #curb level# is established, the average elevation of the final grade adjoining the #street wall# of the #building# or #building segment#, excluding the entrance to a garage within the #street wall#, shall not be lower than the level of the #base plane#.

(3) Where the average elevation of the final grade adjoining the #street wall# of the #building#, excluding the entrance to a garage within the #street wall#, is more than two feet below #curb level#, the level of the #base plane# shall be the elevation of such final grade. This paragraph shall not apply to #buildings developed# before June 30, 1989, in R2X, R3, R4 or R5 Districts. Furthermore, this paragraph shall not apply to #buildings# in C1 or C2 Districts mapped within R2X, R3, R4 or R5 Districts, or in

C3 or C4-1 Districts, unless such #buildings# are located on #waterfront blocks#.

(4) As an option, on sites which slope from the #street wall line level# to the #rear wall line level# by at least five percent to the horizontal, the level of the #base plane# may extend in a sloping plane from such #street wall line level# to such #rear wall line level#. When a sloping #base plane# is thus established, the average elevation of the final grade at the #rear wall line# shall not be lower than the #rear wall line level#.

(b) For all #buildings#, where #base planes# of different elevations apply to different portions of a #building#, only that portion of the #building# to which such #base plane# applies may be used to determine such #base plane#.

(c) For #buildings# located partially within and partially beyond 100 feet of a #street line#, or where #corner lot# or #through lot# regulations subject different portions of a #building# to #base planes# of different elevations, separate #base planes# may be determined for each such portion of the #building# or, as an option, the elevation of each such #base plane# may be multiplied by the percentage of the total #lot coverage# of the #building# to which such #base plane# applies. The sum of the products thus obtained may be the elevation of the adjusted #base plane# applicable to such #building#.

basement

General Definition
Last Amended 10/25/1993

A "basement", except where a #base plane# is used to determine #building# height, is a #story# (or portion of a #story#) partly below #curb level#, with at least one-half of its height (measured from floor to ceiling) above #curb level#. On #through lots#, the #curb level# nearest to a #story# (or portion of a #story#) shall be used to determine whether such #story# (or portion of a #story#) is a #basement#.

Where a #base plane# is used to determine #building# height, a #basement# is a #story# (or portion of a #story#) partly below the #base plane#, with at least one-half its height (measured from floor to ceiling) above the #base plane#.

In addition, the following rules shall apply:

(a) When a sloping #base plane# is established, a #basement# is a #story# (or portion of a #story#) partly below the #street wall line level#, with at least one-half its height (measured from floor to ceiling) above the #street wall line level# used to establish such #base plane#. On #through lots#, the #street wall line level# nearest to a #story# shall be used to determine whether such #story# or portion of a #story# is a #basement#.

(b) All of the floor space with at least one-half its height (measured from floor to ceiling) above #curb level# shall be considered to be a #basement# where, subsequent to December 5, 1990, the level of any #yard# except that portion of a #yard# in front of the entrance to a garage on a #zoning lot# is lowered below the level of the #base plane#.

blank wall

Applicable to Article III - Chapter 2
Last Amended 6/6/2024

A “blank wall” shall be a #street wall#, or portions thereof, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level#.

block

General Definition
Last Amended 12/15/1961

A "block" is a tract of land bounded by:

(a) #streets#;

(b) #public parks#;

(c) railroad rights-of-way, when located at or above ground level but not including sidings or spurs in the same ownership as the #zoning lot#;

(d) airport boundaries;

(e) pierhead lines (or shore lines where no pierhead lines have been established); or

(f) corporate boundary lines of New York City.

buildable area

Applicable to Article XI - Chapter 9

FROM 119-01:

buildable area

A "buildable area" is a portion of a #zoning lot# excluding #steep slopes#.

building

General Definition
Last Amended 2/2/2011

A "building" is any structure which:

(a) is located within the #lot lines# of a #zoning lot#;

(b) is permanently affixed to the land;

(c) has one or more floors and a roof;

(d) is bounded by open area or #fire walls#;

(e) has at least one #primary entrance#;

(f) provides all the vertical circulation and exit systems required for such #building# by the New York City Building Code without reliance on other #buildings#, including required stairs and elevators; and

(g) contains all the fire protection systems required for such #building# by the New York City Building Code without reliance on other #buildings#, including fire suppression or fire alarm systems.

The provisions of this Resolution that use the term #building# shall apply to any structure existing prior to February 2, 2011, that complies with paragraphs (a) through (e) of this definition.

A #building# shall not include such structures as billboards, fences, or radio towers, or structures with interior surfaces not normally accessible for human use, such as gas tanks, smoke stacks or similar structures.

A #building# may, for example, consist of a #detached single-family residence#, an #attached# townhouse on an individual #zoning lot#, an #attached# townhouse separated by #fire walls# from #abutting# townhouses on a shared #zoning lot#, a group of townhouses not separated by #fire walls# or #lot lines#, an apartment house, an office #building# or a factory.

building designed for residential use

General Definition

see #designed for residential use#

building or other structure

General Definition
Last Amended 12/15/1961

A "building or other structure" includes any #building# or any other structure of any kind.

building segment

General Definition
Last Amended 12/5/1990

A "building segment" is a portion of a #building# where such #building# consists of two or more contiguous portions, each comprised of one or more #dwelling units# having a separate #residential# entrance or entrances serving only those #dwelling units# within such portion. #Building segments# may share a common #cellar# or parking facility. However, a #building segment# may not be located above another #building segment#.

bulk

General Definition
Last Amended 2/2/2011

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

(a) the size (including height and #floor area#) of #buildings or other structures#;

(b) the area of the #zoning lot# upon which a #building# is located, and the number of #dwelling units# or #rooming units# within a #building# in relation to the area of the #zoning lot#;

(c) the shape of #buildings or other structures#;

(d) the location of exterior walls of #buildings or other structures# in relation to #lot lines#, to other walls of the same #building#, to #legally required windows#, or to other #buildings or other structures#; and

(e) all open areas relating to #buildings or other structures# and their relationship thereto.

caliper (of a tree)

Applicable to Article X - Chapter 5

FROM 105-01:

caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

caliper (of a tree)

Applicable to Article XI - Chapter 9

FROM 119-01:

caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

caliper (of a tree)

Applicable to Article X - Chapter 7
Last Amended 11/2/2023

FROM 107-01:

“Caliper” of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the

split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

car sharing vehicle

General Definition
Last Amended 9/29/2010

A "car sharing vehicle" is a vehicle maintained and owned or leased by a car sharing organization which is available for use by its members. Membership shall mean that individuals have been pre-approved to use such vehicles and need not be approved by the car sharing organization at the time of proposed use. Membership must be open to the public and shall only be denied based upon driving record, credit record or other legitimate business need of the car sharing organization. Vehicles must be made available to members for periods of use as short as one hour. The car sharing organization must provide all legally required insurance as part of the membership.

Vehicles shall be reserved by members through a self-service reservation system which is available at all times. A #car sharing vehicle# shall be located in a parking facility that is accessible to members of the car sharing organization at all times. No employees or agents of the car sharing organization shall provide services to members or conduct business transactions with members within such parking facility. Attended parking facilities may be serviced by a parking attendant unaffiliated with any car sharing organization. A parking facility containing #car sharing vehicles# shall be securely separated from all other portions of a #building# containing #residences#.

A #car sharing vehicle# shall be no more than 216 inches in length and shall bear a decal that provides the name of the car sharing organization. The decal must be clearly visible from the outside of the #car sharing vehicle# and must be either:

(a) located on the driver's side door or passenger's side door of the #car sharing vehicle# and at least 30 square inches in area; or

(b) located in the lower left corner of the rear windshield of the #car sharing vehicle#.

The decal shall be at least one square inch in area and contain the letters “CSV” in lettering at least 11/32 of an inch in height and the name of the car sharing organization in lettering at least 5/32 of an inch in height. All lettering shall be fully opaque and shall highly contrast with the background color of the decal.

All #car sharing vehicles# shall bear a decal pursuant to the provisions of paragraph (a) or (b) of this Section within 60 days of September 29, 2010.

cellar

General Definition
Last Amended 10/25/1993

A "cellar," except where a #base plane# is used to determine #building# height, is a space wholly or partly below #curb level#, with more than one-half its height (measured from floor to ceiling) below #curb level#. On #through lots#, the #curb level# nearest to such space shall be used to determine whether such space is a #cellar#.

Where a #base plane# is used to determine #building# height, a #cellar# is a space wholly or partly below the #base plane#, with more than one-half its height (measured from floor to ceiling) below the #base plane#.

In addition, the following rules shall apply:

(a) When a sloping #base plane# is established, a #cellar# is a space wholly or partly below the #street wall line level#, with more than one-half its height (measured from floor to ceiling) below the #street wall line level# used to establish such #base plane#. On #through lots#, the #street wall line level# nearest to such space shall be used to determine whether such space is a #cellar#.

(b) All of the floor space with at least one-half its height (measured from floor to ceiling) above #curb level# shall be considered to be a #basement# where, subsequent to December 5, 1990, the level of any #yard# except that portion of a #yard# in front of the entrance to a garage on a #zoning lot# is lowered below the level of the #base plane#.

center line of the street (bounding a #zoning lot#)

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277
Last Amended 8/9/2017

A line equidistant from and parallel or nearly parallel to the #street lines# on both sides of the #street#. However, for the purposes of daylight evaluation:

(a) on a #street# 75 feet in width, the #center line of the street# shall be considered to be a line 40 feet from, and parallel to, the #front lot line# of the #zoning lot#; and

(b) on a #street# more than 100 feet in width, the #center line of the street# shall be considered to be a line 50 feet from, and parallel to, the #front lot line# of the #zoning lot#.

Central Business Districts

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

For the purposes of this Chapter, "Central Business Districts" shall refer to ***Special Midtown District*** , ***Special Hudson Yards District***, ***Special Lower Manhattan District***, ***Special Downtown Brooklyn District***, ***Special Long Island City Mixed Use District*** or ***Special Midtown South Mixed Use District***.

clear path

Applicable to Article VI - Chapter 6

Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, a "clear path" shall refer to an unobstructed area between the ***street line*** and ***street wall*** that:

(a) directly ***abuts*** an adjoining public sidewalk; and

(b) extends along the ***street line*** for a distance equal to the width of an existing or planned access point to a ***mass transit station*** facing such ***transit-adjacent site***, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All ***clear paths*** shall be accessible to the public at all times.

commercial

General Definition

Last Amended 6/6/2024

A "commercial" #use# is any #use# listed in the following use groups, depending on the district type:

District Type	**Use Group**
#Residence Districts#	N/A
#Commercial Districts#	IV, V, VI, VII, VIII, IX, X
#Manufacturing Districts#	IV, V, VI, VII, VIII, IX

commercial building

General Definition

Last Amended 6/6/2024

A "commercial building" is a #building# used only for a #commercial# #use#.

C1 or C2 Districts mapped within #Residence Districts# are #Commercial Districts# and subject to the regulations of Article III.

commercial district

General Definition
Last Amended 6/6/2024

A “Commercial District” includes any district whose designation begins with the letter “C.”

For example, a “C4 District” includes any district whose designation begins with the symbol “C4.”

C1 or C2 Districts mapped within #Residence Districts# are #Commercial Districts# and subject to the regulations of Article III.

commercial street

Applicable to Article XII - Chapter 8

FROM 128-01:

commercial street

A “commercial street” shall be a #street#, or portion thereof, where special regulations pertaining to ground floor #uses# on #commercial streets#, pursuant to Section 128-11, apply to #zoning lots# fronting upon such #streets#. #Commercial streets# are designated on Map 2 in the Appendix to this Chapter.

community facility

General Definition
Last Amended 6/6/2024

A "community facility" #use# is any #use# listed in the following Use Groups, depending on the district type:

District Type	Use Group
#Residence Districts#	I, III, IV
#Commercial Districts#	I, III
Manufacturing Districts#	I, III

community facility building

General Definition

Last Amended 12/15/1961

A "community facility building" is a #building# used only for a #community facility use#.

Compensating recess

Applicable to Article VIII - Chapter 1

Last Amended 2/2/2011

A portion of a #zoning lot# which, at the #building# height selected for determining compliance with the provisions of Section 81-26 (Height and Setback Regulations--Daylight Compensation), lies in the #free zone# (Zone A on the #encroachment grid#), is not covered by any portion of a #building# and qualifies as compensating for #encroachments# beyond the #free zone# under the provisions of Section 81-264 (Encroachments and compensating recesses). (See illustration of #Compensating Recess# and #Encroachment#).

[COMPENSATING RECESS AND ENCROACHMENT image]

completely enclosed (building)

General Definition

Last Amended 6/19/1963

A "completely enclosed" #building# is a #building# separated on all sides from the adjacent open area, or from other #buildings or other structures#, by a permanent roof and by exterior walls or party

walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods or vehicles.

conceptual plan

Applicable to Article XII - Chapter 7

FROM 127-04:

conceptual plan

A “conceptual plan” is a plan that sets forth the proposed final design, in compliance with the requirements of Section 127-421 (Requirements for publicly accessible private streets), for the remaining portions of the #publicly accessible private street# or #upland connection# certified pursuant to paragraph (b)(1)(i) of Section 127-422 (Certification for publicly accessible private streets), or paragraph (a)(1)(i) of Section 127-542 (Supplemental provisions), respectively. The plan shall include the proposed location, dimensions and grading for such remaining portions on adjoining #zoning lots# and shall be considered by the Chairperson of the City Planning Commission in reviewing the proposed #final site plan# for such remaining portions, if and when they become the subject of a certification pursuant to paragraph (b)(2) of Section 127-422 or paragraph (a)(2) of Section 127-542.

conical surface

Applicable to Article IV - Chapter 1

The "conical surface" is an imaginary inclined surface extending upward and outward from the periphery of the #horizontal surface#, which:

(a) rises at a slope, measured in an imaginary vertical plane passing through the #airport reference point# (or #points#), of one foot for every 20 feet in horizontal distance; and

(b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

connector street

Applicable to Article XII - Chapter 4

FROM 124-02:

Connector street

A “connector street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks), inclusive.

conversion, or to convert

General Definition
Last Amended 2/2/2011

A “conversion” is a change of #use# between the following categories of #uses#: #residential#, #community facility#, #commercial# and #manufacturing#. Therefore, the change of #use# within one category is not a #conversion#. However, a #conversion# shall also include any alteration within the #residential# portion of an existing #building# that increases the number of #rooming units# in a #building#, or the number of #dwelling units# in a #building#.

To "convert" is to create a #conversion#.

corner lot

General Definition

see #lot, corner#

corner public plaza

Applicable to Article III - Chapter 7

A “corner public plaza” is a #public plaza# that is located on an intersection of two or more #streets#.

cottage envelope building

Applicable to Article VI - Chapter 4

A “cottage envelope building” is a #single-# or #two-family detached residence# located within R1 through R5 Districts, #developed#, #enlarged#, or altered, pursuant to any of the optional provisions of Section 64-33 (Special Regulations for Cottage Envelope Buildings), provided that:

(a) such #single-# or #two-family# #detached# #residence[a]# complies with Section 64-333 (Height and setback regulations for cottage envelope buildings); and

(b) is located within a #zoning lot# that has a #lot area# that is less than that required by the applicable district; and

(1) has a #lot width# that is either:

(i) less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences) in R1, R2, R3-1, R3-2, R3X, R4, R4A, R5, and R5A Districts; or

(ii) equal to or less than 30 feet in R3A, R4-1, R4B, R5B, and R5D Districts; or

(2) has a depth of less than 95 feet at any point.

All #cottage envelope buildings# shall also be #flood-resistant buildings#.

court

General Definition

Last Amended 12/5/2024

A “court” is a type of open area on a #zoning lot# that:

(a) is not a required #yard# or #rear yard equivalent#;

(b) is wrapped on two or more sides by #building# walls; and

(c) is unobstructed from its lowest level to the sky, except for permitted obstructions listed in Section 23-351 (Permitted obstructions in courts).

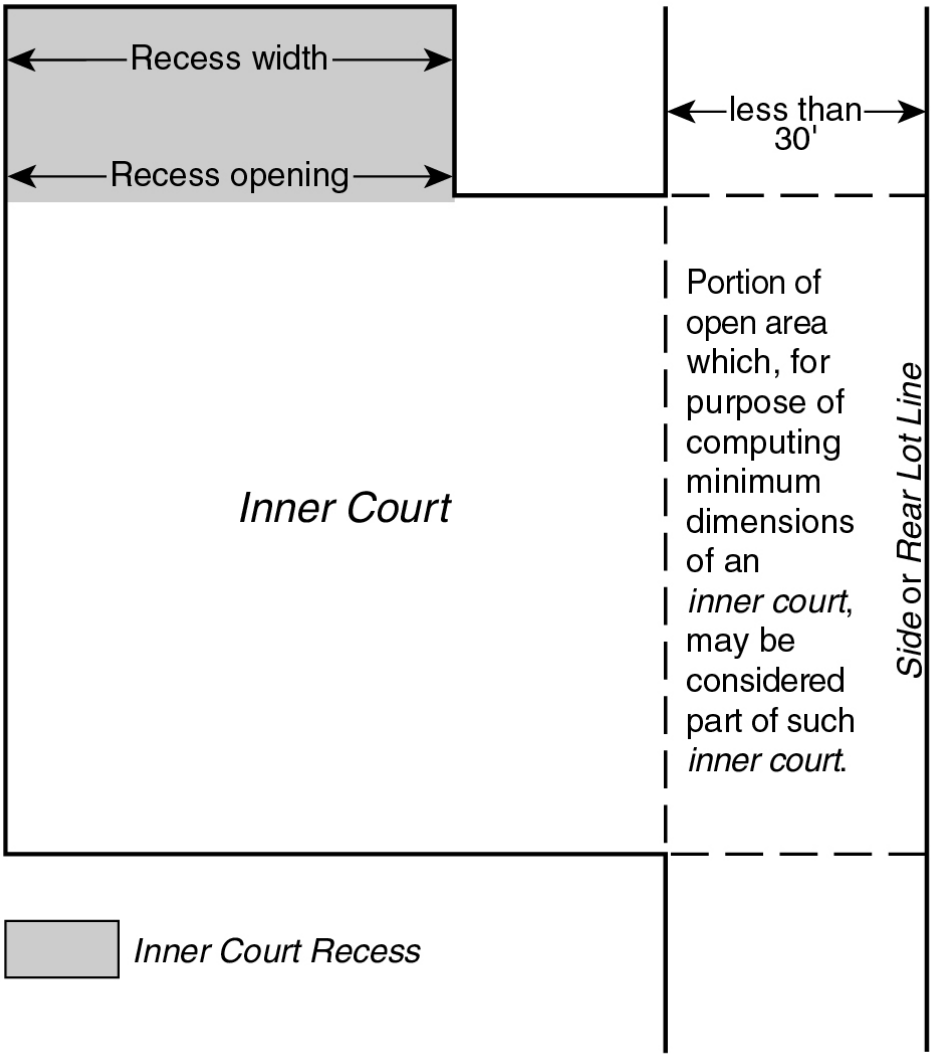
A #court# may be provided as either an #inner court# or an #outer court#. All height measurements within a #court# shall be from the lowest level of such #court#.

court recess, inner

General Definition

Last Amended 12/15/1961

An "inner court recess" is any portion of an #inner court# which can not be included within the single largest horizontal rectangle which may be inscribed within such #inner court#.



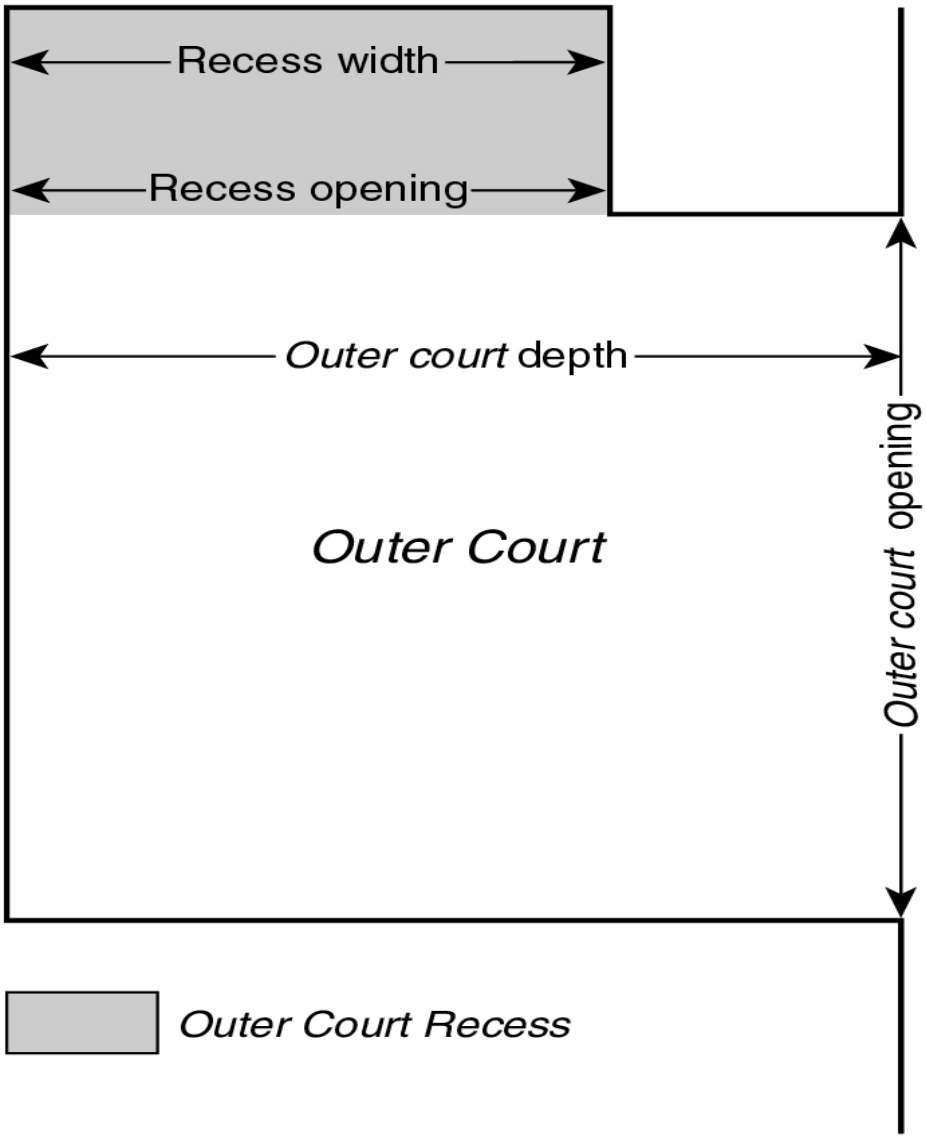
INNER COURT RECESS

court recess, outer

General Definition

Last Amended 12/15/1961

An "outer court recess" is any portion of an #outer court# which, when viewed directly from above, cannot be covered by imaginary lines drawn perpendicular to a line drawn across the #outer court# opening.



OUTER COURT RECESS

court, depth of outer

General Definition

Last Amended 12/15/1961

The "depth of outer court" is the maximum horizontal distance between the opening of an #outer court# and the wall opposite such opening, measured perpendicular to the direction of the #outer court# opening. The opening of an #outer court# shall be considered the shortest imaginary line

which can be drawn between any intersection of a #court# wall with another wall, and the opposite #court# wall.

court, inner

General Definition
Last Amended 12/5/2024

An “inner court” is any #court# which is bounded:

(a) exclusively by #building# walls;

(b) by #building# walls and one or more #side lot lines# or #rear lot lines#; or

(c) by #building# walls, except for one opening on any open area along a #side lot line# or #rear lot line# where the dimension of such open area, at any point, is less than 20 feet at or below a height of 75 feet, or less than 30 feet above a height of 75 feet.

court, outer

General Definition
Last Amended 12/5/2024

An “outer court” is any #court#, other than an #inner court#.

court, width of outer

General Definition
Last Amended 12/15/1961

The "width of outer court" is the minimum horizontal dimension of an #outer court#, excluding an #outer court recess#, measured parallel to the opening of such #outer court#.

Cove

Applicable to Article XI - Chapter 6

FROM 116-01:

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the ***Special Stapleton Waterfront District*** as shown in the District Plan, Map 1, in Appendix A of this Chapter

covered pedestrian space

General Definition
Last Amended 7/8/2025

A "covered pedestrian space" is an enclosed space for public use on a #zoning lot#, permitted by a special permit of the City Planning Commission pursuant to Section 74-85, et seq.

critical root zone

Applicable to Article X - Chapter 5

FROM 105-01:

critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of

22 radial feet, measured from the surface of the tree trunk at grade.

critical root zone

Applicable to Article XI - Chapter 9

FROM 119-01:

critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

curb level

General Definition
Last Amended 10/25/1993

"Curb level" is the mean level of the curb adjoining a #zoning lot#. On #corner lots#, #curb level# is the average of the mean levels of the adjoining curbs on intersecting #streets#, except that, for the purpose of regulating and determining the level of #yards#, or other open areas on #corner lots#, the #curb level# is the highest of the mean levels of the curbs on the intersecting #streets#. Where #through lot# regulations are applicable to any portion of a #corner lot#, or for any #through lot#, the height and setback regulations based upon #curb level# shall apply separately on each #street# on which such #through lot# portion or #through lot# fronts. On a #through lot#, for purposes of establishing the level of a #rear yard equivalent#, except when adjoining and extending along the full length of the #street line#, the #curb level# shall be the mean of the levels of the curbs on those portions of the #streets# on which such #through lot# fronts. Where on a #through lot# such #rear yard equivalent# is adjoining and extending along the full length of the #street line#, the height of the

#rear yard equivalent# shall be the #curb level# of the adjoining #street#. Where #through lot# regulations and #interior lot# regulations are applicable to portions of a #zoning lot#, for purposes of establishing the level of the #rear yard equivalent# or #rear yard#, #curb level# shall be the mean of the levels of the curbs on that portion of each #street# on which such portions of the #zoning lot# front.

For the purposes of determining a #base plane#, "curb level" is the mean level at that portion of the curb adjoining a #zoning lot# from which, when viewed directly from above, lines perpendicular to the curb may be drawn to a #street wall#. On #corner lots#, #curb level# is the average of the mean levels of such portions of the curbs on intersecting #streets#. On #through lots#, #curb level# is determined separately for each #street# frontage to a distance midway between such #streets#.

Daylight Evaluation Chart (DEC)

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277
Last Amended 8/9/2017

A graphic tool which permits objective measurements of portions of sky blocked by a #building# when it is viewed from a #vantage point#. There are three #daylight evaluation charts# for use with #street# widths of 60 feet, 75 to 80 feet and 100 feet and over, respectively. All #buildings# are drawn on the appropriate #daylight evaluation chart# to evaluate their compliance with the regulations of Section 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation). These three #daylight evaluation charts# are in Appendix B of this Chapter. A fourth chart in Appendix B is available for use with #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-613, with frontage along Park Avenue.

depth of outer court

General Definition

see #court, depth of outer#

designated commercial street

Applicable to Article XIII - Chapter 2

FROM Section 132-12:

designated commercial street

For the purposes of this Chapter, a “designated commercial street” shall be the portion of those ***streets*** specified in Section 132-11.

designated frontage

Applicable from 37-30 to 37-362
Last Amended 6/6/2024

FROM SECTION 37-311:

For the purposes of Section 37-30, inclusive, a “designated frontage” shall be the portion of the #ground floor level# #street# frontage along a #street#, public access area, or other frontage specifically designated by a Special Purpose District or other provision of this Resolution. Where a #designated frontage# is not a #street#, references to #street walls# shall apply to the #building# wall facing the #designated frontage#.

#Designated frontages# include #primary frontages# or #secondary frontages#.

designated open space

Applicable to Article X - Chapter 7

FROM 107-01:

designated open space

"Designated open space" is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

designated recovery area

General Definition
Last Amended 5/12/2021

A “designated recovery area” shall be an area which experienced physical or non-physical impacts from a #severe disaster#, in accordance with recovery plans, as applicable.

designed for residential use, (building)

General Definition
Last Amended 1/8/1976

A #building# "designed for residential use" is a #building#, which was originally designed for #residential use# and in which at least 25 percent of the #floor area# is occupied for #residential use#.

detached (building)

General Definition
Last Amended 12/5/2024

A “detached” #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot#.

detached (building)

Applicable to Article XIII - Chapter 2

FROM 107-01:

detached

For the purposes of this Chapter a "detached" #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot# or is a #building abutting# a #street line# which is surrounded by #yards# or open area on the same #zoning lot# except where the #building abuts# the #street line#.

development

Applicable to Article VIII - Chapter 2
Last Amended 2/2/2011

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section 12-10 (DEFINITIONS).

development, or to develop

General Definition
Last Amended 2/2/2011

A "development," on a #zoning lot# or a portion thereof, includes:

(a) the construction of a new #building or other structure#;

(b) the relocation of an existing #building or other structure# to another #zoning lot#; or

(c) the establishment of a new open #use#, other than an #accessory use#.

The alteration of a #building# or a portion thereof to the extent specified in Section 11-23 (Demolition and Replacement) shall be considered a #development# for the purposes of the provisions

set forth therein.

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

development, or to develop

Applicable to Article VI - Chapter 2

FROM 62-11:

For the purposes of this Chapter, a “development” shall also include:

(a) an #enlargement#;

(b) any alteration that increases the height or coverage of an existing #building or other structure#;

(c) an #extension#; or

(d) a change of #use# from one Use Group to another, or from one #use# to another in the same Use Group, or from one #use# listed in Section 62-21 (Classification of Uses in the Waterfront Area) to another such #use#.

However, a #development# shall not include incidental modifications to a #zoning lot#, including but not limited to, the addition of deployable flood control measures and any associated permanent fixtures, the addition of temporary structures such as trash receptacles, food carts or kiosks, and the incorporation of minor permanent structures such as light stanchions, bollards, fences, or structural landscaped berms and any associated flood gates. All such modifications shall remain subject to any associated permitted obstruction allowances, as applicable.

development, or to develop

Applicable to Article X - Chapter 1

For purposes of this Chapter, "development" includes a ***development***, an ***enlargement*** or an ***extension***
.

development, or to develop

Applicable to Article X - Chapter 7

FROM 107-01:

Development

For the purposes of this Chapter, a "development" includes a #development# as defined in Section 12-10 (DEFINITIONS), the #enlargement# of a non-#residential building#, or the #enlargement# of a #residential use# that involves the addition of one or more #dwelling units#.

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

development, or to develop

Applicable to Article XI - Chapter 2

FROM 112-01:

Development

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section 12-10 (DEFINITIONS).

display window

Applicable to Article XII - Chapter 2

FROM 122-01:

Display window

A "display window" is a window or opening in the exterior wall of any portion of a #building# which is glazed with tinted or transparent material and which is used to display merchandise, services or business.

dwelling unit

General Definition
Last Amended 12/5/2024

A "dwelling unit" contains at least one #room# in a #residential building#, #residential# portion of a #building#, or #non-profit hospital staff dwelling#, and is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which #dwelling unit# includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

Where a particular regulation of this Resolution applies to #dwelling units# in a #building# that is for #residences# other than #single-# or #two-family residences#, such provisions shall also apply to #rooming units#, unless specifically stated.

easement volume

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, an “easement volume” shall refer to an area of the ***zoning lot*** used to accommodate either:

(a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or

(b) ancillary facilities that are needed to support transit system functionality.

eastern perimeter street

Applicable to Article XII - Chapter 4

FROM 124-02:

eastern perimeter street

The “eastern perimeter street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

eligible zoning districts

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

(a) R5D, R6, R7, R8, R9 or R10 Districts;

(b) ***Commercial Districts*** mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;

(c) M1 Districts paired with R6 through R10 Districts; or

(d) ***Manufacturing Districts***.

encroachment

Applicable to Article VIII - Chapter 1
Last Amended 2/2/2011

A projection beyond the #setback line#, the #free zone# or the #half-setback line# by any portion of a #building# that exceeds the maximum height permitted at the #street line#. (See illustration of #Compensating Recess# and #Encroachment#)

encroachment grid

Applicable to Article VIII - Chapter 1

Last Amended 2/2/2011

A plan drawing of the #zoning lot# at any given height above #curb level# selected to determine compliance with the provisions of Section 81-26 and showing, for that height, #street lines#, #setback lines#, #half-setback lines#, #Zone A# (the #free zone#), #Zone B# and #Zone C# (#encroachment zones#) and, where applicable, the #ten-foot setback line#. The #encroachment grid# serves as a device for measuring areas of #encroachment# beyond the #free zone# and areas of #compensating recess# within the #free zone#. (See illustration of #Encroachment Grid#)

[ENCROACHMENT GRID image]

energy infrastructure equipment

General Definition

Last Amended 12/6/2023

“Energy infrastructure equipment” shall include renewable energy generation systems, such as solar or wind energy systems, and energy storage systems, such as fuel cells and batteries, which are essential throughout all districts in order to support the acceleration towards a distributed energy grid with electricity from fully renewable sources.

#Energy infrastructure equipment# shall refer to equipment that is a principal #use# on a #zoning lot#. Where such equipment is #accessory# to another #use#, it shall be considered #accessory# mechanical equipment.

Provisions pertaining to #energy infrastructure equipment# shall apply to all types of renewable energy generation systems, as well as to all types of energy storage systems, unless specific rules are otherwise specified, such as for solar and wind energy systems.

enlargement, or to enlarge

General Definition
Last Amended 2/2/2011

An "enlargement" is an addition to the #floor area# of an existing #building#, an increase in the size of any other structure, or an expansion of an existing #use#, including any #uses accessory# thereto, to an open portion of a #zoning lot# not previously used for such #use#.

To "enlarge" is to make an #enlargement#.

Esplanade

Applicable to Article XI - Chapter 6

FROM 116-01:

Esplanade

The "Esplanade" is a park extending along portions of the waterfront edges of the ***Special Stapleton Waterfront District***. The ***Esplanade*** is shown in the District Plan, Map 1 (Special Stapleton Waterfront District, Subareas and Public Spaces), in Appendix A of this Chapter.

Esplanade

Applicable from 84-00 to 84-343
Last Amended 2/2/2011

FROM 84-01:

The "Esplanade" is a #public park# extending along all waterfront edges of the #Special Battery Park City District#. The #Esplanade# is shown in the District Plan in Appendix 1.

established airport elevation

Applicable to Article VI - Chapter 1

The "established airport elevation" is the elevation above mean sea level of the highest point of the usable airport landing area for any major airport. The elevation applicable to each major airport is set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

extension, or to extend

General Definition
Last Amended 12/15/1961

An "extension" is an increase in the amount of existing #floor area# used for an existing #use#, within an existing #building#.

To "extend" is to make an #extension#.

family

General Definition
Last Amended 12/5/2024

A “family” is either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A “boarder,” “roomer” or “lodger” residing with a family shall mean a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

far lot line

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277

Last Amended 8/9/2017

A #lot line# intersecting the #street line# of the #vantage street# such that, when viewed from the #vantage point#, the #zoning lot# does not contain any #lot area# that is on the far side of and immediately adjoining the #lot line# at its intersection with the #street line#. (See illustration of #Far Lot Line# and #Vantage Point#)

[#FAR LOT LINE# graphic]

final site plan

Applicable to Article XII - Chapter 7

FROM 127-04:

final site plan

A “final site plan” is a plan that specifies the final design for the location, dimensions, and grading of all or portions of the #publicly accessible private streets# or #upland connection# that are the subject of a certification pursuant to paragraphs (a) or (b) of Section 127-422 or paragraphs (a)(1) or (a)(2) of Section 127-542. Where applicable, the design of such plan shall be consistent with any #conceptual plan# for the same portion of the #publicly accessible private street# or #upland connection# and, once certified and implemented in accordance with paragraph (b) of Section 127-422 or paragraph (a) of Section 127-542, such plan shall supersede any #interim plan# for the same portion of a #publicly accessible private street# or #upland connection#.

fire wall

General Definition
Last Amended 2/2/2011

(a) A “fire wall” is a fire-resistance-rated smoke-tight wall having protected openings which restricts the spread of fire and extends vertically without offset, continuously from the foundation to or through the roof, and is in accordance with the specifications of the New York City Building Code for fire walls or fire wall separations, as applicable.

(b) Where a wall constructed prior to February 2, 2011, does not meet the requirements of paragraph (a), but does meet the fire wall specifications of the New York City Building Code pursuant to which it was constructed, such wall shall be considered a #fire wall#. In the event that such wall either fails to meet such specifications, or no specifications for #fire walls# existed at the time of its construction, the Commissioner of the Department of Buildings shall determine whether such wall shall be considered a #fire wall# for the purpose of determining the boundary of a #building#.

first story above the flood elevation

Applicable to Article VI - Chapter 4

The “first story above the flood elevation” shall be the finished floor level of the first #story# located at or above the level at which a #building# complies with #flood-resistant construction standards# and, for #buildings# utilizing the #reference plane#, shall be no lower than the particular level established as the #reference plane#.

flashing sign

General Definition

see #sign, flashing#

flight obstruction area

Applicable to Article VI - Chapter 1

The "flight obstruction area" comprises all areas of land or water below the #airport referenced imaginary surfaces# for each airport.

floating structure

Applicable to Article VI - Chapter 2

A “floating structure” is any vessel, barge or other water-supported structure, other than a floating dock #accessory# to a WD #use#, which is bounded by either open water, a dock or the #lot lines# of a #zoning lot#, and that is permanently moored or otherwise attached to a #pier#, wharf, dock, #platform#, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or #accessory# to a WD #use#, shall be deemed to be a "temporary #floating structure#." Such temporary #floating structures# shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

floating structure

Applicable to Article XIV - Chapter 4

A “floating structure” is any vessel, barge or other water-supported structure, other than a floating dock #accessory# to a WD #use#, which is bounded by either open water, a dock or the #lot lines# of a #zoning lot#, and that is permanently moored or otherwise attached to a #pier#, wharf, dock, #platform#, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or #accessory# to a WD #use#, shall be deemed to be a "temporary #floating structure#." Such temporary #floating structures# shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

flood map

Applicable to Article VI - Chapter 4

“Flood map” shall be the most recent map or map data used as the basis for #flood-resistant construction standards#.

flood zone

General Definition
Last Amended 5/12/2021

The “flood zone” shall include the #high-risk flood zone# and the #moderate-risk flood zone#, as defined in Section 64-11 (Definitions) and as indicated on the #flood maps#

flood-resistant building

Applicable to Article VI - Chapter 4

A “flood-resistant building” is a #building or other structure#, which complies with all applicable #flood-resistant construction standards#

flood-resistant construction elevation

Applicable to Article VI - Chapter 4

The “flood-resistant construction elevation” shall be the level of flood elevation required by Appendix G of the New York City Building Code for the “Flood design classification” of a #building or other structure# as set forth therein, or a height of two feet above the lowest grade adjacent to the #building or other structure#, whichever is higher.

flood-resistant construction standards

Applicable to Article VI - Chapter 4

“Flood-resistant construction standards” are the construction standards set forth in Appendix G of the New York City Building Code for “Post-FIRM Construction” that aid in protecting #buildings or other structures# in #flood zones# from flood damage, and governs both #building or other structures# that are required to comply with such standards and those that voluntarily comply. For #buildings or other structures# utilizing the provisions of this Chapter, #flood-resistant construction standards# shall be applied up to the #flood-resistant construction elevation# or higher.

floor area

General Definition
Last Amended 12/5/2024

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

(a) #basement# space, except as specifically excluded in this definition;

(b) elevator shafts or stairwells at each floor, except as specifically excluded in this definition;

(c) floor space in penthouses;

(d) attic space (whether or not a floor has been laid) providing structural headroom of eight feet or more;

(e) floor space in galleries, interior balconies, mezzanines or bridges;

(f) floor space in open or roofed bridges, breeze ways or porches, if more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;

(g) any other floor space used for dwelling purposes, no matter where located within a #building#, when not specifically excluded;

(h) floor space in #accessory buildings#, except for floor space used for #accessory# mechanical equipment;

(i) floor space used for #accessory# off-street loading berths in excess of 200 percent of the amount required by the applicable district regulations;

(j) floor space that is not otherwise exempt pursuant to this Section and is, or is made, inaccessible within a #building#;

(k) floor space in exterior balconies or in open or roofed terraces if more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that parapets, railings or safety guards, whether applied singly, or in combination, shall not constitute an enclosure when meeting the following criteria:

(1) parapets shall not exceed four feet in height;

(2) railings shall not exceed 4 feet, 6 inches, and shall be at least 50 percent open for the portion that exceeds four feet in height; and

(3) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent for the portion that exceeds four feet in height. In addition, where such balcony or terrace has a roofed portion above it, there shall be an opening that is not less than 40 percent of the height between the bottom of the roof and the finished floor level of such balcony.

For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony; and

(l) any other floor space not specifically excluded.

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

(1) #cellar# space, except where such space is used for dwelling purposes. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces, #accessory# bicycle parking spaces and #accessory# off-street loading berths;

(2) elevator or stair bulkheads, #accessory# water tanks, or cooling towers, except that such exclusions shall not apply in R2A Districts;

(3) uncovered steps;

(4) attic space (whether or not a floor has been laid) providing structural headroom of less than eight feet;

(5) floor space in open or roofed bridges, breeze ways or porches, provided that not more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;

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

(i) up to 300 square feet per #single-# or #two-family residence#, on #zoning lots# where individual parking spaces accessory to #residential# #uses# are provided;

(ii) within #group parking facilities# located not more than 23 feet above #curb level#, except where such floor space used for #accessory# parking is contained within a #public parking garage#; or

(iii) within #automated parking facilities# located not more than 40 feet above #curb level#, except where such floor space used for #accessory# parking is contained within a #public parking garage#;

(7) floor space used for #accessory# off-street loading berths, up to 200 percent of the amount required by the applicable district regulation;

(8) floor space used for #accessory# mechanical equipment. Such exclusion shall also include the minimum necessary floor space to provide for necessary maintenance and access to such equipment. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;

(9) floor space in exterior balconies or in open or roofed terraces provided that not more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that parapets, railings or safety guards, whether applied singly or in combination, shall not constitute an enclosure when meeting the following criteria:

(i) parapets shall not exceed four feet in height;

(ii) railings shall not exceed 4 feet, 6 inches, and shall be at least 50 percent open for the portion that exceeds four feet in height; and

(iii) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent for the portion that exceeds four feet in height. In addition, where such balcony or terrace has a roofed portion above it, there shall be an opening that is not less than 40 percent of the height between the bottom of the roof and the finished floor level of such balcony,

For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony;

(10) floor space within stairwells:

(i) at each floor of #buildings# containing #residences developed# or #enlarged# after April 16, 2008, that are greater than 125 feet in height, provided that:

(a) such stairwells are located on a #story# containing #residences#;

(b) such stairwells are used as a required means of egress from such #residences#;

(c) such stairwells have a minimum width of 44 inches;

(d) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and

(e) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#;

(ii) at each floor of #buildings developed# or #enlarged# after April 28, 2015, that are 420 feet or greater in height, provided that:

(a) such stairwells serve a space with an occupancy group other than Group R-2, as classified in the New York City Building Code, that is located at or above a height of 420 feet; and

(b) such floor space excluded from #floor area# shall be limited to:

(a) the 25 percent of stair and landing width required by the New York City Building Code which is provided in addition to the stair and landing widths required by such Code for means of egress; or

(b) the one stairwell required by the New York City Building Code which is provided in addition to the stairwells required by such Code for means of egress. For the purposes of this paragraph, such additional stairwell shall include the stair and landings as well as any walls enclosing the stair and landings;

(11) floor space used for the storage of equipment by the Fire Department pursuant to the New York City Fire Code, Section 511.7 (Storage space for pre-positioned department equipment) in #buildings# that are 420 feet or greater in height;

(12) #qualifying exterior wall thickness#;

(13) floor space in a #qualifying rooftop greenhouse#;

(14) floor space on a sun control device, where such space is inaccessible other than for maintenance;

(15) floor space within a #fully electrified building# or an #ultra low energy building#, of an amount equivalent to five percent of the #floor area# located within such #building#, and exclusive of any floor space otherwise excluded from #floor area#;

(16) floor space in #buildings# containing #multiple dwelling residences# allocated to #building# amenities, corridors, refuse storage or disposal, or access to elevated ground floor #dwelling units# that is provided in accordance with the provisions of Section 23-23, inclusive;

(17) floor space in #Quality Housing buildings# that was exempted pursuant the Quality Housing Program, as such program existed prior to December 5, 2024.

floor area ratio

General Definition

Last Amended 2/2/2011

"Floor area ratio" is the total #floor area# on a #zoning lot#, divided by the #lot area# of that #zoning lot#. If two or more #buildings# are located on the same #zoning lot#, the #floor area ratio# is the sum of their #floor areas# divided by the #lot area#. (For example, a #zoning lot# of 10,000 square feet with a #building# containing 20,000 square feet of #floor area# has a #floor area ratio# of 2.0, and a #zoning lot# of 20,000 square feet with two #buildings# containing a total of 40,000 square feet of #floor area# also has a #floor area ratio# of 2.0)

former railroad right-of-way

General Definition

Last Amended 12/5/2024

see #railroad right-of-way, former#

Free zone

Applicable to Article VIII - Chapter 1

Last Amended 2/2/2011

That portion of a #zoning lot#, at any given height, which may be covered by a #building# without coverage constituting an #encroachment# that requires daylight compensation.

In addition to the area that lies behind a #setback line# or #setback lines#, the #free zone# shall include areas between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#, and which qualify as #free zone# areas under the #middle one-third rule#. The #free zone# is referred to as #Zone A# on the #encroachment grid#.

[FREE ZONE image]

FRESH food store

General Definition

Last Amended 12/15/2021

FROM 63-01: A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6), where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is allocated to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation and consumption. Such retail space shall be distributed as follows:

(a) at least 25 percent of such retail space allocated to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce;

(b) at least 35 percent of such retail space shall be allocated to the sale of non-perishable food; and

(c) at least 6,000 square feet of such retail space shall be located on one #story#.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

front lot line

General Definition

see #lot line, front#

front yard

General Definition

see #yard, front#

front yard line

General Definition

see #yard line, front#

front yard line level

General Definition

see #yard line, front, level (of)#

fully electrified building

General Definition
Last Amended 12/6/2023

A “fully electrified building” is a #building# existing on December 6, 2023 which complies with the requirements of Local Law 154 of 2021, as such requirements would apply to a new #building# where an application for the approval of construction documents is submitted to the Commissioner of Buildings after July 1, 2027.

gambling vessel

General Definition
Last Amended 2/26/1998

A "gambling vessel" is any ferry, sightseeing, excursion, sport fishing or passenger ocean vessel that operates a shipboard gambling business subject to regulation under Title 20-A of the Administrative Code of the City of New York or any successor legislation.

Gowanus mix uses

Applicable to Article XIII - Chapter 9
Last Amended 11/23/2021

From Section 139-01: “Gowanus mix uses” are ***community facility***, ***commercial***, and ***manufacturing uses*** set forth in Section 139-12 (Gowanus Mix Uses).

Gowanus retail and entertainment uses

Applicable to Article XIII - Chapter 9
Last Amended 11/23/2021

From Section 139-01: “Gowanus retail and entertainment uses” are ***community facility*** and ***commercial uses*** set forth in Section 139-13 (Gowanus Retail and Entertainment Uses).

granting lot

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, a “granting lot” shall mean a #zoning lot# that contains a #landmark building or other structure#. Such #granting lot# may transfer development rights pursuant to Sections 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

Greater Transit Zone

General Definition

see #Transit Zone, Greater#

ground floor level

Applicable to Article XIII - Chapter 2

FROM 132-12:

ground floor level

For the purposes of this Chapter, “ground floor level” shall mean a ***building’s*** lowest ***story*** located within 30 feet of the ***building’s street wall*** along a ***designated commercial street***.

ground floor level

Applicable to Article III - Chapter 2
Last Amended 6/6/2024

FROM SECTION 32-301: The “ground floor level” shall refer to a #building’s# lowest #story# where the level of the finished floor is located within five feet of the adjoining sidewalk.

group parking facility

General Definition
Last Amended 12/5/2024

A "group parking facility" is a #building or other structure# or an open #use# on a #zoning lot# or portion thereof used for the storage of motor vehicles, that contains more than one parking space, has access to the #street# common to all spaces and, if #accessory# to a #residential use#, is designed to serve more than one #dwelling unit#.

A #group parking facility# shall include, but is not limited to, the following:

(a) an open parking area;

(b) parking spaces included within, or on the roof of, a #building# not primarily used for parking; or

(c) a #building# or #buildings# used primarily for parking, including a group of individual garages.

A #group parking facility# shall not include individual parking garages within #buildings# containing #residences# or individual unenclosed #accessory# parking spaces adjacent to #residences# which have access from a #street#, a private street or a driveway common to all the spaces.

Half-setback line

Applicable to Article VIII - Chapter 1

Last Amended 2/2/2011

A line drawn parallel to a #street line# and halfway between the #street line# and the #setback line#. (See illustration of #Setback Line# and #Half-Setback Line#)

health and fitness establishments

General Definition

Last Amended 6/6/2024

A "health and fitness establishment" is any establishment that is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

(a) establishments containing high-intensity #uses#, including:

(1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or

(2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;

(b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and

(c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of paragraph (c)(2) of Section 32-163 and of Section 123-33, as applicable.

For "physical culture or health establishments" existing on December 9, 2021, that were allowed pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established at approval and may continue after the expiration of such special permit, provided that such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a "physical culture or health establishment" existing on December 9, 2021, may continue pursuant to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

height factor

General Definition

Last Amended 3/22/2016

The "height factor" of a #zoning lot# is equal to the total #floor area# of a #building# divided by its #lot coverage#. If two or more #buildings# are located on the same #zoning lot#, the #height factor# is the sum of their #floor areas# divided by the sum of their #lot coverages#.

For example, a #zoning lot# with a #residential building# containing 60,000 square feet of #floor area# and a #lot coverage# of 5,000 square feet has a #height factor# of 12, and a #zoning lot# with two #residential buildings# containing a total of 80,000 square feet of #floor area# and 10,000 square feet of total #lot coverage# has a #height factor# of 8.

In computing a #height factor#, a fraction of one-half or more may be considered a whole number, and smaller fractions shall be disregarded.

high-risk flood zone

Applicable to Article VI - Chapter 4

The “high-risk flood zone” is the area, as indicated on the #flood maps#, that has a one percent chance of flooding in a given year.

hillside

Applicable to Article X - Chapter 5

FROM 105-01:

hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

hillside

Applicable to Article XI - Chapter 9

FROM 119-01:

hillside

A "hillside" is defined as ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

home occupation

General Definition
Last Amended 6/6/2024

(a) A "home occupation" is an #accessory use# that is a home-based, small-scale business or activity which:

(1) is clearly incidental to or secondary to the #residential use# of a #dwelling unit# or #rooming unit#;

(2) is carried on within a #dwelling unit#, #rooming unit#, or #accessory building# by one or more occupants of such #dwelling unit# or #rooming unit#, except that, in connection with the practice of a profession, one person not residing in such #dwelling unit# or #rooming unit# may be employed; and

(3) occupies not more than 49 percent of the total #floor area# of such #dwelling unit# or #rooming unit# and in no event more than 1,000 square feet of #floor area#.

(b) In connection with the operation of a #home occupation#, it shall not be permitted:

(1) to sell articles produced elsewhere than on the premises;

(2) to have exterior displays, or a display of goods visible from the outside;

(3) to store materials or products outside of a principal or #accessory building or other structure#;

(4) for customers or clients of such #home occupation# to queue or wait for services outside of the #dwelling unit#;

(5) to display, in an R1 or R2 District, a nameplate or other #sign# except as permitted in connection with the practice of a profession;

(6) to make external structural alterations which are not customary for #residences#; or

(7) to produce any danger of fire, explosions, toxic or noxious matter, radiation, or other hazards, or offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects.

Permitted #home occupations# shall not include kennels, animal breeders or veterinary medicine with in-person animal treatment.

home occupation

Applicable to Article XII - Chapter 3

FROM 123-11: For the purposes of this Chapter, the #home occupation# provisions of Section 12-10 shall apply, except that:

(a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;

(b) such #home occupation# may occupy more than 500 square feet of #floor area#; and

(c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

home occupation

Applicable from 117-50 to 117-57

FROM 117-503:

home occupation

Within the Queens Plaza Subdistrict, the #home occupation# provisions of Section 12-10 shall apply, except that:

(a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;

(b) such #home occupation# may occupy more than 500 square feet of #floor area#; and

(c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

horizontal surface

Applicable to Article VI - Chapter 1

The "horizontal surface" is an imaginary horizontal plane, circular or elliptical in shape, which:

(a) is located at a height of 150 feet above the #established airport elevation# for any major airport; and

(b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

hotel, apartment

General Definition
Last Amended 2/2/2011

An "apartment hotel" is a #building# or part of a #building# that is a Class A multiple dwelling as defined in the Multiple Dwelling Law, which:

(a) has three or more #dwelling units# or #rooming units#;

(b) has one or more common entrances serving all such units; and

(c) provides one or more of the following services: housekeeping, telephone, desk, or bellhop service, or the furnishing or laundering of linens.

Restaurants, cocktail lounges, or indoor swimming pools are permitted #accessory uses#, provided that in #Residence Districts#, such facilities shall be accessible only through the lobby and there shall be no #signs# except as permitted by the applicable district regulations. Public banquet halls, ballrooms, or meeting rooms are not permitted #accessory uses#.

hotel, transient

General Definition
Last Amended 8/17/1990

A "transient hotel" is a #building# or part of a #building# in which:

(a) living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis;

(b) one or more common entrances serve all such living or sleeping units; and

(c) twenty-four hour desk service is provided, in addition to one or more of the following services: housekeeping, telephone, or bellhop service, or the furnishing or laundering of linens.

Permitted #accessory uses# include restaurants, cocktail lounges, public banquet halls, ballrooms, or meeting rooms.

Hudson Yards Redevelopment Area

Applicable to Article IX - Chapter 3

The “Hudson Yards Redevelopment Area” shall be the areas within the #Special Hudson Yards District#, Subdistrict A-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the center line of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, the area bounded by the westerly side of Eleventh Avenue, the southerly side of West 43rd Street, the westerly side of Twelfth Avenue and the northerly side of West 33rd Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use. Furthermore, the #Hudson Yards Redevelopment Area# shall not include any underground connections from a subway station to any #use# located on such excluded #blocks# or between any such #uses#.

illuminated sign

General Definition

see #sign, illuminated#

Impeded access frontage

An “impeded access frontage” shall refer to #zoning lot# frontages along a #transportation-infrastructure-adjacent frontage# where direct vehicular or pedestrian access to areas beyond such infrastructure is inaccessible from all #streets# bounding the #block# containing the subject #zoning lot#.

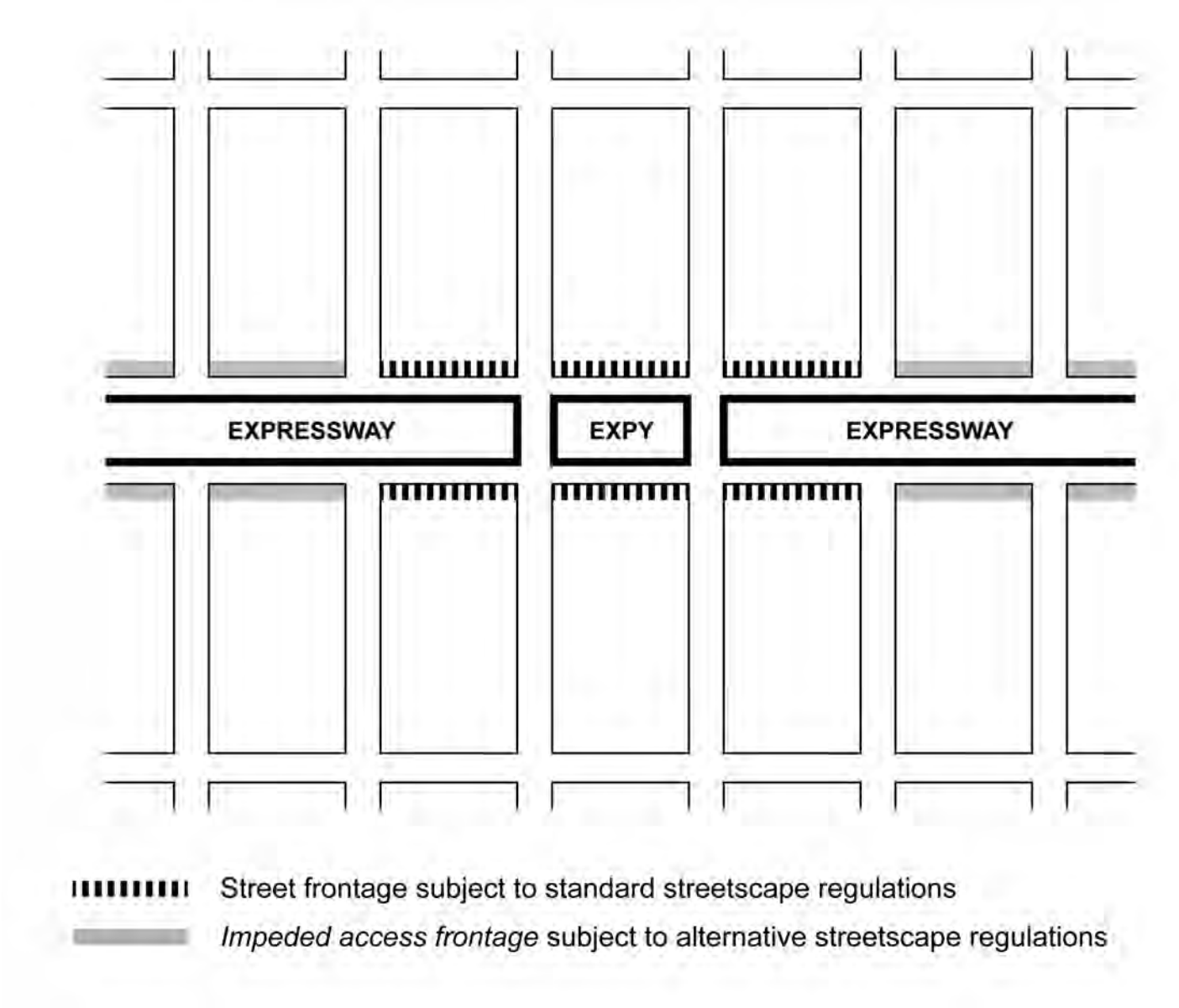


DIAGRAM ILLUSTRATING IMPEDED ACCESS FRONTAGE

incidental alteration

General Definition

see #alteration, incidental#

inclusionary housing area, mandatory

General Definition

see #Mandatory Inclusionary Housing area#

income-restricted housing unit

General Definition
Last Amended 12/5/2024

For the purposes of determining the applicable parking regulations for existing #buildings#, an "income-restricted housing unit" is a #dwelling unit#:

(a) for which the number of required #accessory# off-street parking spaces was established pursuant to the provisions of Section 25-25 (Modification of Requirements for Income-Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-Assisted Dwelling Units) as such Section existed between March 22, 2016 and December 5, 2024;

(b) for which the number of required #accessory# off-street parking spaces was established pursuant to the provisions of Section 25-25 (Modification of Requirements for Income-Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-Assisted Dwelling Units) as such Section existed between December 15, 1961, and March 22, 2016; or

(c) in public housing developments owned by the New York City Housing Authority for which the applicable number of required #accessory# off-street parking spaces was established pursuant to the zoning regulations in effect between July 20, 1950, and December 15, 1961.

industrial floor space

General Definition
Last Amended 6/6/2024

“Industrial floor space” is #floor area# or #cellar# space, excluding mechanical space and common space such as hallways, lobbies or stairways, with a minimum clear height from floor to ceiling of 15 feet, and allocated to #referenced commercial or manufacturing uses#.

initial setback distance

General Definition
Last Amended 12/15/1961

An "initial setback distance" is a horizontal distance measured from a #street line# into a #zoning lot# for a depth as set forth in the district regulations.

inner court

General Definition

see #court, inner#

inner court recess

General Definition

see #court recess, inner#

Inner Transit Zone

General Definition

Last Amended 12/5/2024

see #Transit Zone, Inner#

interim site plan

Applicable to Article XII - Chapter 7

FROM 127-04:

interim site plan

An “interim site plan” is a plan that specifies, for an interim period, the design for the location, dimensions, and grading of portions of the #publicly accessible private street# or #upland connection# that are the subject of a certification pursuant to paragraph (b)(1) of Section 127-422 or paragraph (a)(1) of Section 127-542 and located on the applicant’s #zoning lot#. A design for an interim period is necessary where it is not feasible to implement the final design for such portions until build-out of the remaining portions of the #publicly accessible private street# or #upland connection# occurs. Such #interim site plan#, once certified, shall remain in effect until implementation of the #final site plan# in accordance with paragraph (b) of Section 127-422 or paragraph (a) of Section 127-542, at which time the certified #final site plan# shall supersede the #interim site plan#.

interior lot

General Definition

see #lot, interior#

joint living-work quarters for artists

General Definition

Last Amended 12/5/2024

A “joint living-work quarters for artists” consists of one or more #rooms# in a #non-residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

(a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and the #artist’s# household, and including adequate working space reserved for the #artist#, or #artists# residing therein;

(b) by any household residing therein on September 15, 1986, whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or

(c) by any person who is entitled to occupancy by any other provision of law.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-315 (Use regulations in M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts) and 74-78 (Conversions of Non-residential Floor Area).

land with minor improvements

General Definition

Last Amended 2/2/2011

"Land with minor improvements" is a tract of land or a #zoning lot# that:

(a) does not contain any #building or other structure#; or

(b) involves #buildings or other structures#, or other improvements, located underground or substantially at ground level, with a total assessed valuation, excluding land, of less than $14,500 as of February 2, 2011, as determined from the assessment rolls in effect on the applicable date on which such #use# is changed, damaged or destroyed, or terminated, in accordance with the provisions of Sections 52-32, 52-52 or 52-72 (Land with Minor Improvements). The Chairperson of the City Planning Commission shall adjust this figure annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year.

landmark building or other structure

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, a “landmark building or other structure” shall include any structure designated as a landmark by the Landmarks Preservation Commission pursuant to the New York City Charter and Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to Section 81-60, inclusive, from those portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.

large site

General Definition
Last Amended 12/5/2024

A “large site” is either a single #zoning lot# with a #lot area# of at least 1.5 acres, or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are contiguous or would be contiguous but for their separation by a #street# with a #lot area# of at least 1.5 acres.

large-scale community facility development

General Definition

Last Amended 2/2/2011

A "large-scale community facility development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection, used predominantly for #community facility uses#, and:

(a) has or will have an area of at least three acres;

(b) has been or is to be used, #developed# or #enlarged# as a unit:

(1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale community facility development#; or

(2) under single fee, alternate or separate ownership, either:

(i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and

(c) shall be located entirely in a #Residence District# or in a C1, C2, C3 or C4-1 District.

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 9, provided that such #buildings# form an integral part of the #large-scale community facility development#.

large-scale development

General Definition

Last Amended 2/2/2011

A “large-scale development” is either a #large-scale community facility development#, a #large-scale general development# or a #large-scale residential development#.

large-scale general development

General Definition
Last Amended 2/2/2011

A "large-scale general development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection and is not either a #large-scale residential development# or a #large-scale community facility development#; and:

(a) has or will have an area of at least 1.5 acres;

(b) has been or is to be used, #developed# or #enlarged# as a unit:

(1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#; or

(2) under single fee, alternate or separate ownership, either:

(i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and

(c) shall be located in whole or in part in any #Commercial# or #Manufacturing District#, subject to the restrictions of paragraph (a)(1) of Section 74-743 (Special provisions for bulk

modification).

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such #buildings# form an integral part of the #large-scale general development#, and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#. In C5 and C6 Districts, however, a #large-scale general development# having a minimum #lot area# of five acres may include a #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #large-scale general development#, provided that such #building# covers less than 15 percent of the #lot area# of the #large-scale general development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #building#.

large-scale residential development

General Definition
Last Amended 2/2/2011

A "large-scale residential development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection, used predominantly for #residential uses# and:

(a) has or will have an area of at least 1.5 acres and a total of at least three principal #buildings#, or an area of at least three acres and a total of at least 500 #dwelling units#;

(b) has been or is to be #developed# as a unit:

(1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale residential development#; or

(2) under single fee, alternate or separate ownership, either:

(i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation;

(c) shall be located entirely in a #Residence District# or in a C1, C2, C3 or C4-1 District; and

(d) shall not include any #zoning lots# occupied by existing #buildings# to remain; and in staged developments, existing #buildings# proposed for demolition shall not be permitted to create a temporary #non-compliance#.

legally required window

General Definition
Last Amended 2/2/2011

A "legally required window" is a window or portion of a window (including a window either in addition to or as a substitute for mechanical ventilation) which is required by any applicable law or statute to provide light or ventilation to a "living room," as defined in the Housing Maintenance Code.

Limited Height District

General Definition
Last Amended 12/5/2024

A "Limited Height District" is a district whose designation begins with the letters "LH," and in which the heights of #buildings or other structures# are limited in accordance with the provisions of Sections 23-443 (Special provisions in other geographies), 24-591 or 33-491 (Limited Height Districts).

#Limited Height Districts# appear on the #zoning maps# superimposed upon other districts. Their regulations supplement the regulations of the districts on which they are superimposed.

#Limited Height Districts# are confined to areas or portions of areas established by the Landmarks Preservation Commission and the Board of Estimate, or its successor, as "Historic Districts" pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code.

Long Island City area

Applicable to Article I - Chapter 6

FROM 16-02: For the purposes of this Chapter, “Long Island City area” shall refer to the area within the boundaries shown on the map in Section 16-03.

long-term care facility

General Definition
Last Amended 12/5/2024

A “long-term care facility” is a #community facility use# that has secured appropriate certificate of authority or licensure by the New York State Department of Health and shall include:

(a) nursing homes or assisted living facilities as defined in the New York State Public Health Law; and

(b) continuing care retirement communities, consisting of independent living #dwelling units# in addition to nursing home beds and assisted living facilities as defined in the Public Health Law. Such continuing care retirement communities may be located in one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#. All such continuing care retirement communities shall:

(1) offer a life care contract that includes unlimited long-term care services along with housing for independent living and #residential# services and amenities; and

(2) include fewer independent living #dwelling units# than the combined number of assisted living #dwelling units# or #rooming units# and nursing home beds on such same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#. For the purposes of this calculation, the number of such assisted living #dwelling units# or #rooming units# shall be the number of such units in the State-licensed assisted living facilities or assisted living #residences#; and the number of such nursing home beds shall be the number of authorized State-licensed nursing home beds, as applicable. For the purposes of this definition, the term "rooming units" shall be as defined in the New York City Housing Maintenance Code.

If a continuing care retirement community does not comply with conditions (1) and (2) above, the independent living #dwelling units# shall be considered a #residential use#.

For the purposes of applying the #bulk# regulations of this Resolution to #buildings# containing #long-term care facilities#, the #residential bulk# regulations applicable to #qualifying senior housing# shall be applied. In applying such #residential# #bulk# provisions, #long-term care facilities# shall be considered #residential#, and the term #dwelling unit# shall include "dwelling units" and "rooming units", as set forth in the Housing Maintenance Code.

lot area

General Definition
Last Amended 2/20/1964

"Lot area" is the area of a #zoning lot#.

lot coverage

General Definition
Last Amended 3/22/2016

"Lot coverage" is that portion of a #zoning lot# which, when viewed directly from above, would be covered by a #building# or any part of a #building#. However, for purposes of computing a #height factor#, any portion of such #building# covered by a roof which qualifies as #open space#, or any terrace, balcony, breeze way, or porch or portion thereof not included in the #floor area# of a #building#, shall not be included in #lot coverage#.

For example, a #zoning lot# of 20,000 square feet consists of one portion, 100 feet by 100 feet, as a #corner lot# portion, and another portion, 100 feet by 100 feet, as an #interior lot# portion. In a district that allows 70 percent coverage of the #interior lot# portion, that portion can have a #lot coverage# of 7,000 square feet, while the #corner lot# portion which is allowed 100 percent coverage can have a #lot coverage# of 10,000 square feet.

When a #height factor# is not computed for a #residential building# or #residential# portion of a #building#, obstructions permitted pursuant to Section 23-341 (Permitted obstructions in required yards or rear yard equivalents) shall not be included in #lot coverage#, except that the portion of any balcony which does not project from the face of the #building# shall be counted as #lot coverage#.

lot depth

General Definition
Last Amended 12/15/1961

"Lot depth" is the mean horizontal distance between the #front lot line# and #rear lot line# of a #zoning lot#. In the case of a #corner lot#, the #lot depth# is the greater of the mean horizontal distances between the #front lot lines# and the respective #side lot line# opposite each.

lot line

General Definition
Last Amended 12/15/1961

A "lot line" is a boundary of a #zoning lot#.

lot line, front

General Definition
Last Amended 12/15/1961

A "front lot line" is a #street line#.

lot line, rear

General Definition
Last Amended 12/15/1961

A "rear lot line" is any #lot line# of a #zoning lot# except a #front lot line#, which is parallel or within 45 degrees of being parallel to, and does not intersect, any #street line# bounding such #zoning lot#.

lot line, side

General Definition
Last Amended 12/15/1961

A "side lot line" is any #lot line# which is not a #front lot line# or a #rear lot line#.

lot width

General Definition
Last Amended 12/15/1961

"Lot width" is the mean horizontal distance between the #side lot lines# of a #zoning lot#.

lot, corner

General Definition
Last Amended 5/20/1965

A "corner lot" is either a #zoning lot# bounded entirely by #streets#, or a #zoning lot# which adjoins the point of intersections of two or more #streets# and in which the interior angle formed by the extensions of the #street lines# in the directions which they take at their intersections with #lot lines# other than #street lines#, forms an angle of 135 degrees or less. In the event that any #street line# is a curve at its point of intersection with a #lot line# other than a #street line#, the tangent to the curve at that point shall be considered the direction of the #street line#. The portion of such #zoning lot# subject to the regulations for #corner lots# is that portion bounded by the intersecting #street line# and lines parallel to and 100 feet from each intersecting #street line#. Any remaining portion of a #corner lot# shall be subject to the regulations for a #through lot# or for an #interior lot#, whichever is applicable.

lot, interior

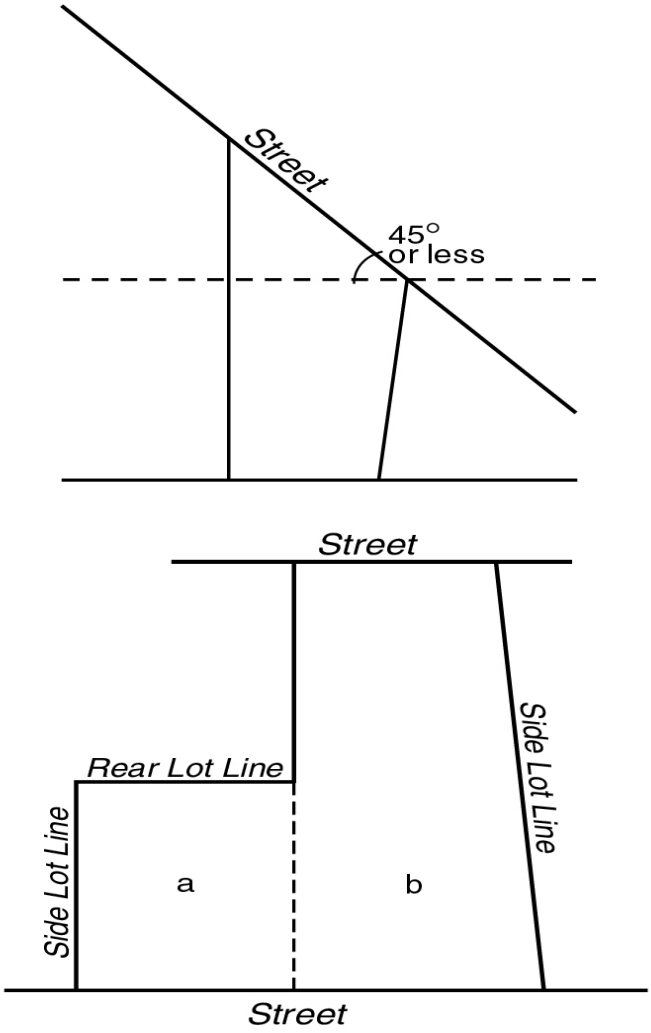
General Definition
Last Amended 12/15/1961

An "interior lot" is any #zoning lot# neither a #corner lot# nor a #through lot#.

lot, through

General Definition
Last Amended 12/15/1961

A "through lot" is any #zoning lot#, not a #corner lot#, which adjoins two #street lines# opposite to each other and parallel or within 45 degrees of being parallel to each other. Any portion of a #through lot# which is not or could not be bounded by two such opposite #street lines# and two straight lines intersecting such #street lines# shall be subject to the regulations for an #interior lot#.



a - Portion of lot subject to *interior lot* regulations
b - Portion of lot subject to *through lot* regulations

THROUGH LOT

lot, zoning

General Definition

see #zoning lot#

lower density growth management area

General Definition

Last Amended 12/5/2024

A “lower density growth management area” is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #zoning lot# containing #buildings# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island

Community District 10 in the Borough of the Bronx

In the Borough of Staten Island, #lower density growth management areas# shall also include any C1, C2 or C4 District.

Lower street wall

Applicable to Article X - Chapter 4

FROM: 104-01:

Lower street wall

“Lower street wall” is that portion of the #street wall# of a #building# that extends from grade to the height set forth in Section 104-33, paragraph (a).

lowest usable floor

Applicable to Article VI - Chapter 4

The “lowest usable floor” of a #building# is the lowest floor of such #building# that contains #floor area#, and may include #basements# and #cellars#, as defined in Section 12-10 (DEFINITIONS).

mandatory front building wall

Applicable to Article XI - Chapter 6

FROM 116-01:

mandatory front building wall

A "mandatory front building wall" is the front wall of a ***building*** that generally coincides with a ***mandatory front building wall line***, as provided in Section 116-232 (Street wall location).

mandatory front building wall line

Applicable to Article XI - Chapter 6

FROM 116-01:

mandatory front building wall line

"Mandatory front building wall lines" are imaginary lines extending through Subarea B of the ***Special Stapleton Waterfront District*** which are shown on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, and with which ***building*** walls must generally coincide, as provided in Section 116-232.

mandatory front building wall lines

Applicable from 84-00 to 84-343
Last Amended 2/2/2011

FROM: 84-01:

"Mandatory front building wall lines" are imaginary lines extending through Zone A and Zone C of the #Special Battery Park City District# which, except as shown in Appendices 2.1 and 3.1 of this Chapter, coincide with #street lines# and with which #building# walls must generally coincide, as provided in Sections 84-132 and 84-332 (Mandatory front building walls).

Mandatory Inclusionary Housing area

Last Amended 12/5/2024

FROM 27-111: A “Mandatory Inclusionary Housing area” is a specified area in which the Mandatory Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section 27-10, inclusive. The locations of #Mandatory Inclusionary Housing areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

mandatory widened sidewalk

Applicable to Article X - Chapter 4

FROM: 104-01:

mandatory widened sidewalk

A “mandatory widened sidewalk” is a paved area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. #Mandatory widened sidewalks# are shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter.

mandatory widened sidewalk line

Applicable to Article X - Chapter 4

FROM 104-01:

mandatory widened sidewalk line

A “mandatory widened sidewalk line” is the line shown on Map 3 in Appendix A of this Chapter.

Manhattan Core

General Definition

The "Manhattan Core" is the area within Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8.

manufacturing

General Definition
Last Amended 6/6/2024

A "manufacturing" #use# is any #use# listed in

District Type	Use Group
#Residence Districts#	N/A
#Commercial Districts#	N/A
#Manufacturing Districts#	X

manufacturing district

General Definition
Last Amended 2/2/2011

A "Manufacturing District" includes any district whose designation begins with the letter "M."

For example, an "M1" District includes any district whose designation begins with the symbol "M1."

mass transit station

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, “mass transit station” shall refer to any subway or rail ***mass transit station*** operated by a ***transit agency***. Such ***mass transit stations*** shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are currently closed but could be reopened and that have previously been open to the public.

middle one-third rule

Applicable to Article VIII - Chapter 1

Last Amended 2/2/2011

The rule under which, for the middle one-third of the #front lot line# length, the #free zone# includes area between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#. However, on a #corner lot# the #free zone# does not extend beyond the #setback line# along an intersecting #street#. (See illustrations of #Middle One-Third Rule#)

[MIDDLE ONE-THIRD RULE - two images]

mixed building

General Definition

Last Amended 2/2/2011

A "mixed building" is a #building# in a #Commercial District# used partly for #residential use# and partly for #community facility# or #commercial use#.

mixed use building

Applicable to Article XI - Chapter 7

FROM 117-01:

Mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a “mixed use development” shall be any ***building*** or ***development*** used partly for ***residential use*** and partly for ***community facility***, ***commercial*** or ***manufacturing use***.

mixed use building

Applicable to Article XII - Chapter 3

FROM 123-11:

mixed use building

For the purposes of this Chapter, a "mixed use building" is a #building# in the #Special Mixed Use District# used partly for #manufacturing#, #commercial# or #community facility use# and partly for #residential use#.

mixed use development

Applicable to Article XI - Chapter 7

FROM 117-01:

mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a “mixed use development” shall be any ***building*** or ***development*** used partly for ***residential use*** and partly for ***community facility***, ***commercial*** or ***manufacturing use***.

mixed use district

Applicable to Article XIII - Chapter 9
Last Amended 11/23/2021

From Section 139-01: In the ***Special Gowanus Mixed Use District***, a “mixed use district” shall be any M1 District paired with a ***Residence District***, as indicated on the ***zoning maps***. For the purposes of applying provisions of districts adjacent to a ***mixed use district***, a ***mixed use district*** shall be considered a ***Manufacturing District***.

moderate-risk flood zone

Applicable to Article VI - Chapter 4

The “moderate-risk flood zone” is the area, as indicated on the #flood maps#, and not within of the #high-risk flood zone#, that has a 0.2 percent chance of flooding in a given year.

motel or tourist cabin

General Definition
Last Amended 12/15/1961

A "motel" or "tourist cabin" is a #building# or group of #buildings# which:

(a) contains living or sleeping accommodations used primarily for transient occupancy; and

(b) has individual entrances from outside the #building# to serve each such living or sleeping unit.

Motor vehicle repair and maintenance shop, heavy or light

General Definition
Last Amended 6/6/2024

A “heavy motor vehicle repair and maintenance shop” is an establishment that provides repair and maintenance services for automotive vehicles that is required to register with the Department of Motor Vehicles as a “motor vehicle repair shop” pursuant to the New York State Motor Vehicle Repair Shop Registration Act.

All other establishments that provide repair and maintenance services for automotive vehicles, including those that consist solely of changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades or light bulbs, polishing and washing, repairing, installing or replacing seat safety belts, upholstery, or communications equipment, shall be “light motor vehicle repair and maintenance shops.”

However, these definitions shall not apply to #automotive service stations#.

multiple dwelling residence

General Definition
Last Amended 12/5/2024

A “multiple dwelling residence” is any type of #residence# that is not a #single-# or #two-family residence#.

narrow street

General Definition

see #street, narrow#

natural feature

Applicable to Article X - Chapter 5

FROM 105-01:

natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 105-10 (NATURAL FEATURES) and existing within a #Special Natural Area District#.

near lot line

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277
Last Amended 8/9/2017

A #lot line#, other than the #far lot line#, which intersects the #street line# of the #vantage street# and which defines the extent of the #zoning lot's# continuous frontage along the #vantage street# from the #far lot line#.

non-complying, or non-compliance

General Definition
Last Amended 12/15/1961

A "non-complying" #building or other structure# is any lawful #building or other structure# which does not comply with any one or more of the applicable district #bulk# regulations either on December 15, 1961 or as a result of a subsequent amendment thereto.

A "non-compliance" is a failure by a #non-complying building or other structure# to comply with any one of such applicable #bulk# regulations.

non-conforming, or non-conformity

General Definition
Last Amended 6/6/2024

A "non-conforming" #use# is any lawful #use#, whether of a #building or other structure# or of a #zoning lot#, which does not conform to any one or more of the applicable #use# regulations of the district in which it is located, either on December 15, 1961, or as a result of any subsequent

amendment thereto.

A #non-conforming use# shall result from failure to conform to the applicable district regulations on either permitted Use Groups or performance standards.

A #non-conformity# is a failure by a #non-conforming use# to conform to any one of such applicable #use# regulations.

However, no existing #use# shall be deemed #non-conforming#, nor shall a #non-conformity# be deemed to exist, solely because of any of the following:

(a) the existence of less than the required #accessory# off-street parking spaces or loading berths;

(b) the existence of #non-conforming accessory signs#; or

(c) the existence of conditions in violation of the provisions of either Sections 32-41 and 32-42, relating to Supplementary Use Regulations, or Sections 32-43 and 32-433 relating to Special Provisions Applying along District Boundaries, or Sections 42-51, 42-52, 42-53 and 42-432, relating to Supplementary Use Regulations and Special Provisions Applying along District Boundaries.

non-profit hospital staff dwelling

General Definition
Last Amended 6/27/1963

A "non-profit hospital staff dwelling" is a dwelling owned by a non-profit institution or subsidiary non-profit housing corporation and which contains #dwelling units# reserved exclusively for occupancy by members of the staff of a non-profit or voluntary hospital and their immediate family.

non-qualifying site

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67,

81-671, 81-672, 81-673, 81-674, 81-675, 81-676
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, a “non-qualifying site” shall refer to a #zoning lot# that does not meet the criteria for a #qualifying site# and is located in a subarea other than the Vanderbilt Corridor Subarea.

non-residential building

General Definition
Last Amended 2/2/2011

A “non-residential building” is a #building# containing no #residences#.

open recreation space

Applicable to Article X - Chapter 9

FROM 109-01:

open recreation space

"Open recreation space" is that part of a #zoning lot#, including #courts#, #yards# and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections 109-14, 109-34 and 109-42.

open space

General Definition
Last Amended 7/8/2025

"Open space" is that part of a #zoning lot#, including #courts# or #yards#, which is open and unobstructed from its lowest level to the sky and is accessible to and usable by all persons occupying a

#dwelling unit# or a #rooming unit# on the #zoning lot#.

#Open space# may, however, include areas covered by roofs, the total area of which is less than 10 percent of the unroofed or uncovered area of a #zoning lot#, provided that such roofed area is not enclosed on more than one side, or on more than 10 percent of the perimeter of the roofed area, whichever is greater.

#Open space# may be provided on the roof of:

(a) a #community facility building#;

(b) a #building# containing #residences#, provided such roof area is not above that portion of such #building# that contains #dwelling units# or #rooming units#;

(c) a #non-residential building#, other than a #community facility building#, provided such #non-residential building abuts# other #buildings#, any one of which contains #residences#.

All such roof areas used for #open space# shall meet the requirements set forth in this definition and shall:

(1) be not higher than 23 feet above #curb level#, except as provided in Sections 24-181 (Special provisions for certain buildings) and 35-712 (Floor area and open space ratios);

(2) be at least two and one-half feet below the sill level of all #legally required windows# opening on such roof area;

(3) be directly accessible by a passageway from a #building#, or by a ramp (with a grade of less than 10 percent) from a #building#, #yard#, #court# or #street#, except that in R8 or R9 Districts such roof area need not be accessible to occupants and is therefore exempt from this requirement; and

(4) have no dimension less than 25 feet; except that in R8 or R9 Districts when such roof area adjoins a #street line# or a #rear yard#, it may have a minimum depth of nine feet and a minimum length, along such #street line# or #rear yard#, equal to at least twice its depth, or

the full width of the #zoning lot#, or 50 feet, whichever is the least distance.

open space network

Applicable to Article X - Chapter 7
Last Amended 11/2/2023

FROM 107-01:

open space network

The "open space network" is a planned system of #open spaces# as shown on the District Plan (Map 3 in Appendix A), which includes #public parks#, #designated open space# and the #waterfront esplanade#.

open space ratio

General Definition
Last Amended 2/2/2011

The "open space ratio" of a #zoning lot# is the number of square feet of #open space# on the #zoning lot#, expressed as a percentage of the #floor area# on that #zoning lot#. (For example, if for a particular #zoning lot# an #open space ratio# of 20 is required, 20,000 square feet of #floor area# in the #building# would necessitate 4,000 square feet of #open space# on the #zoning lot#; or, if 6,000 square feet of #lot area# were in #open space#, 30,000 square feet of #floor area# could be on that #zoning lot#.) Each square foot of #open space# per 100 square feet of #floor area# is referred to as one point.

Outdoor amusement parks

General Definition
Last Amended 6/6/2024

An “outdoor amusement park” is a type of large-scale, open-air venue that offers a wide range of recreational attractions, rides, games and other forms of entertainment for visitors of all ages, as found in North American Industry Classification System (NAICS) industry code 71311 (Amusement and Theme Parks). An #outdoor amusement park# shall be unenclosed except for ancillary #buildings or other structures#.

outer court

General Definition

see #court, outer#

outer court recess

General Definition

see #court recess, outer#

Outer Transit Zone

General Definition

see #Transit Zone, Outer#

parking zone

Applicable to Article I - Chapter 3

FROM 13-02: For the purposes of this Chapter, a “parking zone” shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by permitted off-street parking spaces and associated maneuvering space, and any other portion of such parking facility not included in the #access zone#. In attended parking facilities with

parking lift systems, the #parking zone# shall also include the lifted tray a vehicle is stored upon.

pier

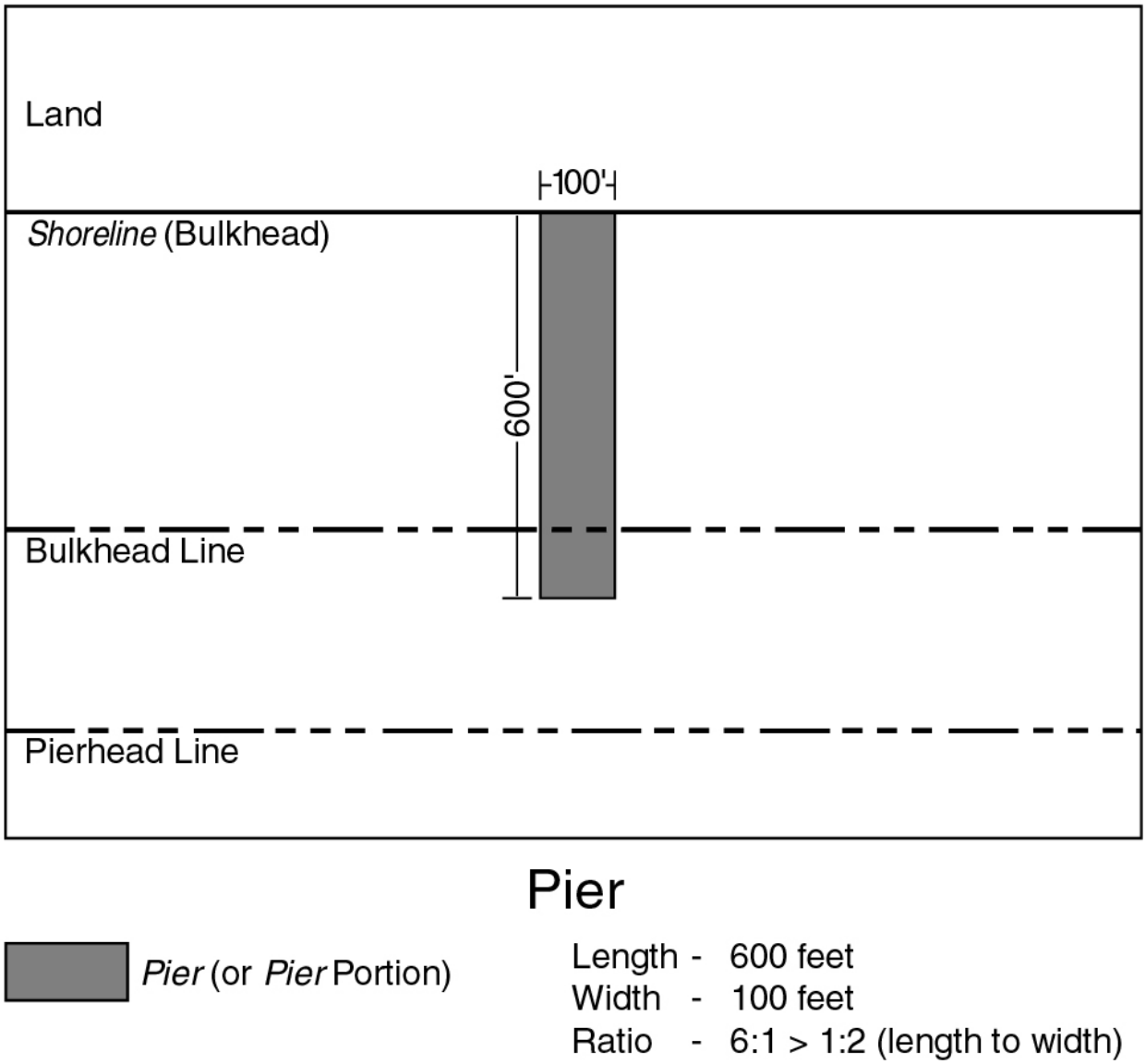
Applicable to Article VI - Chapter 2

A “pier” is a structure at the water's edge, not otherwise defined as a #platform#, that is:

(a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or

(b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration.



pier

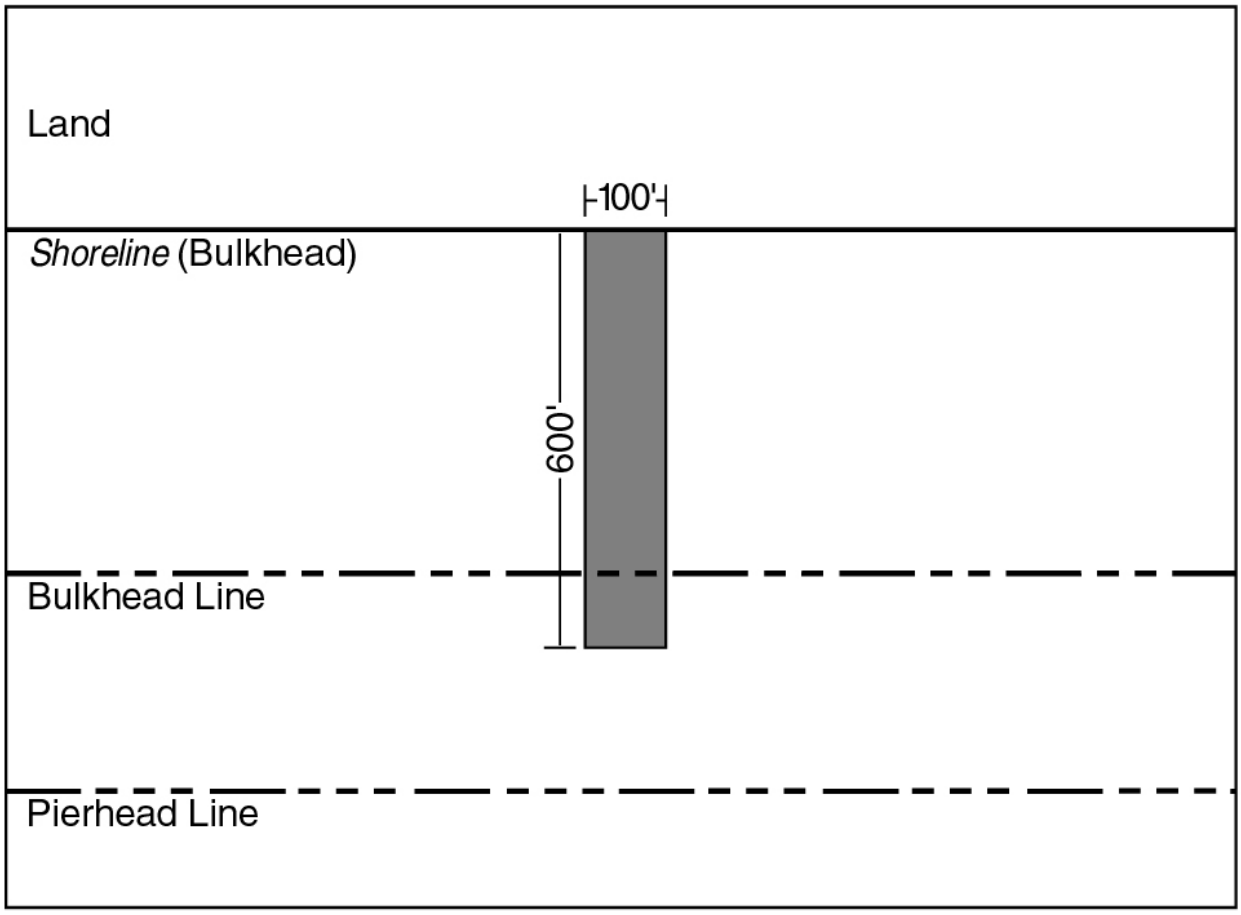
Applicable to Article XIV - Chapter 4

A “pier” is a structure at the water's edge, not otherwise defined as a #platform#, that is:

(a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or

(b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration.



Pier Place

Applicable to Article XI - Chapter 6

FROM 116-01:

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the ***Special Stapleton Waterfront District*** as shown in the District Plan, Map 1, in Appendix A of this Chapter.

pier, existing

Applicable to Article VI - Chapter 2

An “existing pier” is a #pier# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

pier, new

Applicable to Article VI - Chapter 2

A “new pier” is any #pier# other than an #existing pier#.

plan review site

Applicable to Article X - Chapter 7
Last Amended 11/2/2023

FROM 107-01:

plan review site

A “plan review site” is any #zoning lot# that contains one or more acres, where there is a proposed #development, #enlargement#, #site alteration#, or subdivision of such #zoning lot# into two or more #zoning lots#.

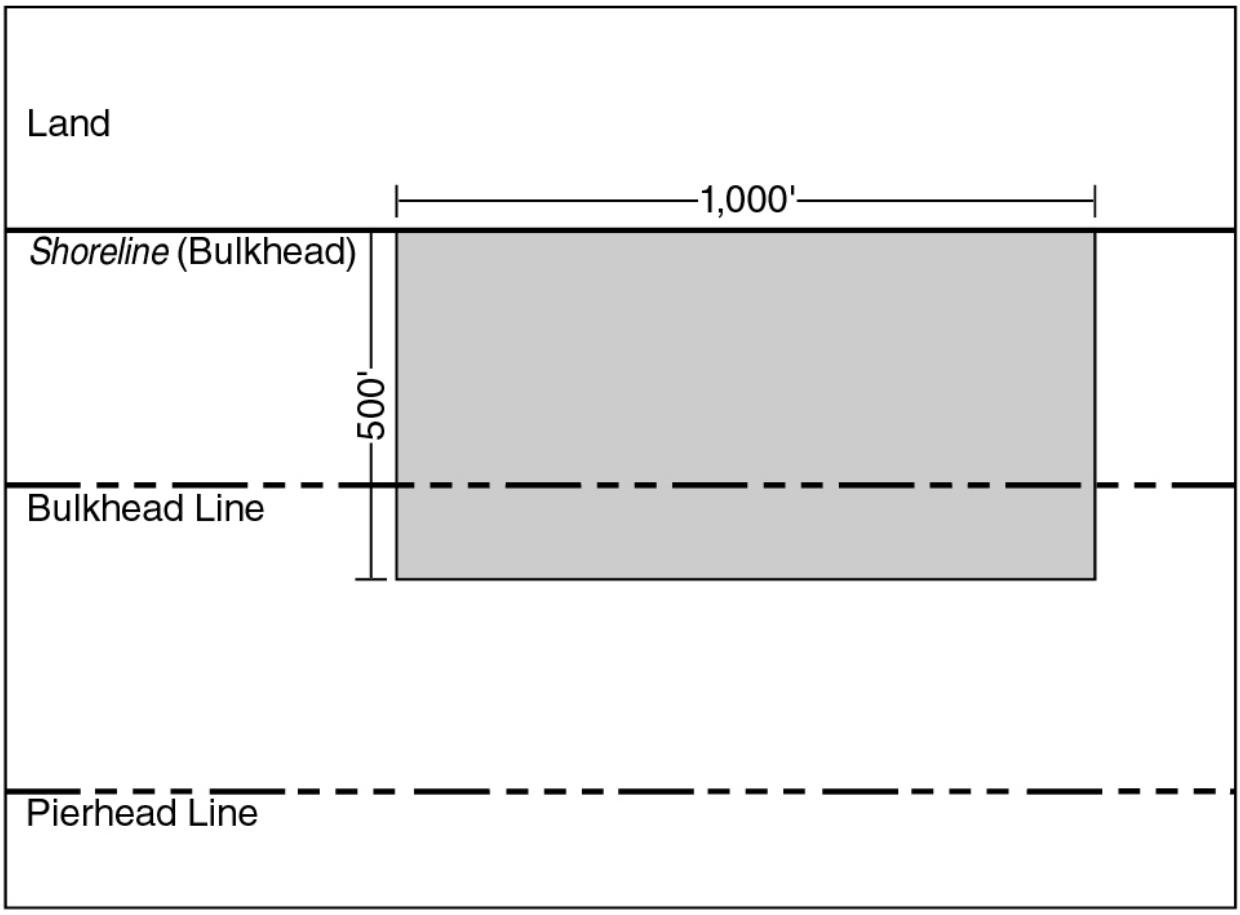
platform

Applicable to Article VI - Chapter 2

A “platform” is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

(a) is permanently connected to the land; and

(b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.

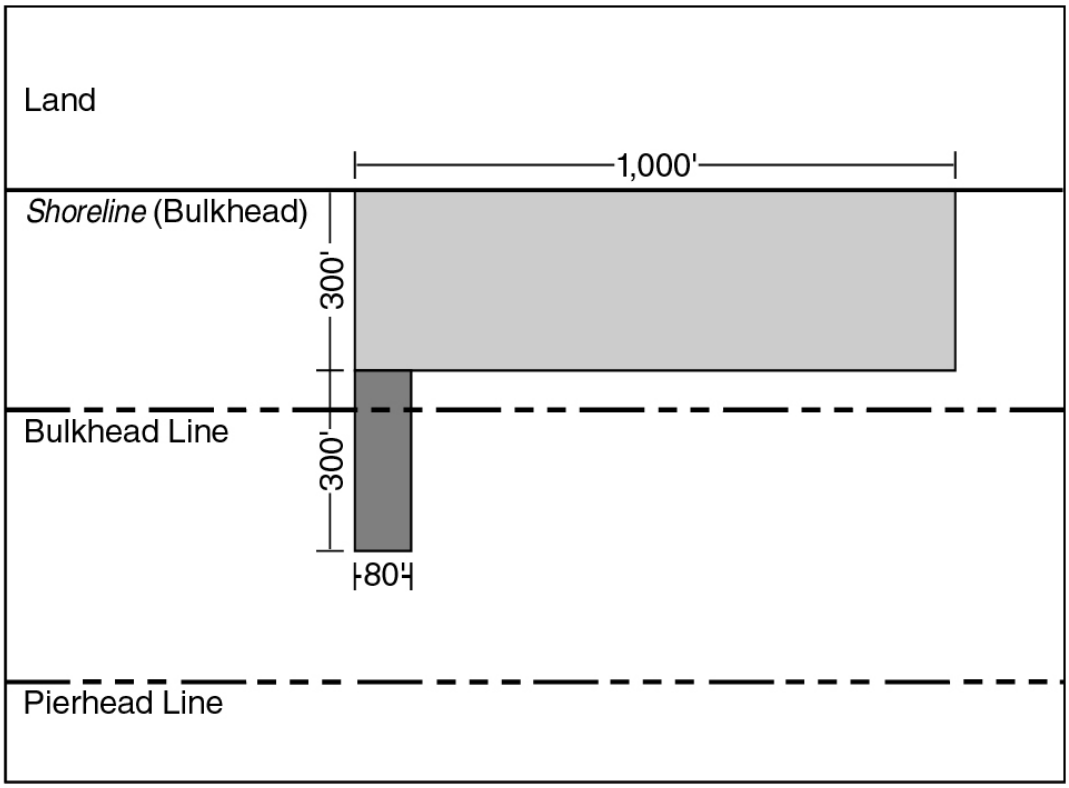


Platform

Platform

Length - 500 feet
Width - 1,000 feet
Ratio - 0.5:1 ≤ 1:2 (length to width)

(62 - 11.2)



Platform with Pier Portion

Pier (or *Pier* Portion)

Platform

Platform: Length - 300 feet
Width - 1,000 feet
Ratio - 0.3:1 < 1:2 (length to width)

Pier: Length - 300 feet
Width - 80 feet
Ratio - 3.75:1 > 1:2 (length to width)

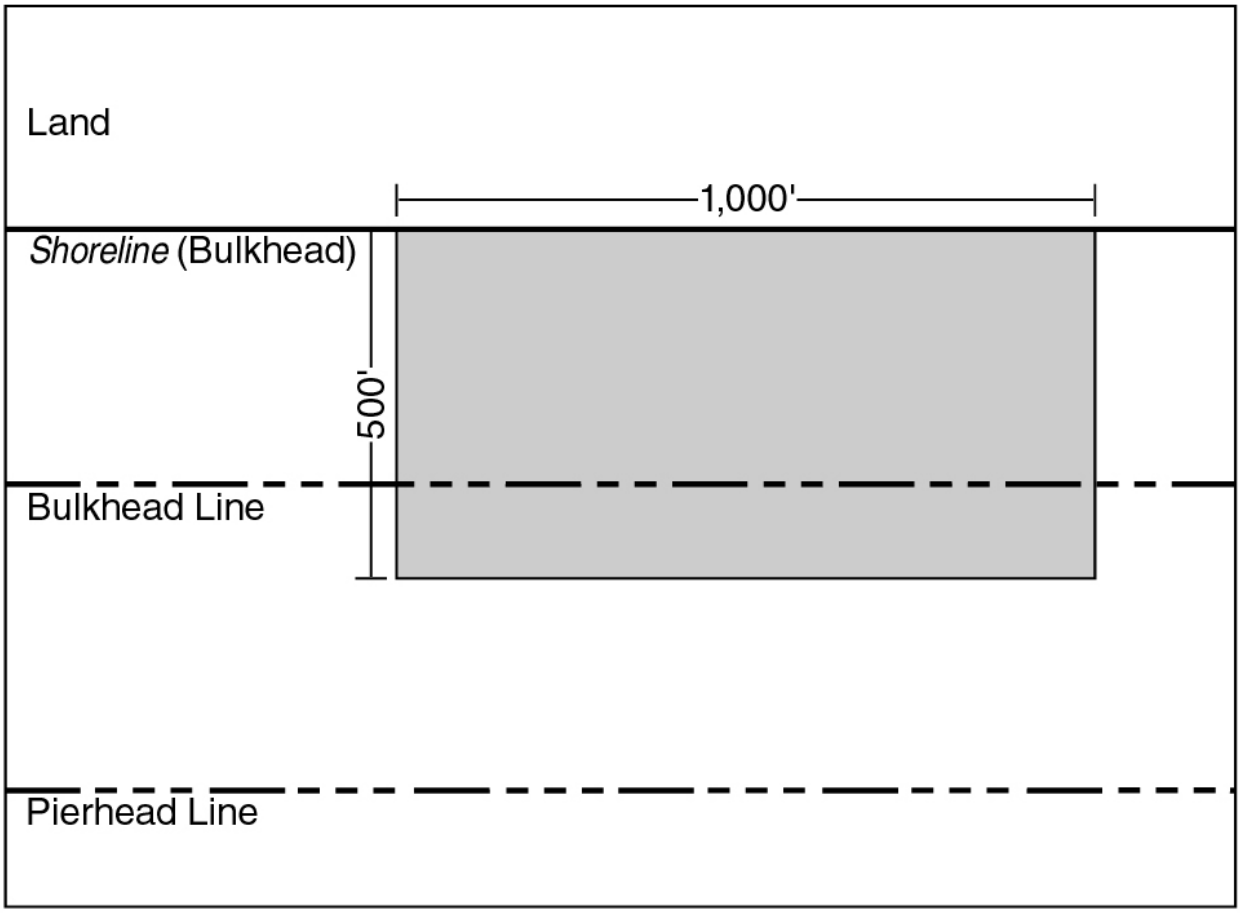
platform

Applicable to Article XIV - Chapter 4

A “platform” is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

(a) is permanently connected to the land; and

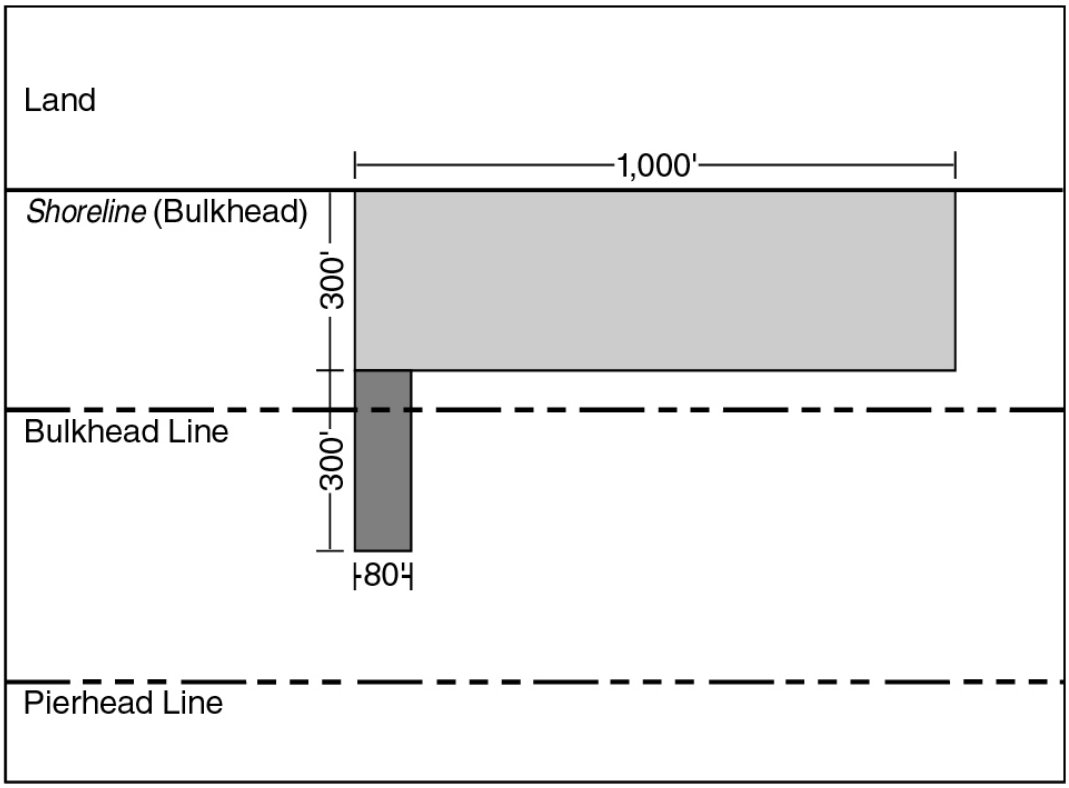
(b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.



Platform

Platform

Length - 500 feet
Width - 1,000 feet
Ratio - 0.5:1 ≤ 1:2 (length to width)



Platform with Pier Portion

Pier (or *Pier* Portion)

Platform

Platform: Length - 300 feet
Width - 1,000 feet
Ratio - 0.3:1 < 1:2 (length to width)

Pier: Length - 300 feet
Width - 80 feet
Ratio - 3.75:1 > 1:2 (length to width)

platform, existing

Applicable to Article IV - Chapter 2

An “existing platform” is a #platform# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

platform, new

Applicable to Article VI - Chapter 2

A “new platform” is any #platform# other than an #existing platform#.

plaza

General Definition
Last Amended 10/17/2007

A "plaza" is an open area for public use on a #zoning lot developed#, from December 15, 1961, to June 11, 1996, in accordance with the requirements set forth in APPENDIX E, Section E27-50 (PLAZA STANDARDS OF 1961), of this Resolution.

plaza, public

General Definition
Last Amended 2/2/2011

A “public plaza” is an open area for public use provided in accordance with the requirements set forth in Section 37-70, inclusive.

plaza, residential

General Definition
Last Amended 10/17/2007

A "residential plaza" is an open area for public use on a #zoning lot developed# from March 2, 1977, to October 17, 2007, in accordance with the requirements set forth in APPENDIX E, Article II, Chapter 7, of this Resolution.

plaza, urban

General Definition
Last Amended 10/17/2007

An "urban plaza" is an open area for public use on a #zoning lot developed#, from April 16, 1975, to June 11, 1996, in accordance with plans certified by the Chairperson of the City Planning Commission or, from June 13, 1996, to October 17, 2007, in accordance with the requirements set forth in APPENDIX E, Section E37-04, of this Resolution.

predominant or predominantly

Applicable to Article VI - Chapter 2

“Predominant” or “predominantly” shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot# or, in the case of open #uses#, the #lot area# or #pier water coverage#, as applicable.

predominantly built-up area

General Definition
Last Amended 12/5/2024

A “predominantly built-up area” is an area in R4 or R5 Districts without a letter or number suffix eligible for the optional #bulk# regulations set forth in Section 23-71, inclusive.

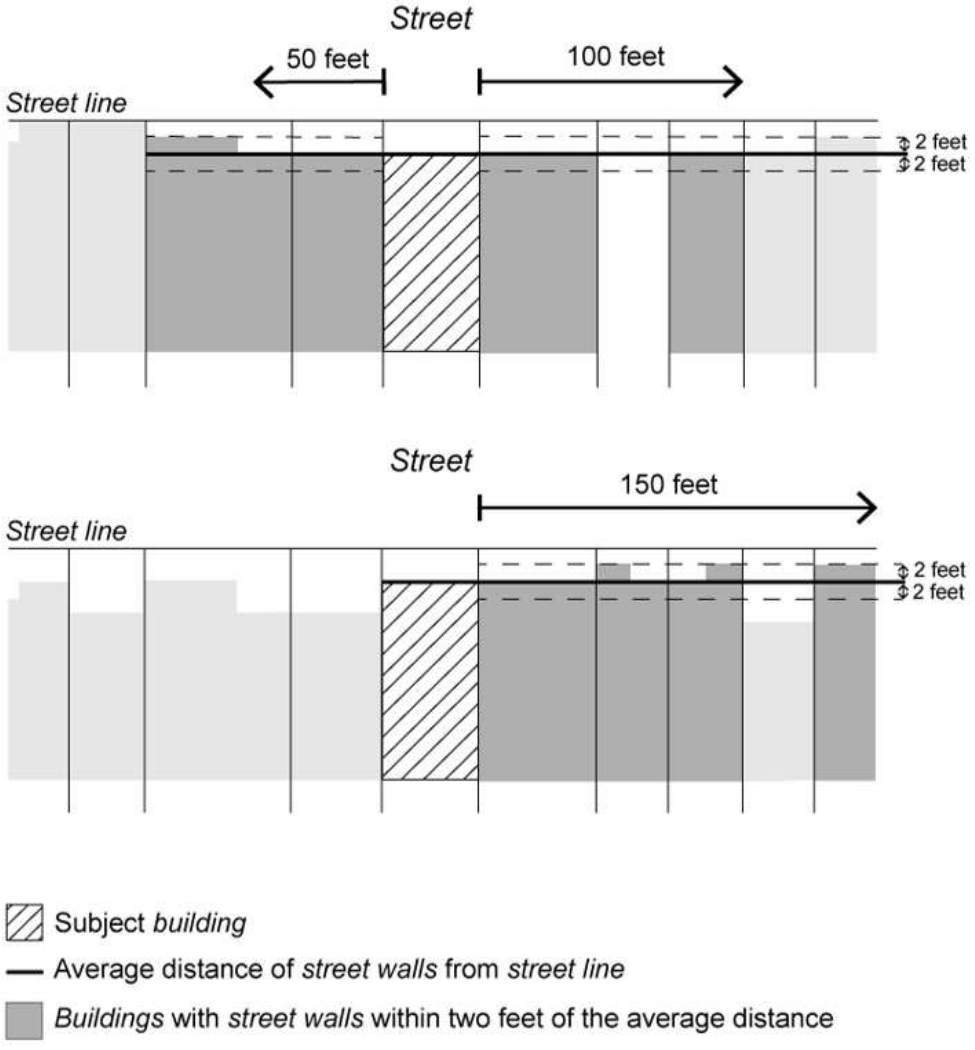
prevailing street wall frontage

General Definition
Last Amended 12/5/2024

A “prevailing street wall frontage” shall refer to #block# frontages where, within 150 feet of the #street wall# of a subject #building#, at least half of the #aggregate width of street walls# on the same side of the #block# are within two feet of the average distance of such #street walls# from the #street line#. The total #aggregate width of street walls# shall not be less than 100 feet. The 150-foot selection may be measured in either direction from the subject property, or may be the total dimension

extending from both directions (see illustration below).

For the purpose of calculating the average distance of #street walls# from the #street line#, the distance of each #street wall# segment, with a width of at least five feet, from the #street line# shall be multiplied by its width. The sum of the products thus obtained, divided by total length of #aggregate width of street walls# within the 150-foot selection, shall result in the average distance. To determine whether the #street wall# on the subject property is eligible to utilize certain #street wall# location modifications applicable to #prevailing street wall frontage#, the percentage of #street wall# segments that are within the 150-foot selection and within two feet of such average distance, shall be greater than 50 percent.



primary entrance

General Definition
Last Amended 2/2/2011

“Primary entrances” are the principal entrances to a #building# utilized for day-to-day pedestrian ingress and egress. Other entrances solely used for freight, service or emergency egress shall not constitute a #primary entrance#.

primary frontage

Applicable from 37-30 to 37-362
Last Amended 6/6/2024

FROM SECTION 37-311:

For the purposes of Section 37-30, inclusive, a “primary frontage” shall be the portion of the #ground floor level# #designated frontage along any of the following:

(a) a #wide street#;

(b) a #narrow #street# where a #Commercial District# is mapped along an entire #block# frontage; or

(c) another frontage specifically designated as a #primary frontage# in a Special Purpose District or other streetscape provision of this Resolution.

primary frontage

Applicable to Article VI - Chapter 4

FROM 64-11: For the purposes of applying the provisions of Section 64-322(c), a “primary street frontage” shall include:

(a) in #Commercial Districts#, frontages that meet the criteria for a “primary street frontage” as defined in Section 37-311;

(b) in M1 Districts paired with #Residence Districts#, frontages along:

(1) #wide streets#;

(2) #narrow streets# within 50 feet of a #wide street#; and

(3) #narrrow streets# where an M1 District paired with a #Residence District# is mapped along an entire #block# frontage; and

(c) frontages where non-#residential uses# are required at the #ground-floor level# pursuant to a Special Purpose District or #waterfront public access area#.

primary retail street

Applicable to Article XII - Chapter 4

FROM 124-02

primary retail street

The “primary retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

primary street frontage

Applicable to Article VI - Chapter 4
Last Amended 6/6/2024

FROM SECTION 64-11:

For the purposes of applying the provisions of Section 64-322(c), a "primary street frontage" shall include:

(a) in #Commercial Districts#, frontages that meet the criteria for a "primary frontage" as defined in Section 37-311;

(b) in M1 Districts paired with #Residence Districts#, frontages along:

(1) #wide streets#;

(2) #narrow streets# within 50 feet of a #wide street#; and

(3) #narrrow streets# where an M1 District paired with a #Residence District# is mapped along an entire #block# frontage; and

(c) frontages where non-#residential uses# are required at the #ground-floor level# pursuant to a Special Purpose District or #waterfront public access area#.

primary transit-adjacent sites

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, "primary transit-adjacent sites" shall refer to ***transit-adjacent sites*** that have a ***lot area*** of 5,000 square feet or more.

private road

General Definition
Last Amended 12/6/2023

A "private road" is a right-of-way, other than a #street#, that provides vehicular access from a #street# to five or more #dwelling units# that are within #buildings# or #building segments# that are located wholly beyond 50 feet of a #street line# or #street setback line#.

An individual driveway serving fewer than five parking spaces shall not be considered a #private road#.

However, in #lower density growth management areas#, a private road is a right-of-way, other than a #street#, that provides vehicular access from a #street# to:

(a) three or more #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line#; or

(b) one or two #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line# that contain five or more #dwelling units#.

Regulations for #private roads# are located in Sections 26-00 (APPLICABILITY OF THIS CHAPTER) and 37-10 (SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS).

profile curve

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277
Last Amended 8/9/2017

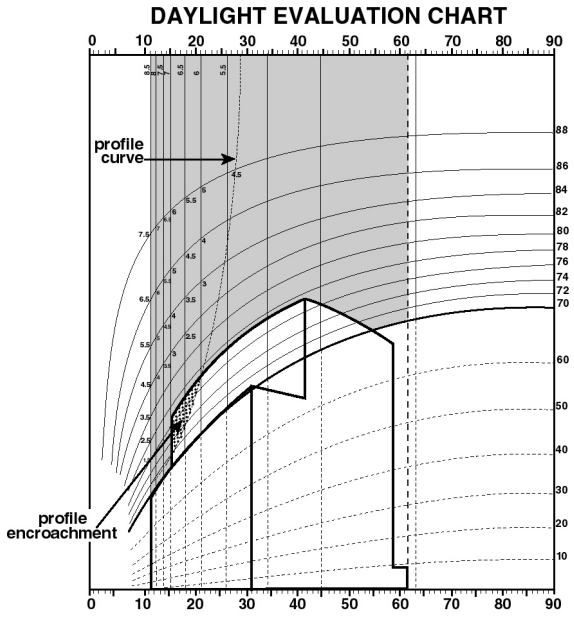
A curved line on the #daylight evaluation chart# rising from the intersection of the curved line representing an elevation angle of 72 degrees with the vertical line at the #far lot line#. The #profile curve# is used to evaluate a #building's# obstruction of the sky as seen in profile from the #vantage point#.

profile encroachment

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277

Last Amended 8/9/2017

The space on the #daylight evaluation chart# which, when viewed from the #vantage point#, is on the far side of the #profile curve# and which is blocked by the projection of the #building# on the #daylight evaluation chart#. (See illustration of #Profile Encroachment#)



public park

General Definition

Last Amended 12/15/1961

A "public park" is any publicly owned park, playground, beach, parkway or roadway within the jurisdiction and control of the Commissioner of Parks and Recreation, except for park strips or malls in a #street# the roadways of which are not within the Commissioner's jurisdiction and control.

public parking garage

General Definition

Last Amended 12/6/2023

A "public parking garage" is a #building or other structure#:

(a) that provides parking or storage for motor vehicles, but not for the dead storage of motor vehicles; and

(b) some or all of whose parking spaces are non-#accessory#.

A #public parking garage# may include #accessory# off-street parking spaces limited to such spaces that are #accessory# to other #uses# on the same #zoning lot#.

Minor repairs incidental to the parking or storage of motor vehicles is a permitted #accessory use#.

public parking lot

General Definition
Last Amended 12/6/2023

A "public parking lot" is any open area on a #zoning lot# that is:

(a) used for the parking or storage of motor vehicles, but not for the dead storage of motor vehicles; and

(b) not #accessory# to a #use# on the same or another #zoning lot#.

Minor repairs incidental to the parking or storage of motor vehicles is a permitted #accessory use#.

public plaza

General Definition

see #plaza, public#

Public Realm Improvement Fund

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund" (the "Fund") shall be a separate interest-bearing account established for the deposit of contributions made when #developments# or, where permitted, #enlargements# on #qualifying sites# in the East Midtown Subdistrict will exceed the basic maximum #floor area ratio# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) through their utilization of the provisions of Sections 81-642 (Transfer of development rights from landmarks to qualifying sites), 81-643 (Special provisions for retaining non-complying floor area in commercial buildings) or 81-685 (Special permit to modify qualifying site provisions). The Fund shall be utilized, at the discretion of the #Public Realm Improvement Fund Governing Group#, to provide funding to implement improvements to the East Midtown Subdistrict, and its immediate vicinity, in the Borough of Manhattan. Upon receipt of any contribution, the #Public Realm Improvement Fund Governing Group# or the Department of City Planning shall notify the Comptroller of the City of New York and the Speaker of the New York City Council and promptly deposit it into the Fund.

Public Realm Improvement Fund Development Rights Valuation

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund Development Rights Valuation" ("Development Rights Valuation") shall be a value per square foot of transferable development rights in the East Midtown Subdistrict, which shall provide a basis for establishing a minimum contribution to the #Public Realm Improvement Fund#. As of August 9, 2017, the Development Rights Valuation shall be set at $307.45 per square foot.

When proposing an adjustment to the Development Rights Valuation, the Department of City Planning shall undertake a transferrable development rights valuation study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust the Development Rights Valuation, pursuant to the City Administrative Procedures Act not more than once every three years and not less than once every five years.

An applicant, upon written request to the Commission, may request a transferable development rights valuation study to evaluate whether the Development Rights Valuation should be modified for a particular #qualifying site# based upon any recent changes in market conditions within the Subdistrict. The study must be paid for by the applicant and completed within a one-year timeframe. The Department of City Planning shall initiate the study, to be conducted by qualified professionals utilizing industry best practices. Where the study demonstrates that the value of the development rights for the #qualifying site# is less than the Development Rights Valuation, the Commission shall, by certification, and in connection with a certification pursuant to Section 81-642 (Transfer of development rights from landmarks to qualifying sites), modify the required contribution to 20 percent of the adjusted valuation.

Public Realm Improvement Fund Governing Group

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund Governing Group" (the "Governing Group") shall be established to administer the #Public Realm Improvement Fund# (the "Fund"), and shall consist of 13 members: seven members shall be representatives of City agencies, appointed by and serving at the pleasure of the Mayor; one member shall be a representative of a citywide civic organization, appointed by the Office of the Manhattan Borough President; one

member shall be a representative of the Office of the Manhattan Borough President; one member shall be a representative of the New York City Council member representing the City Council district encompassing the largest portion of the East Midtown Subdistrict; one member shall be a representative of the Speaker of the City Council; one member shall be a representative of Manhattan Community Board 5; and one member shall be a representative of Manhattan Community Board 6. The Governing Group shall be a local development corporation, organized pursuant to the New York State Not-for-Profit Corporation Law, and affiliated with City government for purposes of the New York State Public Authorities Law, whose organizational purpose shall be limited solely to the purposes set forth in this Chapter. Each member shall have one vote, and all Governing Group decisions, as set forth below, shall be upon a majority vote at a public meeting at which a quorum is present. A quorum shall consist of a majority of the members.

The purpose of the Governing Group shall be to bolster and enhance East Midtown's status as a premier central business district with a high-quality public realm, by allocating funds from the Fund to implement public realm improvement projects. The Governing Group shall establish and maintain a Public Realm Improvement Concept Plan ("Concept Plan") for the purpose of creating a list of priority improvements, and shall have the authority to amend such Concept Plan, and associated list of improvements, as necessary. All priority improvements in the Concept Plan shall meet the criteria set forth in Section 81-683 (Criteria for improvements in the Public Realm Improvement Concept Plan).

Establishment of the Concept Plan, amendment of the Concept Plan, calendaring of items for a vote to fund, and designation of funding for a specific public realm improvement on the Concept Plan shall be decisions requiring a majority vote of the Governing Group at a meeting at which a quorum is present. If only members of the Governing Group appointed by the Mayor vote to calendar a particular public realm improvement for a vote to fund it, the Governing Group shall conduct a public hearing on the matter prior to such improvement being placed on the calendar for vote. In addition, if any member of the Governing Group puts forth a proposed public realm improvement, discussion of such improvement shall be added to the agenda of the next public meeting. Establishment of the initial Concept Plan shall be completed no later than November 1, 2017.

In the event that more than 20 million dollars remains in the Fund for more than three years, the Governing Group shall be required to hold a vote either to fund a public realm improvement project or to retain the funds.

The Governing Group shall adopt procedures for the conduct of its activities. Such procedures shall be consistent with the requirements of the New York State Open Meetings Law (Article 7, NYS Public Officers Law), which procedures shall also be consistent with the goals of the Subdistrict. Those procedures shall be publicly available by posting on the Department of City Planning's website, and shall include rules requiring reporting and transparency including, but not limited to, the following: procedures on the adoption and amendment of the concept plan and opportunity for public comment thereon; requirements to provide a transcript or recording of all public meetings and hearings; and transparency and annual reporting requirements concerning deposits into and expenditures from the Fund. The Governing Group shall annually update the Concept Plan by providing a list of all projects on the Concept Plan to date, those added or removed in the past year, the dollar amount of funds designated to each project on the Concept Plan, to the extent available, the estimated cost of each project on the Concept Plan, and the schedule for all projects for which a decision to designate funding has been made by the Governing Group. Such annual update shall be posted on the Department of City Planning's website no later than January 15 of each calendar year following the establishment of the initial Concept Plan. All meetings of the Governing Group shall be open to the public with advance public notice provided of all meetings and public hearings.

publicly accessible open area

General Definition
Last Amended 10/17/2007

A "publicly accessible open area" is an open area for public use on a #zoning lot developed# in accordance with the requirements of a #plaza#, #residential plaza#, #urban plaza# or #public plaza#.

publicly accessible private street

Applicable to Article XII - Chapter 7

FROM 127-04:

publicly accessible private street

A “publicly accessible private street” is a way specified on Map 2 in the Appendix to this Chapter that functions as a #street# for the purposes of general public use, including vehicular and pedestrian traffic, and is open and unobstructed from its ground level to the sky, except by streetscape elements required or permitted by the provisions of this Chapter.

publicly accessible private street

Applicable to Article XII - Chapter 7

FROM 127-04:

publicly accessible private street

A “publicly accessible private street” is a way specified on Map 2 in the Appendix to this Chapter that functions as a #street# for the purposes of general public use, including vehicular and pedestrian traffic, and is open and unobstructed from its ground level to the sky, except by streetscape elements required or permitted by the provisions of this Chapter.

qualifying affordable housing

General Definition
Last Amended 12/5/2024

“Qualifying affordable housing” shall include any of the following:

(a) #MIH developments# in #Mandatory Inclusionary Housing areas#;

(b) #UAP developments#; or

(c) #buildings# subject to an #affordable housing regulatory agreement#.

Defined terms in this definition shall include those in Section 27-111 (General definitions).

For the purposes of applying the #bulk# regulations of this Resolution to #buildings# subject to an #affordable housing regulatory agreement# that contain #community facility# #uses#, the #residential# #bulk# regulations applicable to #qualifying affordable housing# may be applied, or the applicable #community facility# #bulk# regulations may be applied. Where the #residential# #bulk# regulations are applied, such #community facility uses# shall be considered #residential#, and the term #dwelling unit# shall include "dwelling units" and "rooming units", as set forth in the Housing Maintenance Code.

qualifying building

Applicable to Article XIV - Chapter 3
Last Amended 12/15/2021

[From Section 143-02]:

For the purposes of this Chapter, a "qualifying building" shall be any #building# where, prior to December 15, 2021:

(a) such #building# contained at least 60,000 square feet of #floor area#; and

(b) at least 20 percent of the #floor area# within such #building# was allocated to non-#residential# #floor area#, as such term is utilized in Section 143-14.

qualifying building

Applicable to Article VIII - Chapter 8
Last Amended 3/20/2013

[From Section 88-01]:

For the purposes of this Chapter, a "qualifying building" shall be any #building# that contained at least 70,000 square feet of #floor area# on March 20, 2013.

qualifying exterior wall thickness

General Definition
Last Amended 12/6/2023

"Qualifying exterior wall thickness" shall refer to the floor space occupied by exterior wall thickness added to a #building# existing on December 6, 2023, where:

(a) for over-cladding projects: such wall thickness is added to a wall existing on December 6, 2023, up to a maximum of 12 inches, provided the added wall thickness has an aggregate thermal resistance (R-value) of at least 1.5 per inch; or

(b) for re-cladding projects: such wall thickness is located within a new wall that replaces a wall existing on December 6, 2023, where the qualifying portion is occupied by additional thickness relative to the previous wall, up to a maximum of 12 additional inches, and provided that the new wall shall comply with the minimum prescriptive and mandatory requirements for building thermal envelopes of the current New York City Energy Conservation Code.

#Qualifying exterior wall thickness# shall also include exterior wall thickness in exterior walls constructed between April 30, 2012 and December 6, 2023 where such exterior wall thickness satisfied the requirements of paragraph (12)(ii) of the definition of #floor area# in effect at the time of

construction.

#Qualifying exterior wall thickness# need not exclusively contain insulating materials and may include wall thickness occupied by conduits, ductwork, pipes, or other essential non-insulating building components.

qualifying residential site

General Definition
Last Amended 12/5/2024

A "qualifying residential site" is a #zoning lot#, or portion thereof:

(a) in an R1 through R5 District, that:

(1) meets the following criteria:

(i) has a minimum #lot area# of at least 5,000 square feet;

(ii) is located within the #Greater Transit Zone#. For the purposes of this definition, the geography of the #Outer Transit Zone# shall only include those areas within a specified distance of #mass transit stations#, as defined in Section 66-11 (Definitions), existing on December 5, 2024;

(iii) has frontage along a #wide street# or along the #short dimension of a block#; and

(iv) is not located within an R1 or R2 District; or

(2) is located within the #Greater Transit Zone# and includes a #building# that contains floor space allocated to #community facility# #uses# existing on December 5, 2024;

(3) is located outside of the #Greater Transit Zone#, has a minimum #lot area# of at least 5,000 square feet and includes a #building# that contains floor space allocated to #community facility# #uses# existing on December 5, 2024; or

(4) is located in an R3-2, R4 without a letter or number suffix, R5 or R5B District, and contains #qualifying senior housing#;

(b) in a C1, C2 or C4 District mapped within, or with a #residential equivalent# of, an R1 through R5 District:

(1) that meets the following criteria:

(i) the #Commercial District# in which the #zoning lot# is located, or a combination of #Commercial Districts#, extends continuously over an entire #street# frontage on the #block# and on at least one adjacent #block#, whether on the same or opposite side of the #street#, a #Commercial District# is mapped along the same #street# frontage; and

(ii) along the long dimension of the #Commercial District# in which the #zoning lot# is located, or a combination of #Commercial Districts#, not more than 50 percent of the length of the #zoning lots# located entirely within such #Commercial District# consists of #zoning lots# that were #developed# exclusively with #single-# or #two-family residences#, and such #residences# were also in existence as #single-# or #two-family residences# on December 5, 2024; or

(2) where the conditions of (b)(1) cannot be met, the #zoning lot# meets one of the criteria set forth in paragraph (a). For the purposes of applying such provisions, where #Residence District# limitations apply, they shall not extend where a #Commercial

District# is mapped within such #Residence Districts#; or

(c) in an M1 District paired with an R1 through R5 District.

For #zoning lots# utilizing the #floor area ratio# provisions for #qualifying residential sites# in Section 23-21 (Floor Area Regulations for R1 Through R5 Districts), where the permitted #residential# #floor area# on the #zoning lot# exceeds 50,000 square feet, all of the #residential floor area# that exceeds an amount equivalent to the maximum #floor area ratio# in such Section divided by 1.2, shall be restricted pursuant to an #affordable housing regulatory agreement#, or restricted pursuant to a #restrictive declaration# to occupancy by #households# having an income less than or equal to a weighted average of 80 percent of the #income index# at initial occupancy, with no more than three #income bands# and no #income band# exceeding 100 percent of the #income index#, and shall meet any additional requirements as specified by HPD in the #guidelines#, as those terms are defined in Section 27-111 (General definitions).

qualifying rooftop greenhouse

General Definition
Last Amended 12/6/2023

A “qualifying rooftop greenhouse” shall refer to any rooftop greenhouse that:

(a) is located on the roof of a #building# that does not contain #residences#;

(b) will be used primarily for cultivation of plants; and

(c) has roofs and walls consisting of at least 70 percent transparent materials.

Such qualifying rooftop greenhouses shall be exempt from the definition of #floor area#, and shall be considered a permitted obstruction to height and setback, as set forth in the applicable district regulations.

Rooftop greenhouses which do not meet the requirements of this definition may also be permitted pursuant to the underlying district regulations, but shall not be exempt from the definition of #floor area#, and shall not be permitted obstructions to height and setback.

qualifying senior housing

General Definition
Last Amended 12/5/2024

"Qualifying senior housing" shall include the following types of facilities:

(a) #affordable independent residences for seniors#; or

(b) #long-term care facilities#.

qualifying site

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, a "qualifying site" shall refer to a #zoning lot#:

(a) that is not located in the Vanderbilt Corridor Subarea;

(b) that has frontage along a #wide street#;

(c) where, at the time of #development# or, where permitted, #enlargement#, either:

(1) at least 75 feet of such #zoning lot's# #wide street# frontage is clear of #buildings or other structures#; or

(2) the entire #block# frontage along such #wide street# is occupied by one or more #landmark buildings or other structures#; or

(3) such #zoning lot's# #wide street# frontage is occupied by an existing easement volume that is being preserved, or reconfigured in accordance with Section 81-673 (Mass transit access);

(d) where a #building# is #developed# or, where permitted, #enlarged#, in accordance with the #floor area# provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites), and such #development# or, where permitted, #enlargement# exceeds the basic maximum #floor area# set forth in Row A of the table in Section 81-64 and such #building# or publicly accessible space occupies the cleared area in paragraph (c)(1) of this definition, unless the provisions of paragraphs (c)(2) or (c)(3) apply;

(e) where a maximum of 20 percent of the #floor area# permitted on such #zoning lot# is allocated to #residential uses#; and

(f) where such #building# being #developed# or, where permitted, #enlarged#, complies with the performance requirements of paragraph (a) and the publicly accessible space requirements of paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites).

qualifying transit improvement sites

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

[From Section 66-11]:

For the purposes of this Chapter, "qualifying transit improvement sites" shall refer to ***zoning lots*** that are:

(a) located in one of the following zoning districts:

(1) R9 or R10 Districts;

(2) ***Commercial Districts*** mapped within, or with an equivalent of an R9 or R10 District;

(3) M1 Districts paired with an R9 or R10 District; or

(4) M1-6 Districts; and

(b) located wholly or partially within the following distance from a ***mass transit station***:

(1) 500 feet for such ***zoning lots*** outside of ***Central Business Districts***; or

(2) 1,500 feet for such ***zoning lots*** and ***mass transit stations*** within ***Central Business Districts***.

Such distance shall be measured from the outermost extent of the ***mass transit station***. For the purposes of such calculation, the outermost extent may include ***buildings*** containing ***easement volumes*** serving such ***mass transit station***.

qualifying transit improvement sites

Applicable to Article XIV - Chapter 1
Last Amended 10/7/2021

[From Section 66-11]:

For the purposes of this Chapter, "qualifying transit improvement sites" shall refer to ***zoning lots*** that are:

(a) located in one of the following zoning districts:

(1) R9 or R10 Districts;

(2) ***Commercial Districts*** mapped within, or with an equivalent of an R9 or R10 District;

(3) M1 Districts paired with an R9 or R10 District; or

(4) M1-6 Districts; and

(b) located wholly or partially within the following distance from a ***mass transit station***:

(1) 500 feet for such ***zoning lots*** outside of ***Central Business Districts***; or

(2) 1,500 feet for such ***zoning lots*** and ***mass transit stations*** within ***Central Business Districts***.

Such distance shall be measured from the outermost extent of the ***mass transit station***. For the purposes of such calculation, the outermost extent may include ***buildings*** containing ***easement volumes*** serving such ***mass transit station***.

Quality Housing building

General Definition
Last Amended 12/5/2024

A "Quality Housing building" is a #building#, #developed#, #enlarged#, #extended# or #converted#, pursuant to the Quality Housing Program as such program existed prior to December 5, 2024.

railroad right-of-way

General Definition
Last Amended 12/5/2024

A "railroad right-of-way" is a tract of land where a railroad company has a right to occupy or use such land for railroad or transit tracks, freight terminals, yards, or appurtenant facilities or services used or required in railroad operations.

railroad right-of-way, former

General Definition
Last Amended 12/5/2024

A “former railroad right-of-way” is a tract of land where a railroad company had a right to occupy or use such land for railroad or transit tracks, freight terminals, yards, or appurtenant facilities or services used or required in railroad operations on December 5, 2024, and the right was subsequently abandoned or extinguished, or has been deemed unnecessary by the railroad company for railroad operations.

rear lot line

General Definition

see #lot line, rear#

rear yard

General Definition

see #yard, rear#

rear yard equivalent

General Definition

see #yard equivalent, rear#

rear yard line

General Definition

see #yard line, rear#

receiving lot

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, a "receiving lot" shall mean a #zoning lot# to which development rights of a #granting lot# are transferred. Such #receiving lot# may receive a transfer of development rights pursuant to Sections 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), 81-642 (Transfer of development rights from landmarks to qualifying sites), or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites).

reference plane

Applicable to Article VI - Chapter 4

The "reference plane" is a horizontal plane from which the height and setback regulations governing a #building or other structure# may be measured, in accordance with certain provisions of this Chapter. The #reference plane# shall not be located above the #first story above flood elevation#, as applicable.

For #zoning lots# located wholly or partially within the #high-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of 10 feet above the #base plane# or #curb level#, as applicable. However, where the #flood-resistant construction elevation# exceeds a height of 10 feet above the #base plane# or #curb level#, as applicable, the #reference plane# may be established at the #flood-resistant construction elevation#.

For #zoning lots# located wholly or partially within the #moderate-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of five feet above the #base plane# or #curb level#, as applicable.

Referenced commercial and manufacturing uses

General Definition

Last Amended 6/6/2024

“Referenced commercial and manufacturing uses” consist of the following #commercial# and #manufacturing uses#:

From Use Group I

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

From Use Group VI

All #uses# listed under Repair and Maintenance

Industrial drycleaning and laundry services

From Use Group VII

Laboratories

From Use Group VIII

Art, music, dancing or theatrical studios

Production or entertainment studios

From Use Group X

All #uses#.

residence district

General Definition

Last Amended 2/2/2011

A "Residence District" includes any district whose designation begins with the letter "R."

For example, an "R6" District includes any district whose designation begins with the symbol "R6."

residence, or residential

General Definition

Last Amended 3/22/2016

A "residence" is one or more #dwelling units# or #rooming units#, including common spaces such as hallways, lobbies, stairways, laundry facilities, recreation areas or storage areas. A #residence# may, for example, consist of one-family or two-family houses, multiple dwellings, boarding or rooming houses, or #apartment hotels#. However, #residences# do not include:

(a) such transient accommodations as #transient hotels#, #motels# or #tourist cabins#, or #trailer camps#;

(b) #non-profit hospital staff dwellings#; or

(c) student dormitories, fraternity or sorority student houses, monasteries or convents, #long-term care facilities#, or other living or sleeping accommodations in #community facility buildings# or portions of #buildings# used for #community facility uses#.

"Residential" means pertaining to a #residence#.

residential building

General Definition
Last Amended 2/2/2011

A "residential building" is a #building# used only for a #residential use#.

residential equivalent

General Definition
Last Amended 12/5/2024

A “residential equivalent” is the applicable #Residence District# assigned to apply the #bulk# regulations for a particular #Commercial District# that permits #residences#.

residential plaza

General Definition

see #plaza, residential#

residential street

Applicable to Article XII - Chapter 4

FROM 124-02:

residential street

A “residential street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

residential use

General Definition
Last Amended 6/6/2024

A "residential use" is any #use# listed in Use Group II.

retail street

Applicable to Article XII - Chapter 4

FROM 124-02:

retail street

A “retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

rooming unit

General Definition
Last Amended 12/5/2024

A “rooming unit” consists of any "living room," as defined in the Multiple Dwelling Law, in a #residential building# or a #residential# portion of a #building# which is not a #dwelling unit# or part of a #dwelling unit#.

rooms

General Definition
Last Amended 7/26/2001

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

sale price

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, “sale price” shall mean the total consideration exchanged for transferred #floor area# pursuant to certification to transfer development rights from #zoning lots# occupied by #landmark buildings or other structures# within the East Midtown Subdistrict to a #qualifying site#. The total consideration shall include all consideration as defined in Chapter 21 of the Administrative Code of the City of New York and Title 19 of the Rules of the City of New York, as they may be amended, or their successor provisions, whether or not subject to tax under that Chapter. The total consideration shall also include any other compensation in whatever form received in exchange for the #floor area#, including contingent consideration. A valuation prepared pursuant to procedures established by rule of the City Planning Commission or the New York City

Department of Finance shall be required for all consideration in a form other than cash. The application for certification shall include affidavits from the buyer and seller, attesting under penalty of perjury, that all of the terms of the transaction and all the consideration have been disclosed, and may be subject to audit.

scenic view

Applicable to Article X - Chapter 2

FROM 102-01:

scenic view

A "scenic view" is an outstanding or unique view from a mapped #public park# or an esplanade or a mapped public place which is protected by the regulations of this Chapter. #Scenic views# shall be limited to:

(a) distant landscapes of scenic grandeur which contain natural features such as hills, palisades or similar features;

(b) outstanding views of large bodies of water such as rivers, streams, lakes, harbors, waterfalls or similar aquatic features; or

(c) panoramic views of the waterfront profile of the skyline formed by built and natural elements.

The minimum horizontal distance between the #scenic view# and a #view reference line# shall be at least 1,500 feet and shall not contain distractions which reduce the quality of such view. The specific view to be preserved under the regulation of this #Special Scenic View District# shall be described and made part of this Chapter.

school

General Definition

Last Amended 1/18/2011

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

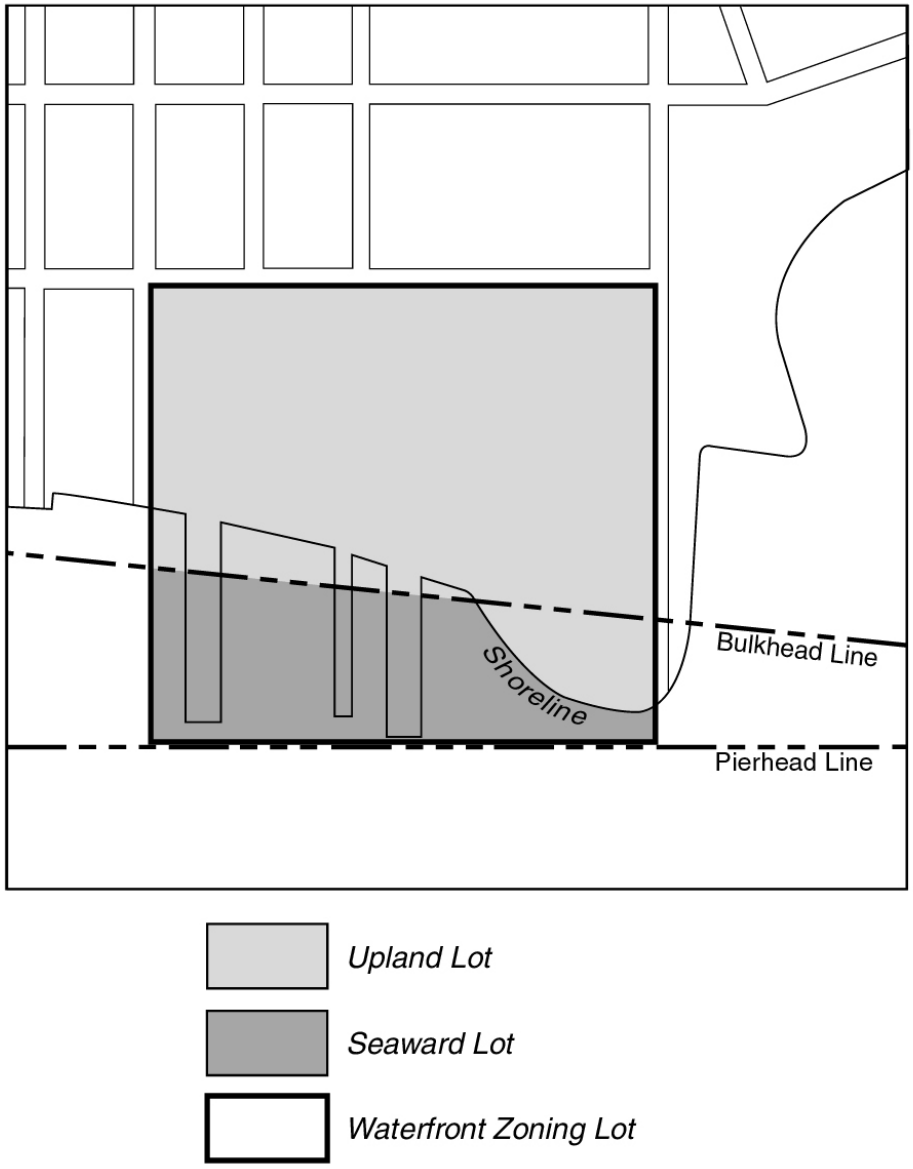
(2) which is operated by the Department of Education or any established religious organization as part of an elementary school; or

(c) a child care service operating under a permit issued pursuant to Section 47.03 of the New York City Health Code.

seaward lot

Applicable to Article VI - Chapter 2

A “seaward lot” is the portion of a #waterfront zoning lot# located seaward of the bulkhead line, except for any land above water included as part of the #upland lot#.



SEAWARD/UPLAND LOTS

(62 - 11.4)

secondary frontage

Applicable from 37-30 to 37-362

Last Amended 6/6/2024

FROM SECTION 37-311:

For the purposes of Section 37-30, inclusive, a “secondary frontage” shall be the portion of a #ground floor level# #designated frontage# subject to the provisions of Section 37-30, inclusive, that is not a #primary frontage#.

secondary transit-adjacent sites

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, “secondary transit-adjacent sites” shall refer to ***transit-adjacent sites*** that have a ***lot area*** of less than 5,000 square feet.

Select commercial overlay

General Definition
Last Amended 6/6/2024

“Select commercial overlays” shall be any of the following C1 or C2 Districts: C1-1, C1-2, C1-3 or C1-4 Districts or C2-1, C2-2, C2-3 or C2-4 Districts.

select community facility uses

Applicable to Article XIII - Chapter 9
Last Amended 11/23/2021

From Section 139-01: For the purposes of this Chapter, the following ***community facility uses*** shall also be considered “select community facility uses”:

Houses of worship, rectories or parish houses; and

Health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health.

Select entertainment facilities

General Definition
Last Amended 6/6/2024

A “select entertainment facility” is any establishment providing amusement or recreation activities found in the following North American Industry Classification System (NAICS) industry codes:

(a) #uses# listed under industry code 71395 (Bowling Centers); or

(b) the following #uses# from industry code 71399 (All Other Amusement and Recreation Industries):

Billiard or pool parlors

Escape rooms

Model car racing centers.

select mass transit stations

General Definition
Last Amended 12/5/2024

For the purposes of establishing the geography of the #Outer Transit Zone#, “select mass transit stations” shall include the following #mass transit stations#, as defined in Section 66-11 (Definitions):

(a) the Bellerose, Belmont, Douglaston, Far Rockaway, Floral Park, Hollis, Inwood, Laurelton, Little Neck, Locust Manor, Queens Village, Rosedale or St. Albans Long Island Railroad stations; and

(b) the Riverdale, Spuyten Duyvil, Wakefield or Woodlawn Metro North stations.

self-service storage facility

General Definition
Last Amended 6/6/2024

A “self-service storage facility” is a moving or storage office, or a warehouse establishment, as listed in Use Group IX, for the purpose of storing personal property, where:

(a) such facility is partitioned into individual, securely subdivided space for lease; or

(b) such facility consists of enclosed or unenclosed floor space which is subdivided by secured bins, boxes, containers, pods or other mobile or stationary storage devices; and

(c) such floor space or storage devices are less than 300 square feet in area and are to be leased or rented to persons or businesses to access, store or remove property on a self-service basis.

semi-detached (building)

General Definition
Last Amended 12/5/2024

A “semi-detached” #building# is a #building# that #abuts# only one other #building#, other than an #attached building#, on an adjoining #zoning lot# along only one #side lot line# and which is surrounded on all other sides by #yards#, other open areas or #street lines#.

service street

Applicable to Article XII - Chapter 4

FROM 124-02:

service street

A “service street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Setback line

Applicable to Article VIII - Chapter 1

Last Amended 2/2/2011

A line drawn in plan parallel to a #street line# and showing for a given #building# height the minimum depth to which a #building# is required to be set back from the #street line# by the applicable depth to height chart in Section 81-263 (Standard setback requirements). Required setbacks, established by the chart, increase with the #building's# height.

(See illustration of #Setback Line# and #Half-Setback Line#)

[SETBACK LINE AND HALF-SETBACK LINE - two images]

severe disaster

General Definition

Last Amended 5/12/2021

A “severe disaster” shall include any event within any boundary of the City of New York, for which the Mayor proclaims a local state of emergency, or the Governor declares a disaster emergency.

Shore public walkway

Applicable to Article XI - Chapter 6

FROM 116-01:

Shore public walkway

A "shore public walkway" is a linear public access area along the shore or water edges of a ***platform*** on a ***waterfront zoning lot***.

shore public walkway

Applicable to Article VI - Chapter 2

A “shore public walkway” is a linear public access area running alongside the shore or water edges of a #platform# on a #waterfront zoning lot#.

shoreline

General Definition
Last Amended 10/25/1993

The "shoreline" is the mean high water line, as determined in accordance with the procedure set forth by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

shoreline

Applicable to Article XIV - Chapter 4
Last Amended 12/15/2021

From Section 144-01:

The definition of #shoreline# set forth in Section 12-10 is modified for the purposes of this Chapter to mean the shoreline on a survey available on the Department of City Planning website.

shoreline adjacent lot

Applicable to Article XIV - Chapter 2
Last Amended 8/8/2018

[From Section 142-04]:

For the purposes of this Chapter, a “shoreline adjacent lot” shall refer to a #waterfront zoning lot# with a #shoreline# length of more than 100 feet, or any #zoning lot# that has entered into a binding agreement to improve and maintain a #waterfront public access area# for an adjoining #waterfront zoning lot#.

short dimension of a block

General Definition
Last Amended 12/5/2024

The “short dimension of a block” shall be a #block# frontage where the dimension between any two #streets# bounding the #block# measures less than 230 feet.

show window

General Definition
Last Amended 12/15/1961

A "show window" is a window or opening in the exterior wall of any portion of a #building# used for business purposes, through which merchandise, services or business are displayed or advertised. A window glazed with transparent glass in the business portion of a #building#, any part of which window is less than six feet above the sidewalk or the established sidewalk grade beneath the window, shall be a #show window#.

side lot line

General Definition
Last Amended 6/30/1989

see #lot line, side#

side lot ribbon

General Definition
Last Amended 6/30/1989

A "side lot ribbon" is that portion of the #zoning lot# that is contiguous to, and extends along the entire length of, a #side lot line# from the #street line# to an intersecting #rear lot line#, #side lot line# or other #street line#. Where a #side lot ribbon# is used for a common driveway serving two #zoning lots#, the #side lot ribbon# may occupy space on both sides of a #side lot line#.

side yard

General Definition

See #yard, side#

sign

General Definition
Last Amended 4/8/1998

A "sign" is any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), flag, (including banner or pennant) or any other figure of similar character, that:

(a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a #building or other structure#;

(b) is used to announce, direct attention to or advertise; and

(c) is visible from outside a #building#. A #sign# shall include writing, representation or other figures of similar character, within a #building#, only when illuminated and located in a window.

However, non-#illuminated signs# containing solely non-commercial copy with a total #surface area# not exceeding 12 square feet on any #zoning lot#, including memorial tablets or signs displayed for the direction or convenience of the public, shall not be subject to the provisions of this Resolution.

sign band

Applicable to Article XII - Chapter 2

FROM 122-01:

Sign band

A "sign band" is a horizontal band which extends the full length of the #street wall# of a #building#, and is located between 8 feet and 14 feet above #curb level#.

sign with indirect illumination

General Definition
Last Amended 4/8/1998

A "sign with indirect illumination" is any #illuminated# non-#flashing sign# whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into #residences# or #streets#.

sign, advertising

General Definition
Last Amended 4/8/1998

An "advertising sign" is a #sign# that directs attention to a business, profession, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same #zoning lot# and is not #accessory# to a #use# located on the #zoning lot#.

sign, flashing

General Definition
Last Amended 4/8/1998

A "flashing sign" is any #illuminated sign#, whether stationary, revolving or rotating, that exhibits changing light or color effects, provided that revolving or rotating #signs# that exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed #flashing signs# only if they exhibit sudden or marked changes in such light or color effects.

#Illuminated signs# that indicate the time, temperature, weather or other similar information shall not be considered #flashing signs#, provided that:

(a) the total #surface area# of such #sign# is not greater than 16 square feet;

(b) the vertical dimension of any letter or number is not greater than 24 inches; and

(c) color or intensity of light is constant except for periodic changes in the information displayed, which occur not more frequently than once every minute.

sign, illuminated

General Definition
Last Amended 4/8/1998

An "illuminated sign" is a #sign# designed to give forth any artificial light or reflect such light from an artificial source.

sign, surface area of

see #surface area (of a sign)#

single-family residence

General Definition
Last Amended 12/5/2024

A "single-family residence" is a #building# containing only one #dwelling unit#, and occupied by only one #family#. A #single-family residence# may additionally include an #ancillary dwelling unit# in the same or an ancillary #building#.

Site alteration

Applicable to Article X - Chapter 5
FROM: 105-01:

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures# which includes land contour work, topographic modifications, removal of #topsoil#, vegetation, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any other #natural features#, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies.

Site alteration

Applicable to Article X - Chapter 7

Last Amended 11/2/2023

FROM 107-01:

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#, which includes permanent topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, whether or not a permit is required from the Department of Buildings or other public agencies.

Site alteration

Applicable to Article XI - Chapter 9
FROM 119-01:

Site alteration

For the purposes of this Chapter, a "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#. #Site alterations# shall include the following:

(a) removal of #topsoil#;

(b) excavating, filling, land contour work and other topographic modifications where the ground elevation of the land existing on June 30, 1987, is modified by two feet or more;

(c) dumping, changes in existing drainage systems and changes in grade, alignment or width of public rights-of-way; or

(d) removal of vegetation beyond 15 feet of the foundation of an existing #building#, except when the plant materials' continued presence would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning or routine maintenance.

sky exposure plane building

General Definition
Last Amended 12/5/2024

A “sky exposure plane building” is a #building# that:

(a) is located in R6 through R10 Districts without a letter suffix, or in #Commercial Districts# mapped within, or with a #residential equivalent# of, R6 through R10 Districts without a letter suffix;

(b) is #developed# or #enlarged# after December 5, 2024; and

(c) utilizes the optional #bulk# regulations set forth in Section 23-73, inclusive, or Section 35-81, inclusive.

sky exposure plane or front sky exposure plane

General Definition
Last Amended 4/18/1987

A "sky exposure plane" or "front sky exposure plane" is an imaginary inclined plane:

(a) beginning above the #street line# (or, where so indicated, above the #front yard line#) at a height set forth in the district regulations; and

(b) rising over a #zoning lot# at a ratio of vertical distance to horizontal distance set forth in the district regulations.

SoHo-NoHo Arts Fund

Applicable to Article XIV - Chapter 3
Last Amended 12/15/2021

[From Section 143-02]:

For the purposes of this Chapter, the “SoHo-NoHo Arts Fund” (the “Arts Fund”) shall be a separate interest-bearing account established for the deposit of contributions made when converting #joint living-work quarters for artists# to #residences# through in accordance with the provisions of Section 143-13 (Joint Living-Work Quarters for Artists). Funds within the #SoHo-NoHo Arts Fund# shall be allocated by the New York City Department of Cultural Affairs, or a not-for-profit entity designated by the Department of Cultural Affairs, to support arts programming, projects, organizations, and facilities that promote the public presence of the arts within the Special District and surrounding neighborhoods and extend the cultural legacy of SoHo and NoHo generally. Such allocation should prioritize under-resourced organizations and under-served areas within Lower Manhattan neighborhoods south of 14th Street.

No later than June 30 of each year, the Department of Cultural Affairs shall submit a report to the Speaker of the City Council detailing the amount of money deposited into the #SoHo-NoHo Arts Fund# and any expenditure of funds.

Special 125th Street District

General Definition
Last Amended 2/2/2011

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply.

Special Atlantic Avenue Mixed Use District

General Definition
Last Amended 5/28/2025

Special Atlantic Avenue Mixed Use District

The “Special Atlantic Avenue Mixed Use District” is a Special Purpose District designated by the letters “AAM” in which special regulations set forth in Article XIV, Chapter 6, apply.

Special Battery Park City District

General Definition
Last Amended 2/2/2011

The "Special Battery Park City District" is a Special Purpose District designated by the letters "BPC" in which special regulations set forth in Article VIII, Chapter 4, apply.

Special Bay Ridge District

Last Amended 2/2/2011

The "Special Bay Ridge District" is a Special Purpose District designated by the letters "BR" in which special regulations set forth in Article XI, Chapter 4, apply.

Special Bay Street Corridor District

General Definition
Last Amended 6/26/2019

The "Special Bay Street Corridor District" is a Special Purpose District designated by the letters "BSC" in which special regulations set forth in Article XIII, Chapter 5, apply.

Special Brooklyn Navy Yard District

General Definition
Last Amended 12/15/2021

The “Special Brooklyn Navy Yard District” is a Special Purpose District designated by the letters “BNY” in which special regulations set forth in Article XIV, Chapter 4, apply.

Special City Island District

General Definition
Last Amended 2/2/2011

The "Special City Island District" is a Special Purpose District designated by the letters "CD" in which special regulations set forth in Article XI, Chapter 2, apply.

Special Clinton District

General Definition
Last Amended 2/2/2011

The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply.

Special Coastal Risk District

General Definition
Last Amended 6/21/2017

The “Special Coastal Risk District” is a Special Purpose District designated by the letters “CR” in which special regulations set forth in Article XIII, Chapter 7, apply.

Special College Point District

General Definition
Last Amended 2/2/2011

The “Special College Point District” is a Special Purpose District designated by the letters “CP” in which special regulations set forth in Article XII, Chapter 6, apply.

Special Coney Island District

General Definition
Last Amended 2/2/2011

The “Special Coney Island District” is a Special Purpose District designated by the letters “CI” in which special regulations set forth in Article XIII, Chapter 1, apply.

Special Coney Island Mixed Use District

General Definition
Last Amended 1/9/1975

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

special density areas

General Definition
Last Amended 12/5/2024

“Special density areas” shall refer to special geographies where unique density regulations apply to #residential# #developments# or #enlargements#. #Special density areas# shall include:

(a) the #Manhattan Core#; and

(b) the #Special Downtown Brooklyn District#.

Special Downtown Brooklyn District

General Definition
Last Amended 2/2/2011

The "Special Downtown Brooklyn District" is a Special Purpose District designated by the letters "DB" in which special regulations set forth in Article X, Chapter 1, apply.

Special Downtown Far Rockaway District

General Definition
Last Amended 9/9/2017

The “Special Downtown Far Rockaway District” is a Special Purpose District designated by the letters “DFR” in which special regulations set forth in Article XIII, Chapter 6, apply.

Special Downtown Jamaica District

General Definition
Last Amended 2/2/2011

The "Special Downtown Jamaica District" is a Special Purpose District designated by the letters "DJ" in which special regulations set forth in Article XI, Chapter 5, apply.

Special East Harlem Corridors District

General Definition
Last Amended 11/30/2017

The "Special East Harlem Corridors District" is a Special Purpose District designated by the letters "EHC" in which special regulations set forth in Article XIII, Chapter 8, apply.

Special Eastchester-East Tremont Corridor District

General Definition
Last Amended 8/15/2024

The “Special Eastchester – East Tremont Corridor District” is a Special Purpose District designated by the letters “ETC” in which special regulations set forth in Article XIV, Chapter 5, apply.

Special Enhanced Commercial District

General Definition
Last Amended 6/28/2012

The "Special Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2, apply.

Special Flushing Waterfront District

General Definition
Last Amended 12/10/2020

The "Special Flushing Waterfront District" is a Special Purpose District designated by the letters "FW" in which special regulations set forth in Article XII, Chapter 7, apply.

Special Forest Hills District

General Definition
Last Amended 2/2/2011

The "Special Forest Hills District" is a Special Purpose District designated by the letters "FH" in which special regulations set forth in Article VIII, Chapter 6, apply.

Special Governors Island District

General Definition
Last Amended 7/24/2013

The “Special Governors Island District” is a Special Purpose District designated by the letters “GI” in which the special regulations set forth in Article XIII, Chapter 4, apply.

Special Gowanus Mixed Use District

General Definition
Last Amended 11/23/2021
The “Special Gowanus Mixed Use District” is a Special Purpose District designated by the letter “G” in which special regulations set forth in Article XIII, Chapter 9, apply.

Special Grand Concourse Preservation District

General Definition
Last Amended 2/2/2011

The "Special Grand Concourse Preservation District" is a Special Purpose District designated by the letter "C" in which special regulations set forth in Article XII, Chapter 2, apply.

Special Harlem River Waterfront District

General Definition
Last Amended 2/2/2011

The "Special Harlem River Waterfront District" is a Special Purpose District designated by the letters "HRW" in which special regulations set forth in Article VIII, Chapter 7, apply.

special height locations

Applicable from 84-00 to 84-343
Last Amended 2/2/2011

FROM 84-01:

"Special height locations" are designated areas in Zone A and Zone C of the #Special Battery Park City District# subject to the regulations in Appendices 2.2 and 3.2 of this Chapter, in accordance with Sections 84-135 and 84-333 (Limited height of buildings).

Special Hillsides Preservation District

General Definition
Last Amended 2/2/2011

The "Special Hillsides Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.

Special Hudson River Park District

General Definition
Last Amended 12/15/2016

The “Special Hudson River Park District” is a Special Purpose District designated by the letters “HRP” in which special regulations set forth in Article VIII, Chapter 9, apply.

Special Hudson Square District

General Definition
Last Amended 3/20/2013

The “Special Hudson Square District” is a Special Purpose District designated by the letters “HSQ,” in which special regulations set forth in Article VIII, Chapter 8, apply.

Special Hudson Yards District

General Definition
Last Amended 2/2/2011

The "Special Hudson Yards District" is a Special Purpose District designated by the letters "HY" in which special regulations set forth in Article IX, Chapter 3, apply.

Special Hunts Point District

General Definition
Last Amended 2/2/2011

The "Special Hunts Point District" is a Special Purpose District designated by the letters "HP" in which special regulations set forth in Article X, Chapter 8, apply.

Special Inwood District

General Definition
Last Amended 8/8/2018

The "Special Inwood District" is a Special Purpose District designated by the letters "IN" in which special regulations set forth in Article XIV, Chapter 2, apply.

Special Jerome Corridor District

General Definition
Last Amended 3/22/2018

The "Special Jerome Corridor District" is a Special Purpose District designated by the letter "J" in which special regulations set forth in Article XIV, Chapter 1, apply.

Special Limited Commercial District

General Definition
Last Amended 2/2/2011

The "Special Limited Commercial District" is a Special Purpose District designated by the letters "LC" in which special regulations set forth in Article VIII, Chapter 3, apply.

Special Lincoln Square District

General Definition
Last Amended 2/2/2011

The "Special Lincoln Square District" is a Special Purpose District designated by the letter "L" in which special regulations set forth in Article VIII, Chapter 2, apply.

Special Little Italy District

General Definition
Last Amended 2/2/2011

The "Special Little Italy District" is a Special Purpose District designated by the letters "LI" in which special regulations set forth in Article X, Chapter 9, apply.

Special Long Island City Mixed Use District

General Definition
Last Amended 2/2/2011

The "Special Long Island City Mixed Use District" is a Special Purpose District designated by the letters "LIC" in which special regulations set forth in Article XI, Chapter 7, apply.

Special Lower Manhattan District

General Definition
Last Amended 2/2/2011

The "Special Lower Manhattan District" is a Special Purpose District designated by the letters "LM" in which special regulations set forth in Article IX, Chapter 1, apply.

Special Madison Avenue Preservation District

General Definition
Last Amended 2/2/2011

The "Special Madison Avenue Preservation District" is a Special Purpose District designated by the letters "MP" in which special regulations set forth in Article IX, Chapter 9, apply.

Special Manhattanville Mixed Use District

General Definition
Last Amended 2/2/2011

The “Special Manhattanville Mixed Use District” is a Special Purpose District designated by the letters “MMU” in which special regulations set forth in Article X, Chapter 4, apply.

Special Midtown District

General Definition
Last Amended 2/2/2011

The "Special Midtown District" is a Special Purpose District designated by the letters "MiD" in which special regulations set forth in Article VIII, Chapter 1, apply.

Special Midtown South Mixed Use District

General Definition
Last Amended 8/15/2025

The “Special Midtown South Mixed Use District” is a Special Purpose District designated by the letters “MSX” in which special regulations set forth in Article XII, Chapter 1, apply.

Special Mixed Use District

General Definition
Last Amended 12/10/1997

The "Special Mixed Use District" is a Special Purpose District designated by the letters "MX" in which special regulations set forth in Article XII, Chapter 3, apply. The #Special Mixed Use District# appears on the #zoning maps# superimposed on paired M1 and #Residence Districts#, and its regulations supplement or modify those of the M1 and #Residence Districts#. The #Special Mixed Use District# includes any district that begins with the letters “MX.”

Special mixed use parking areas

General Definition
Last Amended 12/5/2024

“Special mixed use parking areas” shall refer to special geographies where unique parking requirements apply to mixed use #buildings#. #Special mixed use parking areas# shall include areas within:

(a) the boundaries shown in APPENDIX I of this Resolution; and

(b) within Roosevelt Island in Community District 8 of Manhattan.

Special Natural Area District

General Definition
Last Amended 2/2/2011

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply. The #Special Natural Area District# includes any district whose designation begins with the letters "NA".

Special Ocean Parkway District

General Definition
Last Amended 2/2/2011

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply.

Special Park Improvement District

General Definition
Last Amended 2/2/2011

The "Special Park Improvement District" is a Special Purpose District designated by the letters "PI" in which special regulations set forth in Article IX, Chapter 2, apply.

special parking areas

General Definition
Last Amended 12/5/2024

“Special parking areas” shall refer to special geographies where unique parking regulations apply in Article I, Chapter 3 and Article I, Chapter 6. #Special parking areas# include:

(a) the #Manhattan Core#, as defined in Section 12-10, with the exception of Governors Island in Community District 1 and Roosevelt Island in Community District 8; and

(b) the #Long Island City area#, as defined in Section 16-02.

Special Planned Community Preservation District

General Definition
Last Amended 2/2/2011

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply.

Special Scenic View District

General Definition
Last Amended 2/2/2011

The "Special Scenic View District" is a Special Purpose District designated by the letters "SV" in which the special regulations set forth in Article X, Chapter 2, apply.

Special Sheepshead Bay District

General Definition
Last Amended 2/2/2011

The "Special Sheepshead Bay District" is a Special Purpose District designated by the letters "SB" in which special regulations set forth in Article IX, Chapter 4, apply.

Special SoHo-NoHo Mixed Use District

General Definition
Last Amended 12/15/2021

The “Special SoHo-NoHo Mixed Use District” is a Special Purpose District designated by the letters “SNX” in which special regulations set forth in Article XIV, Chapter 3, apply.

Special South Richmond Development District

General Definition
Last Amended 2/2/2011

The "Special South Richmond Development District" is a Special Purpose District designated by the letters "SR" in which special regulations set forth in Article X, Chapter 7, apply.

Special Southern Hunters Point District

General Definition
Last Amended 2/2/2011

The “Special Southern Hunters Point District” is a Special Purpose District designated by the letters “SHP” in which special regulations set forth in Article XII, Chapter 5, apply.

Special Southern Roosevelt Island District

General Definition
Last Amended 5/8/2013

The “Special Southern Roosevelt Island District” is a Special Purpose District designated by the letters “SRI” in which special regulations set forth in Article XIII, Chapter 3, apply.

Special St. George District

General Definition
Last Amended 2/2/2011

The “Special St. George District” is a Special Purpose District designated by the letters “SG” in which special regulations set forth in Article XII, Chapter 8, apply.

Special Stapleton Waterfront District

General Definition
Last Amended 2/2/2011

The "Special Stapleton Waterfront District" is a Special Purpose District designated by the letters "SW" in which special regulations set forth in Article XI, Chapter 6, apply.

special streetscape area

General Definition
Last Amended 12/5/2024

The “special streetscape area” shall refer to special geographies where unique streetscape regulations apply in Section 32-30, inclusive. #Special streetscape areas# shall include areas within:

(a) the boundaries shown in APPENDIX I of this Resolution;

(b) the #Manhattan Core#, as defined in Section 12-10, with the exception of Governors Island in Community District 1; and

(c) the #Long Island City area#, as defined in Section 16-02.

Special Transit Land Use District

General Definition

Last Amended 2/2/2011

A "Special Transit Land Use District" is a Special Purpose District designated by the letters "TA" in which special regulations set forth in Article IX, Chapter 5, apply.

Special Tribeca Mixed Use District

General Definition
Last Amended 2/2/2011

The "Special Tribeca Mixed Use District" is a Special Purpose District designated by the letters "TMU" in which special regulations set forth in Article XI, Chapter 1, apply.

Special Union Square District

General Definition
Last Amended 2/2/2011

The "Special Union Square District" is a Special Purpose District, designated by the letters "US" in which special regulations set forth in Article XI, Chapter 8, apply.

Special United Nations Development District

General Definition
Last Amended 2/2/2011

The "Special United Nations Development District" is a Special Purpose District designated by the letter "U" in which special regulations set forth in Article VIII, Chapter 5, apply.

Special West Chelsea District

General Definition
Last Amended 2/2/2011

The “Special West Chelsea District” is a Special Purpose District designated by the letters “WCh” in which special regulations set forth in Article IX, Chapter 8, apply.

Special Willets Point District

General Definition
Last Amended 2/2/2011

The “Special Willets Point District” is a Special Purpose District designated by the letters “WP” in which special regulations set forth in Article XII, Chapter 4, apply.

staging area

Applicable to Article X - Chapter 5

FROM 105-01:

staging area

A "staging area" is any area on a #zoning lot# used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

staging area

Applicable to Article XI - Chapter 9

FROM 119-01:

staging area

A "staging area" is any area on a #zoning lot# or other tract of land used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

steep slope

Applicable to Article X - Chapter 5

FROM 105-01:

steep slope

A "steep slope" is a portion of a #zoning lot# with an incline of 25 percent or greater. However, a portion of a #zoning lot# with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

steep slope

Applicable to Article XI - Chapter 9

FROM 119-01:

steep slope

A "steep slope" is a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater. However, a portion of a #zoning lot# or other tract of land with an incline of 25 percent or

greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

steep slope buffer

Applicable to Article X - Chapter 5

FROM 105-01:

steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

steep slope buffer

Applicable to Article XI - Chapter 9

FROM 119-01:

steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

story

General Definition
Last Amended 2/2/2011

A "story" is that part of a #building# between the surface of a floor (whether or not counted for purposes of computing #floor area ratio#) and the ceiling immediately above. However, a #cellar# shall not be considered a #story#. Furthermore, attic space that is not #floor area# pursuant to Section 12-10 (DEFINITIONS) shall not be considered a #story#.

street

General Definition
Last Amended 2/2/2011

A "street" is:

(a) a way established on the City Map; or

(b) a way designed or intended for general public use, connecting two ways established on the City Map, that:

(1) performs the functions usually associated with a way established on the City Map;

(2) is at least 50 feet in width throughout its entire length; and

(3) is covenanted by its owner to remain open and unobstructed throughout the life of any #building# or #use# that depends thereon to satisfy any requirement of this Resolution; or

(c) any other open area intended for general public use and providing a principal means of approach for vehicles or pedestrians from a way established on the City Map to a #building or other structure#, that:

(1) performs the functions usually associated with a way established on the City Map;

(2) is at least 50 feet in width throughout its entire length;

(3) is approved by the City Planning Commission as a "street" to satisfy any requirement of this Resolution; and

(4) is covenanted by its owner to remain open and unobstructed throughout the life of any #building# or #use# that depends thereon to satisfy any requirement of this Resolution; or

(d) any other public way that on December 15, 1961, was performing the functions usually associated with a way established on the City Map; or

(e) a #covered pedestrian space# that directly links two parallel or substantially parallel ways established on the City Map, for which a #floor area# bonus may be awarded or was awarded pursuant to a prior definition of such amenity, that may, by certification of the City Planning Commission, be deemed to be a #street#, provided the Commission finds that:

(1) no portion of such space is located within 50 feet of the intersection of two ways established on the City Map;

(2) such space is unobstructed for a minimum width of 15 feet and a minimum height of 15 feet, except for enclosures at the entrances;

(3) such space is located at an elevation no more than five feet above or below #curb level#; and

(4) the space functions as a #street# providing access to another #street#, shops and other #uses#, and that such access is graphically and visually evident to the pedestrian.

All provisions of this Resolution shall continue to be applicable to such space without being modified, varied or affected by the qualification of such space as a #street#.

The City Planning Commission may prescribe appropriate conditions and safeguards to achieve public utilization of the #street#.

For purposes of paragraphs (a), (b), (c) and (d) of this definition, a #private road#, or a driveway that serves only to give vehicular access to an #accessory# parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance to a #building#, shall not be considered a #street#.

Street frontage zone

Applicable to Article VIII - Chapter 1

Last Amended 2/2/2011

A portion of a #zoning lot# which lies within an area bounded by a continuous #front lot line# and either the center line of the #block# or a line 100 feet distant from and parallel to that #front lot line#, whichever is closer to that #front lot line#. There shall be a #street frontage zone# for each #zoning lot# #street# frontage.

(See illustration of #Street Frontage Zones#)

[STREET FRONTAGE ZONES - image]

street line

General Definition

Last Amended 10/25/1973

A "street line" is a #lot line# separating a #street# from other land.

A #street setback line# supersedes the #street line# in the application of #yard#, height and setback, and #court# regulations.

street setback line

General Definition

Last Amended 9/19/1985

A "street setback line" is a line shown on the City Map in the Borough of Staten Island, or in Community District 10 in the Borough of Queens. A #street setback line# shall not be located within a mapped #street# area.

A #street setback line# supersedes the #street line# in the application of #yard#, height and setback, and #court# regulations.

No #building or other structure# shall be erected within the area between #street setback lines# fronting on the same #street#, or between a #street setback line# and the opposite mapped #street line# if no #street setback line# exists. Any existing #building or other structure# within this area may be continued, changed, #extended# or structurally altered but shall not be #enlarged#.

street wall

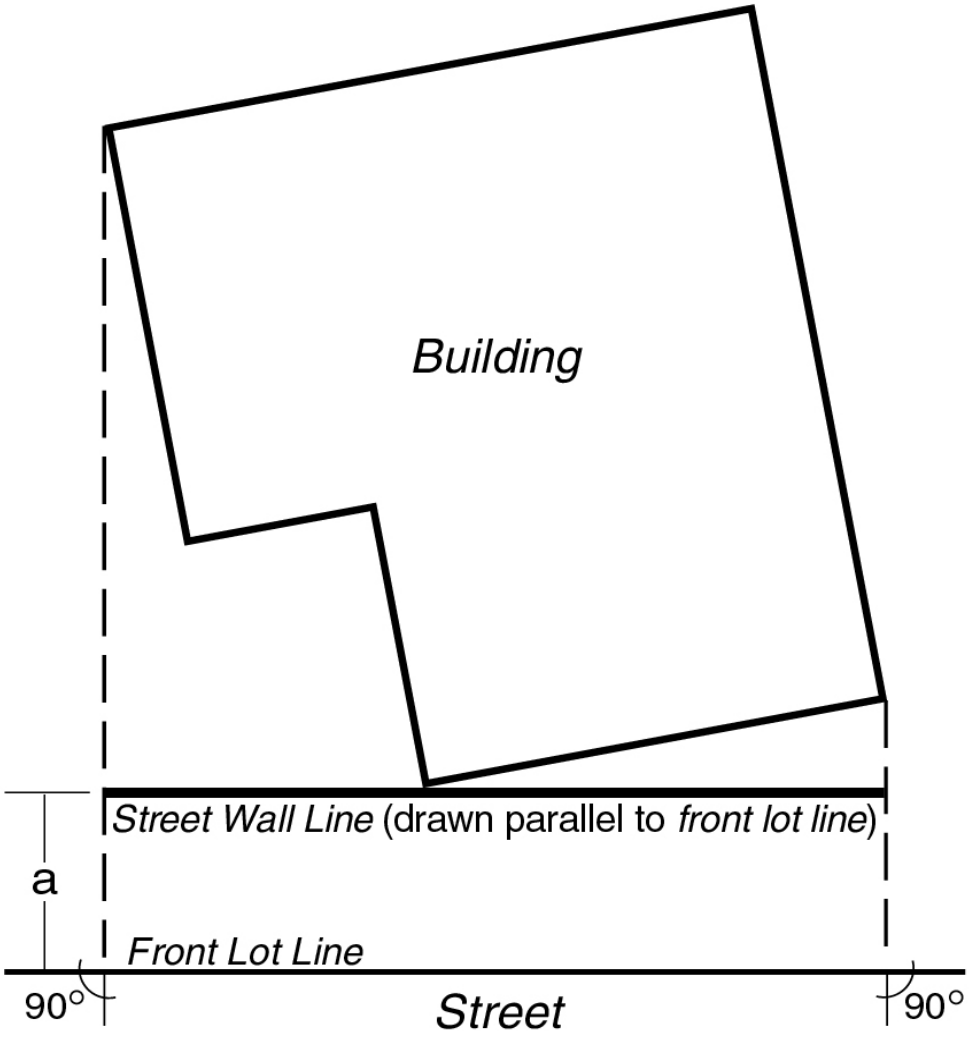
General Definition
Last Amended 12/15/1961

A "street wall" is a wall or portion of a wall of a #building# facing a #street#.

street wall line

General Definition
Last Amended 12/5/1990

A "street wall line" is that portion of a line drawn parallel to a #front lot line# at a distance equal to the shallowest depth between the #street wall# of a #building# and the #front lot line#, from which, when viewed directly from above, lines perpendicular to the #front lot line# may be drawn to a #street wall#.



a - Distance equal to shallowest depth between *street wall* of *building* and *front lot line*

STREET WALL LINE

street wall line level

General Definition

Last Amended 12/5/1990

"Street wall line level" is the mean level of the natural grade at the #street wall line#. On #corner lots#, #street wall line level# is the average of the mean levels of the natural grade of each #street wall line#. On #through lots#, #street wall line level# is determined separately for each #street# frontage to a

distance midway between such #streets#.

street, narrow

General Definition
Last Amended 12/15/1961

A "narrow street" is any #street# less than 75 feet wide.

street, wide

General Definition
Last Amended 3/26/2026

A "wide street" is any #street# 75 feet or more in width. In C5-3, C6-4 or C6-6 Districts, when a #front lot line# of a #zoning lot# adjoins a portion of a #street# whose average width is 75 feet or more and whose minimum width is 65 feet, such portion of a #street# may be considered a #wide street#; or when a #front lot line# adjoins a portion of a #street# 70 feet or more in width, which is between two portions of a #street# 75 feet or more in width, and which portion is less than 700 feet in length, such portion may be considered a #wide street#, and in that case, for the purposes of the height and setback regulations and the measurement of any #publicly accessible open area# or #arcade#, the #street line# shall be considered to be a continuous line connecting the respective #street lines# of the nearest portions of the #street# which are 75 feet or more in width.

In Community District 7 in the Borough of Manhattan, the roadways of Broadway between West 94th and West 97th Streets and in Community District 3 in the Borough of Manhattan, the roadways of Allen Street between Rivington and Delancey Streets, which are separated by mapped #public park# shall each be considered a #wide street#.

supplemental public access area

Applicable to Article VI - Chapter 2

A “supplemental public access area” is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements. A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.

surface area (of a sign)

General Definition
Last Amended 4/8/1998

The "surface area" of a #sign# shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such #sign# from the background against which it is placed. In any event, the supports or uprights on which such #sign# is supported shall not be included in determining the #surface area# of a #sign#.

When two #signs# of the same shape and dimensions are mounted or displayed back-to-back and parallel on a single free-standing structural frame, only one of such #signs# shall be included in computing the total #surface area# of the two #signs#.

When a double-faced #sign# projects from the wall of a #building#, and its two sides are located not more than 28 inches apart at the widest point and not more than 18 inches apart at the narrowest point, and display identical writing or other representation, the #surface area# shall include only one of the sides. Any additional side of a multi-faced #sign# shall be considered as a separate #sign# for purposes of computing the total #surface area# of the #sign#.

ten-foot setback line

Applicable to Article VIII - Chapter 1
Last Amended 2/2/2011

A line which is parallel to the #street line# at a depth of 10 feet and represents the minimum distance any portion of a #building# exceeding the maximum height at the #street line# is required to be set back from the #street line#. A greater setback distance may be required by a #setback line# or a #half-setback line# depending upon the #building# height for which such #setback line# or #half-setback line# is established.

[TEN-FOOT SETBACK LINE ON AN ENCROACHMENT GRID - 2 images]

through block arcade

General Definition

Last Amended 10/17/2007

A "through block arcade" is a continuous area within a #building# connecting one #street# with another #street#, #publicly accessible open area# or #arcade# adjacent to the #street#. This area may be enclosed in whole or in part and must have a minimum width of 20 feet and a minimum average height of 20 feet. Such a #through block arcade# shall, at either end, be at the same level as the #street#, #publicly accessible open area# or #arcade# that it adjoins.

through block public plaza

Applicable to Article III - Chapter 7

A “through block public plaza” is a #public plaza# or portion of a #public plaza# that is not a #corner public plaza# and that connects two #streets# that are parallel or within 45 degrees of being parallel to each other.

through lot

General Definition

see #lot, through#

tidal wetland area

Applicable to Article VI - Chapter 2

A “tidal wetland area” is an area planted with species tolerant of saline water inundation that is located between the mean low water line and the landward edge of the stabilized natural shore or bulkhead. Such area may be used to satisfy requirements for #waterfront yards#, #shore public walkways# and planting in this Chapter.

Tier A street frontage

Applicable to Article III - Chapter 2
Last Amended 6/6/2024

A “Tier A street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#, that is not a #Tier B# or #Tier C street frontage#.

Tier B street frontage

Applicable to Article III - Chapter 2
Last Amended 6/6/2024

A “Tier B street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in the #special streetscape area# that is located within C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#.

Tier C street frontage

Applicable to Article III - Chapter 2
Last Amended 6/6/2024

A “Tier C street frontage” shall be that portion of the #ground floor level# #street# frontage of a #zoning lot# along a #street# specifically designated as such in a Special Purpose District or other streetscape provision of this Resolution.

Tier I site

Applicable to Article X - Chapter 5
FROM 105-01:

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier I site

Applicable to Article XI - Chapter 9

FROM 119-01:

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier II site

Applicable to Article X - Chapter 5
FROM 105-01:

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

Tier II site

Applicable to Article XI - Chapter 9

FROM 119-01:

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

topsoil

Applicable to Article X - Chapter 5

FROM 105-01:

topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

topsoil

Applicable to Article XI - Chapter 9

FROM 119-01:

topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

tourist cabin

General Definition

see #motel or tourist cabin#

trailer

General Definition
Last Amended 12/15/1961

A "trailer" is a vehicle standing on wheels or rigid supports that is used for living or sleeping purposes.

trailer camp

General Definition
Last Amended 2/2/2011

A "trailer camp" is a #zoning lot# or portion thereof used or designated for the #use# of two or more #trailers#.

transient hotel

General Definition

see #hotel, transient#

transit agency

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, a “transit agency” shall refer to any governmental agency with jurisdiction over the affected ***mass transit station***.

transit volume

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

FROM 66-11: For the purposes of this Chapter, a “transit volume” shall refer to an area of a ***transit-adjacent site*** where, pursuant to the provisions of this Chapter, a ***transit agency*** has determined transit or pedestrian circulation improvements are needed for a ***mass transit station***. Such ***transit volume*** may be used to accommodate ***easement volumes*** or ***clear paths***.

Transit Zone, Greater

General Definition
Last Amended 12/5/2024

The “Greater Transit Zone” is the area within the boundary designated as such on the Department of City Planning’s website for its Zoning and Land Use Map (ZoLa).

Such boundary represents the area that is:

(a) within the #special parking areas#;

(b) within the #Inner Transit Zone#; and

(c) within the #Outer Transit Zone#.

In the event of a conflict between the textual description of the boundary and that on ZoLa, the text shall control.

Transit Zone, Inner

General Definition
Last Amended 12/5/2024

The "Inner Transit Zone is the area within the boundary designated as such under the ‘Transit Zones Parking Geographies’ layer on the Department of City Planning’s website for its Zoning and Land Use Map (ZoLa).

Such boundary represents the area that is:

(a) within the boundaries of APPENDIX I of this Resolution that includes the following Community Districts:

(1) Community Districts 1 through 3, the portion of Community District 6 northeast of Hamilton Avenue, as well as Community Districts 7 and 8 in the Borough of Brooklyn;

(2) Community Districts 9, 10 and 11 in the Borough of Manhattan; and

(3) Community Districts 1 and 2, as well as the portions of Community Districts 3 and 4 west of 83rd Street and Baxter Avenue and north of Woodside Avenue, in the Borough of Queens; and

(b) within Roosevelt Island in Community District 8 of Manhattan.

In the event of a conflict between the textual description of the boundary and that on ZoLa, the text shall control.

Transit Zone, Outer

General Definition
Last Amended 12/5/2024

The “Outer Transit Zone” is the area within the boundary designated as such under the ‘Transit Zones Parking Geographies’ layer on the Department of City Planning’s website for its Zoning and Land Use Map (ZoLa).

Such boundary represents the area that is:

(a) within the boundaries of APPENDIX I of this Resolution that is outside of the #Inner Transit Zone#; and

(b) outside of the boundaries of APPENDIX I, that is comprised of #blocks# that are wholly or partially within:

(1) a quarter-mile of #select mass transit stations#; and

(2) a half-mile of other #mass transit stations#, as defined in Section 66-11 (Definitions).

In the event of a conflict between the textual description of the boundary and that on ZoLa, the text shall control.

transit-adjacent sites

Applicable to Article VI - Chapter 6
Last Amended 10/7/2021

[From Section 66-11]:

For the purposes of this Chapter, “transit-adjacent sites” shall refer to ***zoning lots*** that are located within 50 feet of a ***mass transit station*** and located in ***eligible zoning districts***. ***Transit-adjacent sites*** include ***primary transit-adjacent sites*** and ***secondary transit-adjacent sites***.

transit-adjacent sites

Applicable to Article XIV - Chapter 1
Last Amended 10/7/2021

[From Section 66-11]:

For the purposes of this Chapter, “transit-adjacent sites” shall refer to ***zoning lots*** that are located within 50 feet of a ***mass transit station*** and located in ***eligible zoning districts***. ***Transit-adjacent sites*** include ***primary transit-adjacent sites*** and ***secondary transit-adjacent sites***.

transitional surfaces

Applicable to Article VI - Chapter 1

The "transitional surfaces" are imaginary inclined planes extending upward and outward from the side edges of all #approach surfaces#, and from lines parallel to, 500 feet from, and at the same level as the center line of each runway, which:

(a) rise at a slope of one foot in height for every seven feet of horizontal distance measured in a vertical plane at right angles to the center line of the runway; and

(b) extend to the point of intersection with the #horizontal surface# or the #conical surface#.

transportation-infrastructure-adjacent frontage

General Definition
Last Amended 12/5/2024

A “transportation-infrastructure-adjacent frontage” shall refer to a #street# frontage that contains at least one of the following:

(a) an elevated rail line;

(b) an open #railroad right-of-way#;

(c) a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to adjoining land; or

(d) an elevated #street# located on a bridge.

tree credit

Applicable to Article X - Chapter 5

FROM 105-01:

tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more that is counted towards a tree preservation requirement or a credit for a newly planted tree of three-inch #caliper# or more that is counted towards a tree planting requirement.

tree credit

Applicable to Article XI - Chapter 9

FROM 119-01:

tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more which is counted toward a tree preservation requirement, or a credit for a newly planted tree of three-inch #caliper# or

more which is counted toward a tree planting requirement.

tree credit

Applicable to Article X - Chapter 7
Last Amended 11/2/2023

FROM 107-01:

tree credit

A “tree credit” is a credit for preserving an existing tree or for planting a new tree which is counted towards tree requirements.

tree protection plan

Applicable to Article X - Chapter 5

FROM 105-01:

tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arboriculturists (ISA) or equivalent professional organization that includes:

(a) a survey of the current condition and health of such trees of six-inch #caliper# or more;

(b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and

tunneling for utilities;

(c) a schedule for site monitoring during construction;

(d) a procedure to communicate protection measures to contractor and workers; and

(e) post-construction treatment.

tree protection plan

Applicable to Article XI - Chapter 9

FROM 119-01:

tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arborculturists (ISA) or equivalent professional organization that includes:

(a) a survey of the current condition and health of such trees of six-inch #caliper# or more;

(b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;

(c) a schedule for site monitoring during construction;

(d) a procedure to communicate protection measures to contractor and workers; and

(e) post-construction treatment.

two-family residence

General Definition

Last Amended 12/5/2024

A “"two-family residence” is a #building# containing not more than two #dwelling units#, and occupied by only two #families#. A #two-family residence# may additionally include an #ancillary dwelling unit# in the same or an ancillary #building#.

UAP development

Last Amended 12/5/2024

FROM 27-111: A “UAP development” (“Universal Affordability Preference development”) is a #development# or #enlargement# outside of a #Mandatory Inclusionary Housing area# that provides #affordable housing# or a #supportive housing project# that satisfies the requirements of this Chapter.

The #residential# #floor area ratio# in a #UAP development# may exceed that for standard #residences# set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) only by the amount of #affordable housing# provided, either on the #UAP zoning lot# or, for #UAP developments# within a #UAP Offsite Option Area#, on a #UAP site# pursuant to paragraph (a) of Section 27-16 (Requirements for MIH Sites or UAP Sites).

However, #UAP developments# within a #UAP Offsite Option Area# may exceed the #floor area ratios# for standard #residences# set forth in Section 23-22 by utilizing #affordable housing# provided on a #generating site#, as such term was defined prior to December 5, 2024, at the rate set forth in Section 23-154, as such Section existed prior to December 5, 2024, provided that such #generating site# has vested pursuant to the provisions of Section 27-132.

ultra low energy building

General Definition

An “ultra-low-energy building” shall refer to a #building# which complies with requirements for ultra-low-energy usage. At time of application for plan approval to the Commissioner of Buildings, materials shall be submitted demonstrating:

(a) that such #building# shall comply with the requirements of Local Law 154 of 2021, as such requirements would apply to a new #building# where an application for the approval of construction documents is submitted to the Commissioner of Buildings after July 1, 2027;

(b) that such #building# shall be designed and constructed to reduce energy use:

(1) for #buildings# three #stories# or less:

such #building# shall be a net-zero energy #building# which shall produce energy onsite from renewable energy sources in an amount equal to or greater than such #building#’s total energy needs; or

(2) for all other #buildings#:

energy performance that exceeds by at least 15 percent the energy performance of such a #building# if designed and constructed according to an approved modeling method set forth in the New York City Energy Conservation Code.

(c) that a registered design professional has verified that the proposed design will meet the requirements of this definition; and

(d) that plans have been prepared to conduct, as relevant: inspections, equipment commissioning, and airtightness testing during the construction phase.

No final certificate of occupancy shall be issued for such a #building# until a report prepared by a registered design professional has been submitted to the Commissioner of Buildings verifying that the #building# has completed and successfully passed the inspections, commissioning, and testing set forth in paragraph (d) of this definition.

The Department of City Planning may, by rule, update or supplement the requirements of this section exclusively for the purpose of keeping such requirements aligned with advancing technological and construction practices. Such updates may only modify the statutory reference in paragraph (a) of this definition; the specified parameters and reference standards of paragraph (b)(2) of this definition.

unlicensed physical treatment establishment

General Definition
Last Amended 12/9/2021

An #unlicensed physical treatment establishment# is any establishment that offers or advertises or is equipped or arranged so as to provide as part of its services, whether as a principal #use# or as an #accessory use#, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York to provide such service, or under the supervision of such licensee and working in a manner allowed by the license. However, #unlicensed physical treatment establishments# shall not include barbershops or beauty parlors that offer massage to the scalp, the face, the neck or shoulders only.

#Unlicensed physical treatment establishments# shall not be permitted in any District.

upland connection

Applicable to Article XI - Chapter 6

FROM 116-01:

upland connection

An "upland connection" is a pedestrian way which provides a public access route from the ***Esplanade*** or a ***shore public walkway*** to a public sidewalk within a public ***street***. Required ***upland connections*** are shown in the District Plan, Map 5 (Upland Connections and Visual Corridors), in Appendix A of this Chapter.

upland connection

Applicable to Article VI - Chapter 2

An “upland connection” is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, #public park# or other accessible public place.

upland lot

Applicable to Article VI - Chapter 2

An “upland lot” is the portion of a #waterfront zoning lot# located landward of the bulkhead line. Where a portion of the #shoreline# projects seaward of the bulkhead line, such land above water shall be included as part of the #upland lot# (see illustration of Seaward/Upland Lots).

upper street wall

Applicable to Article X - Chapter 4

FROM 104-01:

upper street wall

“Upper street wall” is that portion of the #street wall# of a #building# that extends from the #lower street wall# to the maximum #building# height set forth for each Parcel in the Base Plane and Building Height Table in Appendix B of this Chapter, or the height of the #building#, whichever is less.

urban plaza

General Definition

see #plaza, urban#

use

General Definition
Last Amended 2/2/2011

A "use" is:

(a) any purpose for which a #building or other structure# or an open tract of land may be designed, arranged, intended, maintained or occupied; or

(b) any activity, occupation, business or operation carried on, or intended to be carried on, in a #building or other structure# or on an open tract of land.

vantage point

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277
Last Amended 8/9/2017

A point on the #center line of the street# bounding the #zoning lot# and located 250 feet from the intersection of the extension of the #zoning lot's# #far lot line# with the #center line of the street#. (See illustration of #Far Lot Line# and #Vantage Point#)

vantage street

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277
Last Amended 8/9/2017

A #street# bounding the #zoning lot# and on the center line of which a #vantage point# is located.

view framing line

Applicable to Article X - Chapter 2

FROM 102-01:

view framing line

The "view framing line" is a line or lines which establish the outer edge of the #scenic view# to be protected. For each #scenic view#, the #view framing line# or #lines# and their elevation are to be located and identified and made part of this Chapter.

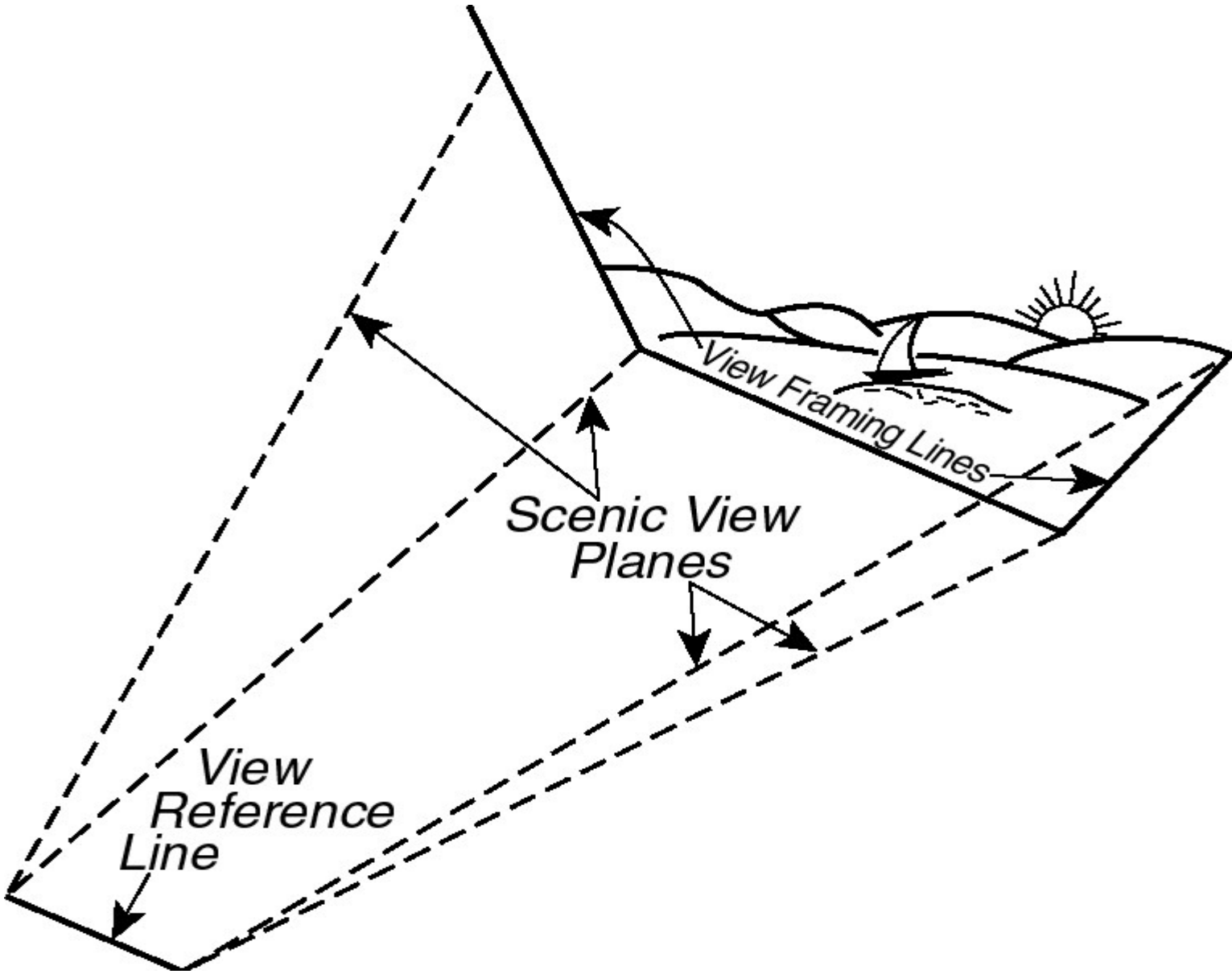
view plane

Applicable to Article X - Chapter 2

FROM 102-01:

view plane

A "view plane" is an imaginary plane above which no obstruction shall be permitted within a #Special Scenic View District# unless authorized by the City Planning Commission. Position of the #view plane# may be conical surfaces. Such #view plane# or #planes# are established by joining the #view reference line# with the #view framing lines# as illustrated below:


View Framing Lines
Scenic View Planes
View Reference Line

#View planes# and their elevation, length and slopes applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

view reference line

Applicable to Article X - Chapter 2

FROM 102-01:

view reference line

The "view reference line" is a line within a mapped #public park# or an esplanade or a mapped public place from which at any point an outstanding #scenic view# may be observed. A #view reference line# and its elevation applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

The mapped #public park# or an esplanade or a mapped public place in which such #view reference line# is located shall be directly accessible from a #street#.

visual corridor

Applicable to Article XI - Chapter 6

FROM 116-01:

visual corridor

A "visual corridor" is a public ***street*** or tract of land within a ***block*** that provides a direct and unobstructed view to the water from a vantage point within a public ***street***. Required ***visual corridors*** are shown in the District Plan, Map 5 and Map 6 (Location of Visual Corridor in Subarea E) in Appendix A of this Chapter.

visual corridor

Applicable to Article VI - Chapter 2

A “visual corridor” is a public #street# or open area within one or more #zoning lots# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, #public park# or other public place.

water coverage

Applicable to Article VI - Chapter 2

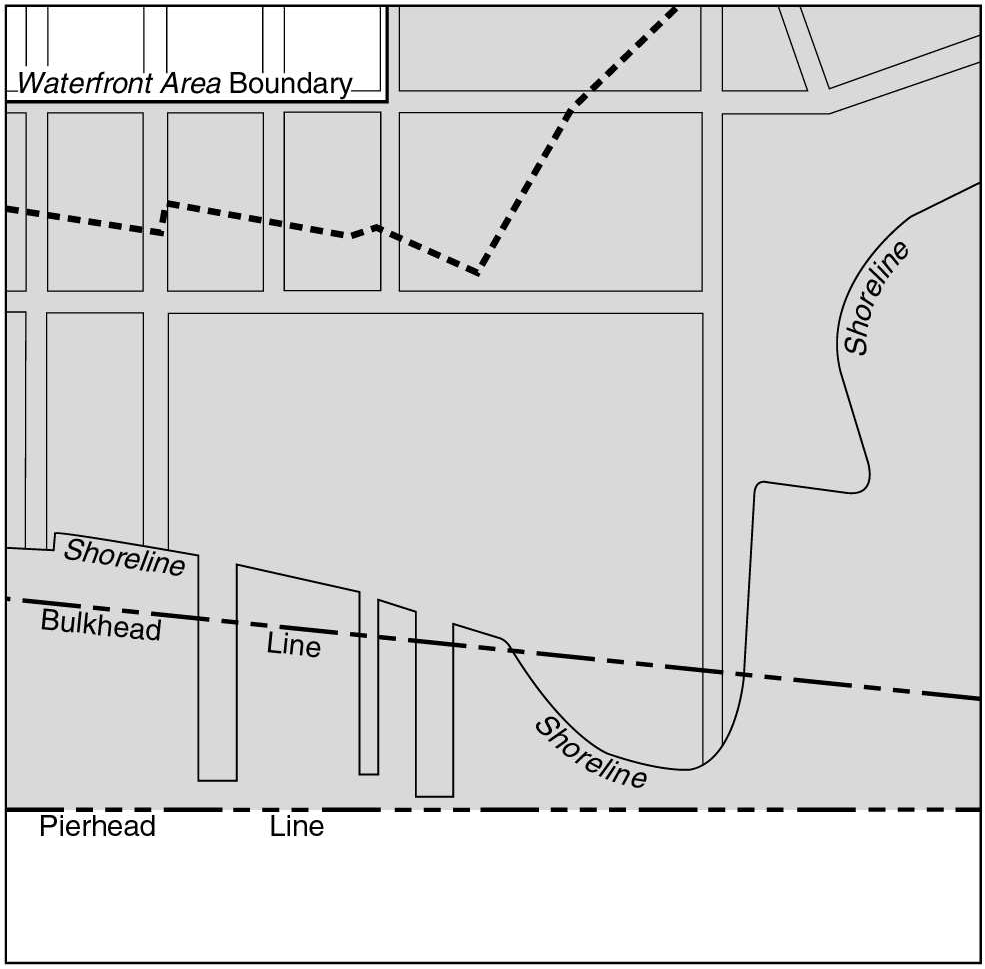
“Water coverage” is the portion of a #zoning lot# seaward of the #shoreline# that, when viewed directly from above, would be covered by a #pier#, #platform# or #floating structure#, including portions of #buildings or other structures# projecting over the water from such structures. #Water coverage# shall not include docking or navigational appurtenances which may project from the aforementioned structures.

waterfront area

General Definition
Last Amended 11/23/2021

The "waterfront area" is the geographical area comprising all #blocks# between the pierhead line and a line 800 feet landward from the #shoreline#. Where such line intersects a #block#, the entire #block# shall be included and the #waterfront area# boundary shall coincide with the centerline of the landward boundary #street# or other #block# boundary. Notwithstanding the above, any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a waterfront public park, shall not be included in the #waterfront area#.

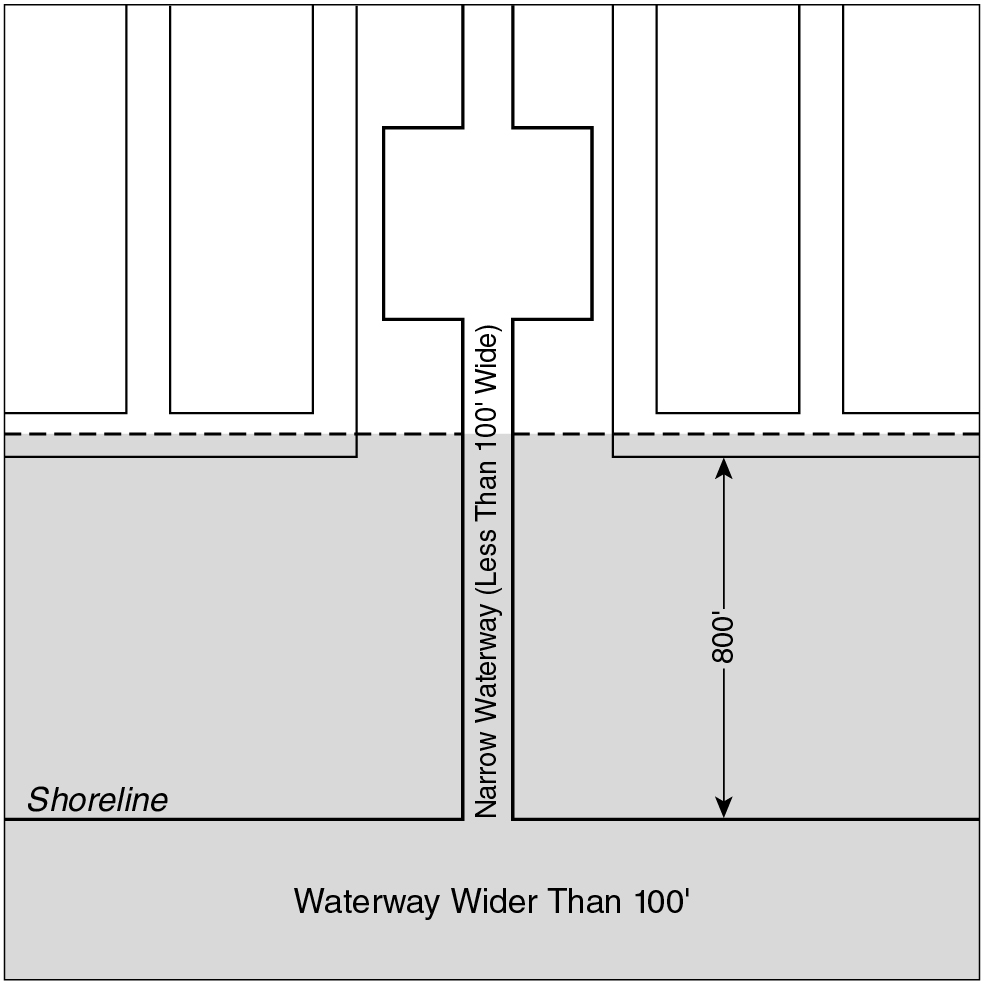
For the purposes of this definition, only #blocks# along waterways that have a minimum width of 100 feet between opposite #shorelines#, with no portion downstream less than 100 feet in width, shall be included within the #waterfront area#. However, #blocks# bounding the Gowanus Canal, north of Hamilton Avenue, as shown on the City Map, Dutch Kills and the portion of the Bronx River located south of the prolongation of East 172nd Street, shall be included within the #waterfront area#.



800' line from *Shoreline* (Mean High Water)

Waterfront Area

WATERFRONT AREA



NARROW WATERWAY EXCLUSION

waterfront block or waterfront zoning lot

Applicable to Article VI - Chapter 2

A “waterfront block” or "waterfront zoning lot” is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

(a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;

(b) a #block# within the #waterfront area# that #abuts# a #public park# along the waterfront shall be deemed to be part of a #waterfront block#; and

(c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

However, any #block# or #zoning lot# in the #waterfront area# having a boundary within or coincident with the boundaries of the Gowanus Canal, as shown on the City Map, shall be a #waterfront block# or #waterfront zoning lot#, respectively.

Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a #public park# along the waterfront, shall be deemed outside of the #waterfront block#.

waterfront esplanade

Applicable to Article X - Chapter 7

FROM 107-01:

waterfront esplanade

The "waterfront esplanade" is a pedestrian way to be provided for public #use# within the #open space network# along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

waterfront public access area

Applicable to Article VI - Chapter 2

A “waterfront public access area” is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or public access area on a #pier# or #floating structure#.

waterfront yard

Applicable to Article VI - Chapter 2

A “waterfront yard” is that portion of a #waterfront zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of the #shoreline#, stabilized natural shore, bulkhead or water edge of a #platform#, as applicable, for a depth or width as set forth in this Chapter.

wide street

General Definition

see #street, wide#

width of outer court

General Definition

see #court, width of outer#

width of outer court

see #court, width of outer#

yard

General Definition

Last Amended 9/19/1973

A "yard" is that portion of a #zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of a #lot line#, and from the #lot line# for a depth or width set forth in the applicable district #yard# regulations.

Where a #street setback line# is shown on the City Map the #yard# extends along the entire length of the #street setback line#, and from the #street setback line# for a depth or width set forth in the applicable district #yard# regulations.

yard equivalent, rear

General Definition
Last Amended 12/15/1961

A "rear yard equivalent" is an open area which may be required on a #through lot# as an alternative to a required #rear yard#.

yard line, front

General Definition
Last Amended 12/15/1961

A "front yard line" is a line drawn parallel to a #front lot line# at a distance therefrom equal to the depth of a required #front yard#.

yard, front

General Definition
Last Amended 12/15/1961

A "front yard" is a #yard# extending along the full length of a #front lot line#.

In the case of a #corner lot#, any #yard# extending along the full length of a #street line# shall be considered a #front yard#.

yard, rear

General Definition
Last Amended 12/15/1961

A "rear yard" is a #yard# extending for the full length of a #rear lot line#.

yard, side

General Definition
Last Amended 12/15/1961

A "side yard" is a #yard# extending along a #side lot line# from the required #front yard# (or from the #front lot line# if no #front yard# is required) to the required #rear yard# (or to the #rear lot line#, if no #rear yard# is required). In the case of a #corner lot#, any #yard# which is not a #front yard# shall be considered a #side yard#.

zero lot line building

General Definition
Last Amended 12/5/2024

A “zero lot line building” is a #building# that #abuts# only one #side lot line# and does not #abut# another #building# on the same or an adjoining #zoning lot# and which is surrounded on all sides but one by #yards#, other open area or #street lines# on the #zoning lot#. However, #accessory# #buildings# permitted pursuant to Section 23-341 (Permitted obstructions in required yards or rear yard equivalents) may be permitted to #abut# a #zero lot line building# on an adjoining #zoning lot#.

Zone A, Zone B, Zone C

Applicable to Article VIII - Chapter 1

Last Amended 2/2/2011

"Zone A," "Zone B" and "Zone C" are zones on an #encroachment grid# defined as follows:

(a) #Zone A# is the #free zone#.

(b) #Zone B#, an #encroachment# zone, is the zone, exclusive of any area in #Zone A# and any area closer to the #street line# than the #ten-foot setback line#, which lies between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#.

(c) #Zone C#, an #encroachment# zone and penalty zone, is the zone, exclusive of any area closer to the #street line# than the #ten-foot setback line#, which lies between the #half-setback line# and the #ten-foot setback line#.

zoning lot

General Definition

Last Amended 2/2/2011

A "zoning lot" is either:

(a) a lot of record existing on December 15, 1961, or any applicable subsequent amendment thereto;

(b) a tract of land, either unsubdivided or consisting of two or more contiguous lots of record, located within a single #block#, which, on December 15, 1961, or any applicable subsequent amendment thereto, was in single ownership;

(c) a tract of land, either unsubdivided or consisting of two or more lots of record contiguous for a minimum of 10 linear feet, located within a single #block#, which at the time of filing for a building permit (or, if no building permit is required, at the time of the filing for a certificate of occupancy) is under single fee ownership and with respect to which each party having any interest therein is a party in interest (as defined herein); or

(d) a tract of land, either unsubdivided or consisting of two or more lots of record contiguous for a minimum of 10 linear feet, located within a single #block#, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy) is declared to be a tract of land to be treated as one #zoning lot# for the purpose of this Resolution. Such declaration shall be made in one written Declaration of Restrictions covering all of such tract of land or in separate written Declarations of Restrictions covering parts of such tract of land and which in the aggregate cover the entire tract of land comprising the #zoning lot#. Any Declaration of Restrictions or Declarations of Restrictions which individually or collectively cover a tract of land are referred to herein as "Declarations." Each Declaration shall be executed by each party in interest (as defined herein) in the portion of such tract of land covered by such Declaration (excepting any such party as shall have waived its right to execute such Declaration in a written instrument executed by such party in recordable form and recorded at or prior to the recording of the Declaration). Each Declaration and waiver of right to execute a Declaration shall be recorded in the Conveyances Section of the Office of the City Register or, if applicable, the County Clerk's Office of the county in which such tract of land is located, against each lot of record constituting a portion of the land covered by such Declaration.

A #zoning lot#, therefore, may or may not coincide with a lot as shown on the official tax map of the City of New York, or on any recorded subdivision plat or deed.

Parcels within City-owned tracts of land located in Broad Channel within the boundaries of Community Board 14 in the Borough of Queens that were numerically identified for leasing purposes on maps filed in the Office of Borough President prior to December 15, 1961, may be considered as individual lots of record as of September 10, 1981.

(e) For purposes of the provisions of paragraph (c) hereof:

(1) prior to issuing a building permit or a certificate of occupancy, as the case may be, the Department of Buildings shall be furnished with a certificate issued to the applicant

therefor by a title insurance company licensed to do business in the State of New York showing that each party having any interest in the subject tract of land is a party in interest (as defined herein); except that where the City of New York is a fee owner, such certificate may be issued by the New York City Law Department; and

(2) a "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the development thereof and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the development thereof and which would be disclosed by a physical inspection of the tract of land.

(f) For purposes of the provisions of paragraph (d) hereof:

(1) prior to issuing a building permit or a certificate of occupancy, as the case may be, the Department of Buildings shall be furnished with a certificate issued to the applicant therefor by a title insurance company licensed to do business in the State of New York showing that each party in interest (excepting those parties waiving their respective rights to join therein, as set forth in this definition) has executed the Declaration and that the same, as well as each such waiver, have been duly recorded; except that where the City of New York is a fee owner, such certificate may be issued by the New York City Law Department;

(2) the Buildings Department, in issuing a building permit for construction of a #building or other structure# on the #zoning lot# declared pursuant to paragraph (d) above or, if no building permit is required, in issuing a certificate of occupancy for such #building or other structure#, shall accept an application for same from and, if all conditions for issuance of same are fulfilled, shall issue same to any party to the

Declaration;

(3) by their execution and recording of a Declaration, the parties to the Declaration, and all parties who have waived their respective rights to execute such Declaration, shall be deemed to have agreed that no breach by any party to the Declaration, or any agreement ancillary thereto, shall have any effect on the treatment of the tract of land covered by the Declaration as one #zoning lot# for purposes of this Resolution and such tract of land shall be treated as one #zoning lot# unless such #zoning lot# is subdivided in accordance with the provisions of this Resolution; and

(4) a "party in interest" in the portion of the tract of land covered by a Declaration shall include only (W) the fee owner or owners thereof, (X) the holder of any enforceable recorded interest in all or part thereof which would be superior to the Declaration and which could result in such holder obtaining possession of any portion of such tract of land, (Y) the holder of any enforceable recorded interest in all or part thereof which would be adversely affected by the Declaration, and (Z) the holder of any unrecorded interest in all or part thereof which would be superior to and adversely affected by the Declaration and which would be disclosed by a physical inspection of the portion of the tract of land covered by the Declaration.

A #zoning lot# may be subdivided into two or more #zoning lots#, provided that all resulting #zoning lots# and all #buildings# thereon shall comply with all of the applicable provisions of this Resolution. If such #zoning lot#, however, is occupied by a #non-complying building#, such #zoning lot# may be subdivided provided such subdivision does not create a new #non-compliance# or increase the degree of #non-compliance# of such #building#.

Where ownership of a #zoning lot# or portion thereof was effected prior to the effective date of this amendment, as evidenced by an attorney's affidavit, any #development#, #enlargement# or alteration on such #zoning lot# may be based upon such prior effected ownership as then defined in the #zoning lot# definition of Section 12-10. Such prior leasehold agreements shall be duly recorded prior to August 1, 1978.

Prior to the issuance of any permit for a #development# or #enlargement# pursuant to this Resolution a complete metes and bounds of the #zoning lot#, the tax lot number, the block number and the ownership of the #zoning lot# as set forth in paragraphs (a), (b), (c) and (d) herein shall be recorded by the applicant in the Conveyances Section of the Office of the City Register (or, if applicable, the County Clerk's Office) of the county in which the said #zoning lot# is located. The #zoning lot# definition in effect prior to the effective date of this amendment shall continue to apply to Board of Standards and Appeals approvals in effect at the effective date hereof.

zoning maps

General Definition
Last Amended 12/15/1961

"Zoning maps" are the maps incorporated into the provisions of this Resolution in accordance with the provisions of Section 11-14 (Incorporation of Maps).

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core

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Chapter 3 - Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core

13-00 - GENERAL PURPOSES

LAST AMENDED
5/8/2013

The provisions of this Chapter establish comprehensive regulations for off-street parking in the #Manhattan Core#, as defined in Section 12-10.

These regulations reflect best practices to address sustainability goals, while accommodating the parking needs of residents and businesses in a balanced manner.

13-01 - General Provisions

LAST AMENDED
5/8/2013

Except as modified by the express provisions of this Chapter, the regulations of the underlying zoning districts or special purpose districts shall remain in effect.

13-02 - Definitions

LAST AMENDED
12/5/2024

Access zone

For the purposes of this Chapter, an "access zone" shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by:

(a) vehicular ramps between parking levels, or between a parking level and a vehicular entrance or exit, provided that such ramps are not used as parking spaces or associated maneuvering space;

(b) vehicular elevators;

(c) required reservoir spaces;

(d) pedestrian circulation areas or egress routes, including any associated ramps or elevators;

(e) bicycle parking spaces; or

(f) attendant booths or designated waiting areas.

Parking zone

For the purposes of this Chapter, a "parking zone" shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by permitted off-street parking spaces and associated maneuvering space, and any other portion of such parking facility not included in the #access zone#. In attended parking facilities with parking lift systems, the #parking zone# shall also include the lifted tray a vehicle is stored upon.

13-03 - Maps

LAST AMENDED
5/8/2013

Maps are located in Section 13-141 of this Chapter for the purpose of specifying areas where special regulations and requirements set forth in this Chapter apply.

Map 1 – Area where #public parking lots# are not permitted in the midtown #Manhattan Core#

Map 2 – Area where #public parking lots# are not permitted in the downtown #Manhattan Core#

13-04 - Applicability

LAST AMENDED
5/8/2013

13-041 - Applicability of parking regulations within the Manhattan Core

LAST AMENDED
12/5/2024

The provisions of this Chapter shall apply to automotive equipment rental and leasing establishments listed under Use Group VI, #public parking lots#, and #public parking garages# listed under Use Group IX(C), and #accessory# off-street parking facilities, in the #Manhattan Core#, as follows:

(a) for #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to May 8, 2013, or existing #buildings# #developed# without parking, the

number of parking spaces required or permitted shall be as set forth in Section 13-07 (Existing Buildings and Off-street Parking Facilities);

(b) for #accessory# off-street parking facilities, automobile rental establishments and #public parking lots developed# or #enlarged# after May 8, 2013, the as-of-right number of parking spaces permitted in a parking facility shall be as set forth in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE). Special rules shall apply to all such #accessory# off-street parking spaces, automobile rental establishments and #public parking lots#, as set forth in Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES);

(c) any increase in the number of off-street parking spaces in an #accessory# off-street parking facility or #public parking lot# resulting in a capacity not otherwise allowed under the applicable regulations of Section 13-10; or a new #public parking lot# in a location not permitted by Section 13-14 (Permitted Parking in Public Parking Lots), shall be permitted only by the City Planning Commission, pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces);

(d) #public parking garages# #developed# or #enlarged# after May 8, 2013, shall not be permitted as-of-right. Any #development# or #enlargement# of such #public parking garages# shall only be permitted in C1-5, C1-6, C1-7, C1-8, C1-9, C2, C4, C5, C6, C7, C8, M1, M2 or M3 Districts by the City Planning Commission, pursuant to the applicable special permit in Section 13-45. Commercial vehicles may occupy spaces in permitted #public parking garages# in accordance with the provisions of Section 13-16 (Permitted Parking for Car Sharing Vehicles and Commercial Vehicles).

13-042 - Applicability of special permits within the Manhattan Core

LAST AMENDED
6/6/2024

The following special permits shall not be applicable within the #Manhattan Core#:

Section 73-46 (Exceptions to Maximum Size of Accessory Group Parking Facilities);

Section 74-193 (Public parking garages or public parking lots outside high density areas);

Section 74-194 (Public parking garages or public parking lots in high density central areas), except as set forth in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations); and

Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments), inclusive.

13-043 - Applicability of loading regulations within the Manhattan Core

LAST AMENDED
5/8/2013

The provisions of Section 13-30 (OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE), inclusive, shall apply to all #accessory# off-street loading berths provided as part of #developments#, #enlargements#, #extensions# or changes of #use# within the #Manhattan Core# after May 8, 2013.

13-05 - Exceptions

The provisions of this Chapter shall not apply to Roosevelt Island, in Community District 8, or to Governors Island, in Community District 1, in the Borough of Manhattan. In the #Hudson Yards parking regulations applicability area#, as defined in Section 93-81, the provisions of this Chapter shall apply as specified in Section 93-80 (OFF-STREET PARKING REGULATIONS).

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

(a) the #Special Midtown District#, as set forth in Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, Section 81-44 (Curb Cut Restrictions) and paragraph (c) of Section 81-84 (Mandatory Regulations and Prohibitions);

(b) the #Special Lincoln Square District#, as set forth in Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);

(c) the #Special Battery Park City District#, as set forth in Section 84-14 (Parking Regulations and Curb Cuts), inclusive;

(d) the #Special United Nations Development District#, as set forth in Section 85-03 (Modifications of Use Regulations);

(e) the #Special Lower Manhattan District#, as set forth in Section 91-50 (OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS), inclusive;

(f) the #Special Park Improvement District#, as set forth in Section 92-05 (Maximum Number of Accessory Off-street Parking Spaces);

(g) the #Special Transit Land Use District#, as set forth in Section 95-09 (Special Regulations for Accessory Off-street Parking and Curb Cuts);

(h) the #Special Clinton District#, as set forth in Section 96-111 (Off-street parking regulations);

(i) the #Special Madison Avenue Preservation District#, as set forth in Section 99-06 (Off-street Parking Regulations);

(j) the #Special Little Italy District#, as set forth in Sections 109-16 (Parking Regulations), 109-351 (Parking regulations), 109-352 (Curb cut regulations) and 109-521 (Modification of accessory off-street parking facilities); and

(k) the #Special Hudson River Park District#, as set forth in Section 89-21 (Transfer of Floor Area From Hudson River Park).

13-06 - Previously Filed or Approved Special Permits or Authorizations

LAST AMENDED
12/5/2024

If, before May 8, 2013, an application for an authorization or special permit relating to parking regulations in the #Manhattan Core# has been certified or referred by the City Planning Commission or has been filed with the Board of Standards and Appeals, such application may continue pursuant to the regulations in effect at the time such authorization or special permit was certified or referred by the Commission or filed with the Board. Such authorizations or special permits, if granted by the

Commission or Board, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permits were certified or referred by the Commission or filed with the Board.

Any authorization or special permit relating to parking regulations in the #Manhattan Core# granted by the Commission or Board prior to May 8, 2013, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted. However, any special permit granted for a parking facility in the #Manhattan Core# by the Commission or Board prior to December 15, 1961, may be continued without the need for renewal pursuant to Section 11-411 (Renewals) provided that the facts upon which the special permit was granted have not substantially changed.

All such authorizations or special permits requiring renewal shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

Notwithstanding the foregoing, any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided, shall be only as permitted by the applicable special permit provisions of Section 13-45 (Special Permits for Additional Parking Spaces).

13-07 - Existing Buildings and Off-street Parking Facilities

LAST AMENDED
12/5/2024

The provisions of this Section shall apply to existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to May 8, 2013,

in the #Manhattan Core#, as applicable, and to existing #buildings# #developed# without the provision of parking.

Existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to May 8, 2013, shall continue to be subject to the applicable zoning district regulations in effect prior to May 8, 2013, except that:

(a) any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to April 29, 1982, or for public or publicly assisted housing under the applicable provisions in effect prior to May 8, 2013, shall only be allowed by authorization of the City Planning Commission pursuant to Section 13-443 (Reduction in the number of required existing parking spaces);

(b) any increase in the number of parking spaces in an existing parking facility or the creation of a new parking facility associated with an existing #building# #developed# without parking shall only be allowed by the Commission as follows:

(1) the Commission may authorize a limited increase pursuant to the provisions of Section 13-442 (Limited increase in parking spaces for existing buildings); and

(2) the Commission may permit an increase in the number of off-street parking spaces beyond the thresholds of Section 13-442 only pursuant to the applicable provisions of Section 13-45 (Special Permits for Additional Parking Spaces);

(c) #conversions# shall be permitted to retain all spaces in existing parking facilities. Additional #accessory# off-street parking spaces shall only be permitted by special permit by the Commission, pursuant to the applicable special permit provisions of Section 13-45; and

(d) an #accessory# off-street parking facility in possession of a license issued by the Department of Consumer and Worker Protection, pursuant to Section 20-321 of the New York City Administrative Code, to maintain, operate or conduct a garage or parking lot (as defined

therein) prior to January 1, 2012, may make #accessory# parking spaces available for public use in accordance with the provisions of Section 13-21 (Public Use and Off-site Parking), provided that a copy of such license is filed with the Department of Buildings. However, any increase in the number of spaces in such a facility shall only be permitted by special permit by the Commission, pursuant to the applicable provisions of Section 13-45.

13-10 - PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE

LAST AMENDED
5/8/2013

No parking shall be required within the #Manhattan Core#. As-of-right off-street parking spaces located within #accessory# off-street parking facilities, automobile rental establishments and #public parking lots# in the #Manhattan Core# shall be permitted only as set forth in this Section, inclusive.

13-11 - Permitted Parking for Residences

LAST AMENDED
5/8/2013

#Accessory# off-street parking spaces are permitted for #residences# in #developments# or #enlargements#, as follows:

(a) for Community Districts 1, 2, 3, 4, 5, and 6, #accessory# off-street parking spaces may be provided for not more than 20 percent of the total number of new #dwelling units# contained

in the #development# or #enlargement#, or 200 spaces, whichever is less;

(b) for Community Districts 7 and 8, #accessory# off-street parking spaces may be provided for not more than 35 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.

13-12 - Permitted Parking for Non-Residential Uses

LAST AMENDED
6/6/2024

#Accessory# off-street parking spaces are permitted for non-#residential uses# in #developments# or #enlargements#, as follows:

(a) #Transient hotels#

For #transient hotel# #developments# or #enlargements#, a maximum of 225 #accessory# off-street parking spaces shall be permitted. In no event may the number of parking spaces exceed 15 percent of the number of new #transient hotel# rooms;

(b) Hospitals

For #developments# or #enlargements# of non-profit, voluntary or proprietary hospitals and related facilities listed under Use Group III(B), a maximum of 100 #accessory# off-street parking spaces are permitted;

(c) Retail or service #uses#

For #developments# or #enlargements# comprising #commercial# #uses# listed under Use Group VI, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of #floor area#, or 10 spaces, whichever is less;

(d) Other #commercial#, #community facility# and #manufacturing# #uses#

For #developments# or #enlargements# comprising #community facility# #uses# other than hospitals, #commercial# #uses# other than those listed in paragraphs (a) and (c) of this Section, or #manufacturing# #uses#, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of such #community facility#, #commercial# or #manufacturing# #floor area# or 100 spaces, whichever is less.

13-13 - Permitted Parking for Zoning Lots With Multiple Uses

LAST AMENDED
5/8/2013

Where a #development# or #enlargement# contains a combination of #uses# for which parking regulations are set forth in Sections 13-11 (Permitted Parking for Residences) and 13-12 (Permitted Parking for Non-Residential Uses), the number of #accessory# off-street parking spaces for all such #uses# shall not exceed the number of spaces permitted for each #use# in accordance with the provisions of such Sections. However, in no event shall the maximum number exceed 225 #accessory# off-street parking spaces.

13-14 - Permitted Parking in Public Parking Lots

#Public parking lots#, with a maximum capacity of 150 spaces, are permitted in C1, C2, C4, C5, C6, C7, C8, M1-5, M1-6, M2 and M3 Districts, except that:

(a) no #public parking lots# shall be permitted within:

(1) the area shown on Map 1 (Area where public parking lots are not permitted in the midtown Manhattan Core) in Section 13-141;

(2) the area designated on Map 2 (Area where public parking lots are not permitted in the downtown Manhattan Core) in Section 13-141; and

(3) the Preservation Area of the #Special Clinton District#, as shown on the map in Appendix A of Article IX, Chapter 6; and

(b) for M1-5 or M1-6 Districts, #public parking lots# shall only be permitted in the following locations:

(1) north of 42nd Street and west of 10th Avenue;

(2) west of Ninth Avenue between 17th Street and 30th Street; and

(3) south of Canal Street.

In such districts, the City Planning Commission may permit a #public parking lot# in a location not allowed by this Section pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces). Any such proposed #public parking lots# located in the Preservation Area of the #Special Clinton District# shall also be subject to the additional findings set forth in Section 96-111 (Off-street parking regulations).

13-141 - Areas where public parking lots are not permitted

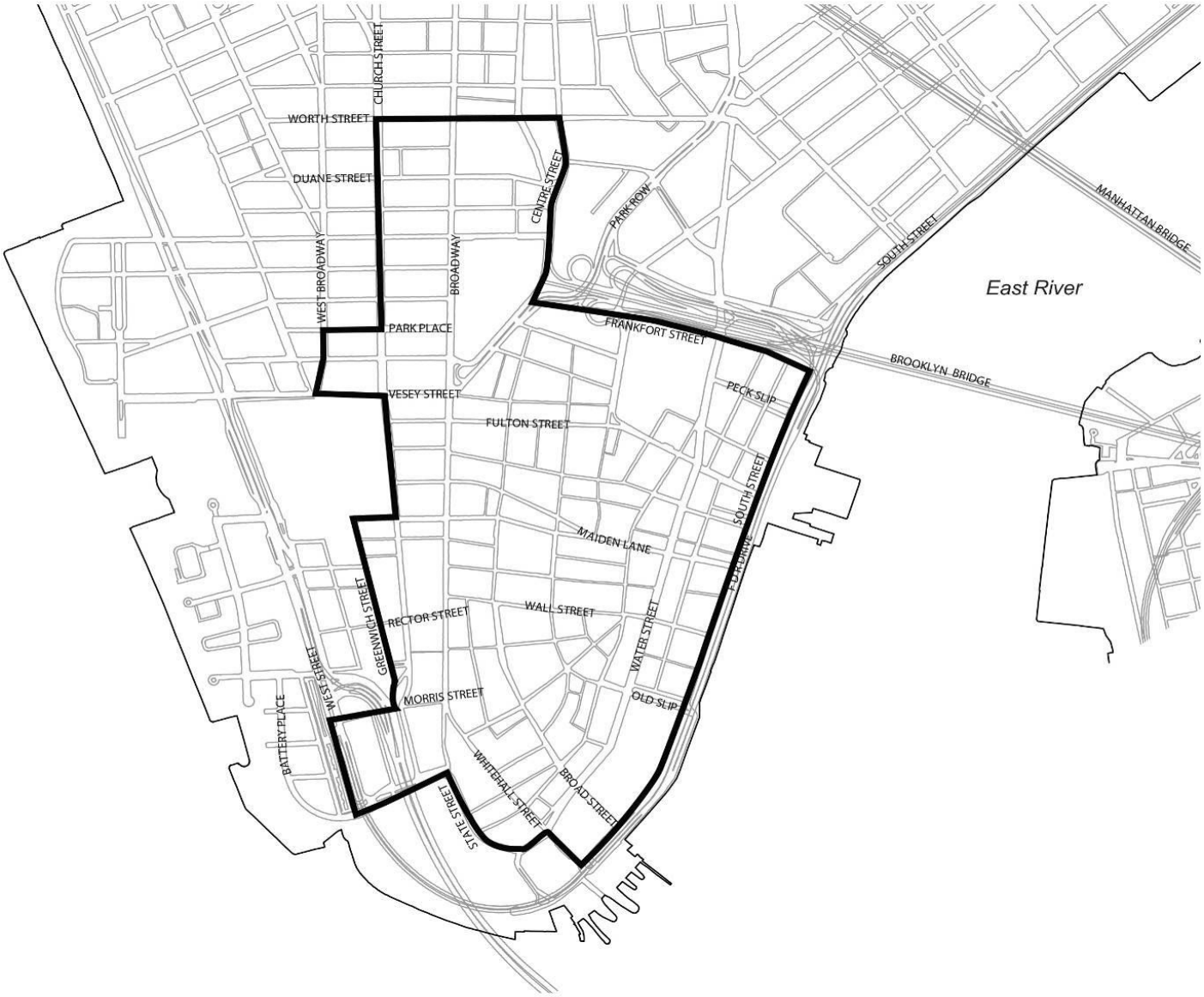
LAST AMENDED
5/8/2013

#Public parking lots# shall not be permitted in the areas shown on the following maps, except where permitted by Section 13-45 (Special Permits for Additional Parking Spaces).

Map 1 — Area where public parking lots are not permitted in the midtown Manhattan Core



Map 2 — Area where public parking lots are not permitted in the downtown Manhattan Core



13-15 - Permitted Parking for Automobile Rental Establishments

LAST AMENDED
6/6/2024

Automotive equipment rental and leasing establishments, listed under Use Group VI, are permitted, provided that:

(a) in C1 or C2 Districts, the number of automobiles that may be stored in such establishments shall not exceed 150 spaces;

(b) in C4, C5, C6, C7 and C8 Districts, the number of automobiles that may be stored in such establishments shall not exceed 225 spaces; and

(c) in M1, M2 and M3 Districts, the number of automobiles that may be stored in such establishments shall not exceed 300 spaces.

13-20 - SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES

LAST AMENDED
5/8/2013

All #accessory# off-street parking facilities, automobile rental establishments, and #public parking lots# #developed#, #enlarged# or #extended# in the #Manhattan Core# after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

13-21 - Public Use and Off-site Parking

LAST AMENDED
5/8/2013

All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefor is made to the landlord.

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

13-22 - Applicability of Enclosure and Screening Requirements

LAST AMENDED
6/6/2024

(a) #Accessory# off-street parking facilities and automobile rental establishments

All #accessory# off-street parking spaces shall be located within a #completely enclosed# #building#, with the exception of parking spaces #accessory# to a hospital listed under Use Group III(B), and as provided in Section 13-45 (Special Permits for Additional Parking Spaces). In addition, off-street parking spaces associated with an automobile rental establishment shall be located within a #completely enclosed building#.

The applicable streetscape provisions of Section 32-30, inclusive, shall apply to #ground floor level# portions of such facilities.

(b) #Public parking lots# and certain permitted #accessory# parking lots

#Public parking lots# and open parking spaces #accessory# to a hospital shall provide screening in accordance with the provisions of 37-921 (Perimeter landscaping).

13-23 - Curb Cut Restrictions

LAST AMENDED
12/5/2024

13-231 - Location of curb cuts

LAST AMENDED
12/5/2024

For #accessory# off-street parking facilities, automobile rental establishments and #public parking lots#, curb cuts are required for entry and exit to such parking facilities. Such curb cuts:

(a) shall not be permitted within 50 feet of the intersection of any two #street lines#, except where the Commissioner of Buildings certifies that such location:

(1) is not hazardous to traffic safety;

(2) is not likely to create traffic congestion; and

(3) will not unduly inhibit surface traffic or pedestrian flow.

The Commissioner of Buildings may refer such matter to the Department of Transportation, or its successor, for a report;

(b) shall not be located within two and one-half feet of any #side lot line# of the #zoning lot#, or prolongation thereof;

(c) for #accessory# off-street parking facilities and automobile rental establishments, shall not be located on a #wide street#, except where authorized pursuant to Section 13-441 (Curb cuts);

and

(d) for #public parking lots#, shall not be permitted on the following #wide streets#, except where authorized pursuant to Section 13-441:

(1) 14th Street, from Fourth Avenue to Seventh Avenue;

(2) Avenue of the Americas, from 23rd Street to 32nd Street;

(3) Canal Street, from the Bowery to West Broadway;

(4) Church Street, from Park Place to Worth Street;

(5) Delancey Street, from Clinton Street to the west side of Orchard Street;

(6) Fifth Avenue;

(7) Seventh Avenue, from 23rd Street to 32nd Street; and

(8) Worth Street, from Centre Street to Church Street.

13-232 - Maximum width of curb cuts

LAST AMENDED
12/5/2024

(a) #Accessory# off-street parking facilities

For curb cuts accessing off-street parking spaces #accessory# to #residences# in the #Manhattan Core#, the provisions of Sections 25-631 (Location and width of curb cuts in certain districts) and 36-532 (Location and width of curb cuts accessing residential parking spaces in certain

districts) shall apply, as applicable.

In addition, the maximum width of a curb cut shall be 22 feet, including splays, for curb cuts accessing off-street parking spaces #accessory# to #residences# in R9 through R12 Districts, and in #Commercial Districts# mapped within or with a #residential equivalent# of R9 through R12 Districts. This maximum curb cut width of 22 feet shall also apply to curb cuts accessing off-street parking spaces #accessory# to #commercial# or #community facility# #uses#, and to curb cuts accessing off-street parking facilities with parking spaces #accessory# to a mix of #uses#.

(b) Automobile rental establishments

For curb cuts accessing automobile rental establishments, the maximum width of a curb cut shall be 22 feet, including splays.

(c) #Public parking lots#

For curb cuts accessing #public parking lots#, the curb cut provisions of paragraph (c) of Section 36-57 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply.

13-24 - Reservoir Spaces

LAST AMENDED
12/5/2024

For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered to be one reservoir space. In no event shall the dimensions of any reservoir space be less than 18 feet long and 8 feet, 6 inches wide.

(a) Attended parking facilities

For attended #accessory# off-street parking facilities or #public parking lots# with more than 25 off-street parking spaces, off-street reservoir space at the vehicular entrance shall be provided to accommodate:

(1) five percent of the total number of parking spaces provided in parking facilities with more than 25 parking spaces and up to 50 parking spaces;

(2) ten percent of the total number of parking spaces provided in parking facilities with more than 50 parking spaces and up to 100 parking spaces;

(3) ten parking spaces in parking facilities with more than 100 off-street parking spaces and up to 200 parking spaces; and

(4) five percent of the total number of parking spaces provided in parking facilities with more than 200 off-street parking spaces. However such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. However, the parking area designated for mechanical conveyance of the vehicle into storage, whether in an elevator or otherwise, shall not be considered a reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Automobile rental establishments

For automobile rental establishments, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

(d) Self-parking facilities

For self-parking #accessory# off-street parking facilities and #public parking lots# where entering vehicles are required to stop before a mechanically operated barrier before entering such parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

13-25 - Pedestrian Safety and Access

LAST AMENDED
12/5/2024

For all #accessory# off-street parking facilities, the following safety features shall be provided at all vehicular exit points:

(a) a stop sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and

(b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:

(1) span the width of the vehicular travel lane;

(2) have a minimum height of two inches, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches; and

(3) be located a minimum of four feet and a maximum of eight feet beyond the #street line#, as measured perpendicular to the #street line#.

13-26 - Minimum and Maximum Size of Parking Facilities

LAST AMENDED
12/5/2024

For all #accessory# off-street parking facilities and automobile rental establishments, the minimum and maximum size requirements for the #parking zone# for such parking facilities shall be set forth in this Section. The #access zone# of such parking facilities shall not have a minimum or maximum gross surface area.

For the purpose of calculating surface area in attended parking facilities with parking lift systems, the lifted tray upon which a vehicle is stored shall constitute surface area.

(a) Attended parking facilities

(1) For attended parking facilities without parking lift systems, the minimum gross surface area, in square feet, of the #parking zone# shall be 180 times the number of off-street parking spaces provided, and the maximum gross surface area, in square feet, of the #parking zone# shall not exceed 200 times the number of off-street parking spaces provided.

(2) For attended parking facilities with parking lift systems, the minimum and maximum surface area of the portion of the #parking zone# allocated to non-elevated parking spaces shall be calculated at the rate set forth in paragraph (a)(1) of this Section; and the surface area, in square feet, of the portion of the #parking zone# allocated to elevated parking spaces shall be 153 times the number of elevated spaces able to be provided on lifted trays.

(b) #Automated parking facilities#

No minimum or maximum surface area requirement shall be required in off-street parking facilities that the Commissioner of Buildings determines to be #automated parking facilities#.

(c) Automobile rental establishments

The maximum gross surface area, in square feet, of the #parking zone# of an automobile rental establishment, shall be established at the rate set forth in paragraph (a) of this Section.

(d) Self-park facilities

The gross surface area, in square feet, of the #parking zone# of a self-parking #accessory# off-street parking facility shall be a minimum of 300 times the number of off-street parking spaces provided, and a maximum of 350 times the number of off-street parking spaces provided. 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.

Such minimum and maximum #parking zone# requirements of this Section may be modified by the Chairperson of the City Planning Commission pursuant to the certification set forth in Section 13-431 (Modification of minimum facility size).

13-30 - OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE

LAST AMENDED
6/6/2024

All #accessory# off-street loading berths provided in the #Manhattan Core# after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

13-31 - Floor Area Exemption

LAST AMENDED
6/6/2024

In addition to the #floor area# exemption for #accessory# off-street loading berths set forth in Section 12-10 (DEFINITIONS), for #buildings# with a total #floor area# in excess of 100,000 square feet, up to 300 square feet of floor space may be exempted from the definition of #floor area# where such #buildings# allocate a permanent space for dumpster storage, and such storage space has a minimum dimension of 12 feet by 25 feet. Such dumpster storage space shall be adjacent to a #building's# loading berth.

13-32 - Location of Access to the Street

LAST AMENDED
6/6/2024

In addition to the provisions of Sections 25-75, 36-662 and 44-562 (Location of access to the street), no entrance or exit to an #accessory# off-street loading berth shall be located on a #street# with a roadbed width that is less than 20 feet, as measured curb to curb.

13-33 - Modification of Loading Berth Requirements

LAST AMENDED
6/6/2024

The provisions of Sections 25-75 (Location of Access to the Street), 36-63 and 44-53 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall be modified to allow the Commissioner of Buildings to reduce or waive the applicable loading berth requirements, provided that:

(a) the #zoning lot# only has frontage upon a #street#, or portion thereof, where curb cuts or entrances and exits to #accessory# off-street loading berths are not permitted;

(b) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are otherwise permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:

(1) a #building#, existing on May 8, 2013, containing #residences#;

(2) a #non-residential building#, existing on May 8, 2013, that is three or more #stories# in height; or

(3) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or

(c) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

In the case of paragraph (c), as set forth in this Section, the Commissioner shall require a loading berth of not less than 33 feet in depth, if such a berth can be accommodated in consideration of the relevant site restraints. The Commissioner of Buildings may request reports from licensed engineers or registered architects in considering such reduction or waiver.

13-34 - Modification of Minimum Size of Loading Berth

LAST AMENDED
6/6/2024

For all permitted or required #accessory# loading berths, the minimum length requirements for uses in LRC-A, set forth in Sections 36-661 (Size of required berths) and 44-561 (Size of required berths), shall be 37 feet.

13-40 - CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE MANHATTAN CORE

LAST AMENDED
5/8/2013

13-41 - General Provisions

LAST AMENDED
5/8/2013

The City Planning Commission may grant certifications, authorizations and special permits in accordance with Section 13-40, inclusive. All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission as specified in this Section, shall conform to and comply with all of the applicable regulations, except as otherwise specified herein.

13-42 - Requirements for Applications

LAST AMENDED
5/8/2013

An application to the City Planning Commission for the grant of a certification, authorization or special permit under the provisions of Section 13-40 shall include a site plan showing the location of all existing and proposed #buildings or other structures# on the #zoning lot#, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

13-43 - Certifications in the Manhattan Core

LAST AMENDED
5/8/2013

13-431 - Modification of minimum facility size

LAST AMENDED
12/5/2024

An off-street parking facility in the #Manhattan Core# may provide a gross unobstructed surface area less than the minimum size required or greater than the maximum size permitted by Section 13-26 (Minimum and Maximum Size of Parking Facilities) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the proposed layout of such parking facility, including, but not limited to, the arrangement of parking spaces, travel aisles and reservoir spaces, where applicable, is sufficient to accommodate the requisite vehicular navigation and turning movements associated with such a facility. In order to make such a determination, the applicant shall provide the Chairperson with dimensioned plan drawings that depict the proposed vehicular movement through the facility, including any relevant maneuverability or turning radius information.

Where the Chairperson certifies that an #accessory# off-street parking facility may be reduced in size because vehicles will be limited in length, such restriction shall be noted on the certificate of occupancy.

13-44 - Authorizations in the Manhattan Core

LAST AMENDED
5/8/2013

13-441 - Curb cuts

LAST AMENDED
5/8/2013

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street#, provided the Commission finds that a curb cut at such a location:

(a) is not hazardous to traffic safety;

(b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;

(c) will not adversely affect pedestrian movement;

(d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# or public transit facilities; and

(e) will not be inconsistent with the character of the existing streetscape.

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

13-442 - Limited increase in parking spaces for existing buildings without parking

LAST AMENDED
12/5/2024

The City Planning Commission may, by authorization, allow an increase in the number of parking spaces in an existing parking facility or the creation of a new parking facility associated with an existing #building# #developed# without parking, provided that the limitations of paragraph (a) and the findings of paragraph (b) of this Section are met.

(a) Limitations

The total number of parking spaces in a parking facility, inclusive of any existing spaces, where applicable, shall not exceed what would be permitted if such facility were #developed# in accordance with the provisions of Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE). However, in no event shall the number of additional spaces authorized pursuant to this Section exceed 15 spaces.

(b) Findings

The Commission shall find that:

(1) the location of the vehicular entrances and exits to the parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;

(2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;

(3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(4) such parking facility will not be inconsistent with the character of the existing streetscape.

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

13-443 - Reduction in the number of required existing parking spaces

LAST AMENDED
5/8/2013

For off-street parking facilities built prior to May 8, 2013, the City Planning Commission may authorize a reduction in the number of required #accessory# off-street parking spaces where the Commission finds that such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

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

13-45 - Special Permits for Additional Parking Spaces

LAST AMENDED
12/5/2024

In accordance with the special permit provisions of Sections 13-451 through 13-455, the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this

Section, provided that such parking facilities comply with the findings of paragraphs (b) and (c) of this Section.

(a) Eligible parking facilities

The City Planning Commission may permit, subject to the otherwise applicable zoning district regulations:

(1) #accessory# off-street parking facilities on-site or off-site, open or enclosed, with any capacity, where such facilities:

(i) are proposed #developments# or #enlargements# with a capacity not otherwise allowed under the applicable regulations of Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE); or

(ii) are located in an existing parking facility or are creating a new parking facility associated with an existing #building# #developed# without parking beyond the capacity authorized pursuant to Section 13-442 (Limited increase in parking spaces for existing buildings);

(2) #public parking lots#, where such facilities:

(i) are proposed #developments# or #enlargements# with any capacity not otherwise allowed under the applicable regulations of Section 13-10;

(ii) are located in an existing parking facility or are creating a new parking facility associated with an existing #building# #developed# without parking beyond the

capacity authorized pursuant to Section 13-442; or

(iii) are proposed #developments# or #enlargements# in locations not permitted by Section 13-14 (Permitted Parking in Public Parking Lots);

(3) #public parking garages#, where such facilities:

(i) are proposed #developments# or #enlargements# in the zoning districts permitted, pursuant to paragraph (d) of Section 13-041 (Applicability of parking regulations within the Manhattan Core); or

(ii) are located in an existing parking facility or are creating a new parking facility associated with an existing #building# #developed# without parking beyond the capacity authorized pursuant to Section 13-442.

The Commission may also permit floor space in such #public parking garages# used for off-street parking spaces in any #story# located not more than 23 feet above #curb level# to be exempt from the definition of #floor area#, as set forth in Section 12-10.

(b) Findings

The Commission shall find that:

(1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in

any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;

(2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;

(3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and

(5) such parking facility will not be inconsistent with the character of the existing streetscape.

(c) Additional findings

The Commission shall also find that each proposed off-street parking facility complies with the additional findings set forth in one of the following Sections, as applicable:

(1) Section 13-451 (Additional parking spaces for residential growth) shall apply to any such parking facility serving the parking needs of a predominantly #residential# #development# or #enlargement# on a tract of land that has or will have an area of less than 1.5 acres;

(2) Section 13-452 (Additional parking spaces for health care, arts or public assembly uses) shall apply to any such parking facility serving the parking needs of any #use# listed in

paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;

(3) Section 13-453 (Additional parking spaces for economic development uses) shall apply to any such parking facility serving the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;

(4) Section 13-454 (Additional parking spaces for large development sites) shall apply to any such parking facility serving the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land that has or will have an area of at least 1.5 acres; or

(5) Section 13-455 (Additional parking spaces for existing accessory off-street parking facilities) shall apply to any such #accessory# parking facility existing prior to May 8, 2013.

In determining the amount of additional parking spaces to grant pursuant to such additional findings, the Commission may take into account levels of vacancy in existing off-street parking facilities within the area of the proposed parking facility.

13-451 - Additional parking spaces for residential growth

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a predominantly #residential# #development# or #enlargement#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that either:

(a) the number of off-street parking spaces in such proposed parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:

(1) the increase in the number of #dwelling units# ; and

(2) the number of both public and #accessory# off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained City Planning Commission special permits pursuant to Section 13-45; or

(b) the proposed ratio of parking spaces to #dwelling units# in the proposed #development# or #enlargement# does not exceed:

(1) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or

(2) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8.

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

13-452 - Additional parking spaces for health care, arts or public assembly uses

LAST AMENDED
6/6/2024

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility would serve the parking needs of a health care, arts or public assembly #use#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) the proposed parking facility is either in close proximity to or on the same #zoning lot# as one or more of the following #uses# :

(1) non-profit, voluntary or proprietary hospitals and related facilities, listed under Use Group III(B)

(2) museums, listed in Use Group III(B);

(3) art, music, dancing or theatrical studios, or theaters, listed under Use Group VIII; or

(4) an arena, auditorium, trade exposition or stadium, listed under Use Group VIII or, where permitted by special permit, pursuant to Section 74-182 or other government agency approvals;

(b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such health care, arts or public assembly #use#; and

(c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# health care, arts or public assembly #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new health care, arts or public assembly #uses#, such measures shall be committed to in a form acceptable to the Commission.

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

13-453 - Additional parking spaces for economic development uses

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) the proposed parking facility is in close proximity to or on the same #zoning lot# as a #commercial# #use#, #community facility# #use# or #manufacturing# #use# that is of significant importance to the economic well-being of the City of New York;

(b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such #use#; and

(c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission.

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

13-454 - Additional parking spaces for large development sites

LAST AMENDED
5/8/2013

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land exceeding 1.5 acres, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) where an increased number of permitted off-street parking spaces in such proposed parking facility would serve the parking needs of a predominantly #residential# #development# or #enlargement#, either finding (a) or finding (b) of Section 13-451 (Additional parking spaces for residential growth) is met; or

(b) where such proposed parking facility would serve the parking needs of a predominantly non-#residential# #development# or #enlargement#, an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of the non-#residential uses# in such #development# or #enlargement# ; and

(c) where a parking deficit is created by the relocation of parking users from off-street parking spaces that will be eliminated through the proposed #development# or #enlargement#, the availability of off-street parking in the vicinity of such proposed #development# or #enlargement# will be of insufficient capacity to accommodate such potential parking users;

(d) reasonable measures to minimize parking demand have been identified. For existing or #enlarged uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission; and

(e) where phased construction will occur in the #large-scale development#, or #development# or #enlargement# on a tract of land exceeding 1.5 acres, a phased parking plan has been provided that demonstrates that a reasonable and not excessive amount of additional parking spaces is provided in the proposed parking facility in relation to the amount of completed construction within each phase.

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

13-455 - Additional parking spaces for existing accessory off-street parking facilities

LAST AMENDED
5/8/2013

The City Planning Commission may permit an increase in the number of spaces in an #accessory# off-street parking facility existing prior to May 8, 2013, as listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

(a) where such increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of #residential uses#, either:

(1) finding (a) of Section 13-451 (Additional parking spaces for residential growth) is met; or

(2) the sum of any existing off-street parking spaces, and the proposed increase, does not exceed:

(i) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or

(ii) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8; and

(iii) the number of parking spaces that would be permitted for existing conforming non-#residential uses#, if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE), were applied.

Any #dwelling units# on the #zoning lot# or #zoning lots# which are #non-complying# as to density shall not be included in such calculation pursuant to paragraphs (a)(2)(i) or (a)(2)(ii) of this Section, and any #non-complying# #floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio in paragraph (a)(2)(iii) of this Section; or

(b) where an increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of conforming non-#residential uses#, the sum of any existing off-street parking spaces, and the proposed increase, does not exceed the number of parking spaces that would be permitted if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10, were applied. Any #non-complying# #floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Residential Conversion within Existing Buildings

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Chapter 5 - Residential Conversion within Existing Buildings

15-00 - GENERAL PURPOSES

LAST AMENDED
12/5/2024

Special regulations for the conversion of non-residential floor area to residences have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

(a) to permit owners to increase the return on their investment in appropriate existing buildings by authorizing the conversion to residences or community facilities with sleeping accommodations without requiring that such uses conform to the provisions of Article II of this Resolution;

(b) to provide for adequate returns to property owners by allowing more profitable residential or community facilities with sleeping accommodations uses with a limited mix of commercial and manufacturing uses;

(c) to ensure the provision of safe and sanitary housing units in converted buildings; and

(d) to ensure the provision of adequate amenities in conjunction with residential development.

15-01 - Applicability

LAST AMENDED
12/5/2024

#Conversions# in #buildings# or portions thereof, existing on December 31, 1990, shall be subject to the provisions of this Chapter. For the purposes of this Chapter, #conversion# shall mean the change of non-#residential# #floor area# to #residences# of any type, #joint living-work quarters for artists# or #community facilities# with sleeping accommodations. However, non-profit institutions with sleeping accommodations shall be limited to those with Class A occupancy as defined in the New York State Multiple Dwelling Law.

#Conversions# shall also include the #conversion# of existing floor space used for mechanical equipment and not counted as #floor area# to #residences# or #joint living-work quarters for artists# or #community facilities# with sleeping accommodations.

The provisions of this Chapter shall apply in any #Special Mixed Use District# to #buildings# or portions thereof, existing on to December 10, 1997.

All #conversions# to #residences# or #community facilities# with sleeping accommodations shall be permitted only in districts where #residential use# is allowed by the district regulations, or in those #Manufacturing Districts# where #residential use# is allowed pursuant to this Chapter or by authorization or special permit. All #conversions# to #joint living-work quarters for artists# shall be permitted only in districts where such #use# is allowed by the district regulations.

However, #conversions# that meet all the requirements for #residential# #developments# or #community facilities# with sleeping accommodations #developments# pursuant to Article II (Residence District Regulations) and are located in R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, C1, C2, C3, C4, C5 or C6 Districts are exempt from the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the applicable zoning districts remain in effect.

#Developments# or #enlargements# shall be in accordance with the applicable requirements of Article II and Article III, except as provided by authorization pursuant to Section 15-21 (Enlargements of Converted Buildings).

Except as specifically set forth in Section 15-024 (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists), the provisions of this Chapter are not applicable in M1-5B Districts.

The #conversion# of #floor area# within #transient hotels# to #residences# or #community facility# #uses# with sleeping accommodations pursuant to the provisions of this Chapter shall be limited to those #buildings# eligible for #conversion# pursuant to the rules of this Chapter in effect prior to December 5, 2024.

15-02 - General Provisions

LAST AMENDED
4/9/1981

15-021 - Special use regulations

LAST AMENDED
8/14/2025

In M1-5 and M1-6 Districts located within the rectangle formed by West 31st Street, Eighth Avenue, West 30th Street, and Sixth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

All #dwelling units# permitted pursuant to this Section shall be required to comply with the requirements of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists) where applicable.

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by #referenced commercial and manufacturing uses#, the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

(a) the total amount of #floor area# to be used for #dwelling units# does not exceed the amount of #floor area# occupied as #dwelling units# on September 1, 1980;

(b) #referenced commercial and manufacturing uses# located on #floor area# to be used for #dwelling units# that has been offered a new or amended lease within the #building#, with a minimum term of two years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;

(c) any #residential# tenant who occupied a #dwelling unit# shall be relocated to a #dwelling unit# within the #building# with a #floor area# equal to not less than 95 percent of the amount of #floor area# in the #dwelling unit# previously occupied; and

(d) as a result of such action by the Chairperson, #residential uses# will be located on #stories# above #manufacturing# #uses#.

15-022 - Location within building

LAST AMENDED
2/2/2011

#Dwelling units# #converted# under the provisions of this Chapter are not subject to the provisions of Section 32-42 (Location Within Buildings).

15-023 - Notice to residential tenants in mixed use buildings

LAST AMENDED
2/2/2011

The owner or developer of a #building# #converted# under the provisions of this Chapter and containing one or more #dwelling units# and one or more #commercial# or #manufacturing# #uses# above the first #story# shall be required to notify all prospective #residential# occupants of such #dwelling units# that:

(a) such #dwelling units# are located in a #building# containing #commercial# or #manufacturing# #uses# which the City is committed to maintain; and

(b) such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.

Prior to the issuance of a building permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all #residential# leases and offering plans.

15-024 - Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists

LAST AMENDED
12/5/2024

(a) The minimum size, #yard# and density requirements of Sections 15-111 (Number of permitted dwelling units) and 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts) may be replaced by the requirements of this Section for #dwelling units# and #joint living-work quarters for artists#:

(1) existing on September 1, 1980, for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to paragraph (b) of Section 15-021 (Special use regulations), paragraph (b) of Section 42-314 (Use regulations in certain M1-1, M1-5 and M1-6 Districts), paragraph (c)(2) of Section 42-315 (Use regulations in M1-5B Districts); or

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

(3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

(b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet.

No #building# that meets the density requirements of Section 15-111, may subsequently add additional units or quarters except in accordance thereof. No #building# to which the

regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111.

(c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111 and 43-17, the following regulations shall apply:

(1) The minimum size of a #dwelling unit# or #joint living-work quarters for artists# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:

(i) the unit or quarters shall contain one or more windows that open onto a #street# or 30 foot #yard#;

(ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and

(iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or

(2) The minimum size of a #dwelling unit# or #joint living-work quarters for artists# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:

(i) the unit or quarters shall contain one or more windows that open onto either:

(a) a 10 foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#;

(b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#;

(c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or

(d) a #street#;

(ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;

(iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;

(iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;

(v) the average width of such unit or quarters shall be no less than 14 feet; and

(vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.

15-10 - REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS

LAST AMENDED
12/5/2024

15-11 - Bulk Regulations

LAST AMENDED
12/5/2024

The #conversion# of non-#residential# #floor area# to #residences# or #community facilities# with sleeping accommodations, including the #conversion# of #floor area# on a #zoning lot# that exceeds the maximum #floor area# permitted by the applicable district regulations, shall be permitted in accordance with the provisions of this Section.

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

15-111 - Number of permitted dwelling units

LAST AMENDED
12/5/2024

The maximum number of #dwelling units# permitted shall be determined in accordance with the applicable district regulations pursuant to Section 23-50 (DENSITY REGULATIONS), inclusive. Any #floor area# in excess of the district regulations shall be included in the amount of #floor area# to be divided by the #dwelling unit# factor, where applicable.

For the #conversion# of non-#residential# #floor area# to #residences#, pursuant to Section 74-71 (Landmark Preservation), in C7, C8 and #Manufacturing Districts#, the maximum number of #dwelling units# shall be determined by applying the density regulations set forth in Section 23-50 in accordance with the applicable geography.

In addition, the following provisions shall apply:

#Dwelling units# may be distributed anywhere within a #building# provided that any portion of a #dwelling unit# located in a #cellar# shall also comply with the provisions of Section 15-112 (Light and air provisions).

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

The density provisions of this Section may be replaced by the regulations of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists) for #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980.

15-112 - Light and air provisions

LAST AMENDED
2/2/2011

(a) Spaces other than #rooms#:

(1) Mezzanines shall be lit and ventilated in accordance with the provisions of Section 27-732 (Natural light requirements) and Article 6 (Standard of Natural Ventilation) of the New York City Building Code.

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

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

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

(c) Width to depth ratio

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

15-12 - Required Recreation Space

LAST AMENDED
12/5/2024

All #conversions# in #buildings# that are #multiple dwelling residences# which result in nine or more new #dwelling units# after December 5, 2024, shall provide recreation space in accordance with the provisions of Section 23-63 (Required Recreation Space in Multiple Dwelling Residences). However, such provisions shall be modified as follows:

(a) where recreation space is provided outdoors, the minimum amount of recreation space required pursuant to Section 23-63 may be reduced to an equivalent of two percent of the #residential# #floor area# of the #building#; and

(b) the provisions of paragraph (d) of such Section need not apply.

15-13 - Special Home Occupation Provision

LAST AMENDED
6/6/2024

In C6 Districts, and in C5 Districts in the Borough of Manhattan in the area south of Murray Street, its easterly prolongation, and the Brooklyn Bridge, the #home occupation# provisions of Section 12-10 shall apply, except that a #home occupations# may occupy more than 1,000 square feet of #floor area# and up to three persons not residing in the #dwelling unit# or #rooming unit# may be employed.

15-20 - AUTHORIZATION

LAST AMENDED
12/5/2024

15-21 - Enlargements of Converted Buildings

LAST AMENDED
12/5/2024

In all #Commercial Districts# and #Residence Districts#, for #enlargements# of #buildings# #converted# to #residences#, the City Planning Commission may authorize modifications to #bulk# regulations of Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), inclusive, as modified for #sky exposure plane buildings#.

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

(a) the #enlarged building# is compatible with the scale of the surrounding area;

(b) open areas are provided on the #zoning lot# that are of sufficient size to serve the residents of the #building#. Such open areas, which may be located on rooftops, courtyards, or other areas on the #zoning lot#, shall be accessible to and usable by all residents of the #building#, and have appropriate access, circulation, seating, lighting and paving;

(c) the site plan includes superior landscaping for all open areas on the #zoning lot#, including the planting of #street trees#; and

(d) the #enlarged# #building# will not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air.

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

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Comprehensive Off-street Parking Regulations in the Long Island City Area

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Chapter 6 - Comprehensive Off-street Parking Regulations in the Long Island City Area

16-00 - GENERAL PURPOSES

LAST AMENDED
5/8/2013

The provisions of this Chapter establish special comprehensive regulations for off-street parking in the Long Island City area, as defined in Section 16-02 (Definitions).

These regulations will allow parking to be provided in a manner that supports a mass transit and pedestrian-oriented central mixed use district.

16-01 - General Provisions

LAST AMENDED
5/8/2013

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

16-02 - Definitions

LAST AMENDED
5/8/2013

Long Island City area

For the purposes of this Chapter, “Long Island City area” shall refer to the area within the boundaries shown on the map in Section 16-03.

16-03 - Map of Long Island City area

LAST AMENDED
5/8/2013

The #Long Island City area# is shown on the following map for the purpose of specifying areas where special regulations and requirements set forth in this Chapter apply.

Long Island City Area



16-04 - Areas A, B and C

LAST AMENDED
5/8/2013

Areas A, B and C are established within the #Long Island City area#, the boundaries of which are shown on the map in Section 16-03.

16-05 - Applicability

LAST AMENDED
5/8/2013

16-051 - Applicability of parking regulations within the Long Island City area

LAST AMENDED
12/5/2024

The provisions of this Chapter shall apply to #accessory# off-street parking facilities, #public parking lots# and #public parking garages#, as set forth in this Section.

(a) For #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to October 25, 1995, or existing #buildings# #developed# without parking, the number of parking spaces required or permitted shall be set forth in Section 16-07 (Existing Buildings and Off-street Parking Facilities).

(b) For #accessory# off-street parking facilities, #public parking lots# and #public parking garages# #developed# or #enlarged# after October 25, 1995, the number of parking spaces permitted in a parking facility shall be as set forth in Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA). Special rules shall apply to all such #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, as set forth in Section 16-20.

(c) Any increase in the number of off-street parking spaces in an #accessory# off-street parking facility, #public parking lot# or #public parking garage# resulting in a capacity not otherwise allowed under the applicable regulations of Section 16-10, shall be permitted only by the City

Planning Commission, pursuant to the applicable special permit in Section 16-35 (Special Permits), inclusive.

16-052 - Applicability of parking regulations for large-scale residential developments within the Long Island City area

LAST AMENDED
5/8/2013

The provisions of this Chapter shall not apply to #large-scale residential developments# utilizing Sections 78-41 (Location of Accessory Parking Spaces) or 78-42 (Parking Regulations for Commercial and Community Facility Uses).

16-053 - Applicability of Special Purpose Districts within the Long Island City area

LAST AMENDED
5/8/2013

In addition to the provisions of this Chapter, further requirements relating to the #Long Island City area# can be found in the following Special Purpose Districts:

(a) the #Special Long Island City Mixed Use District#, as set forth in Section 117-54 (Off-street Parking and Loading Regulations); and

(b) the #Special Southern Hunters Point District#, as set forth in Section 125-50 (PARKING REGULATIONS), inclusive.

16-06 - Previously Approved Special Permits or Authorizations

LAST AMENDED
12/5/2024

Any authorization or special permit relating to parking regulations in the #Long Island City area# granted by the City Planning Commission or Board of Standards and Appeals prior to October 25, 1995, may be started or continued, in accordance with the terms thereof, or as such terms may subsequently be modified, pursuant to the regulations in effect at the time such authorization or special permit was granted. However, any special permit granted for a parking facility in the #Long Island City area# by the Commission or Board prior to December 15, 1961, may be continued without the need for renewal pursuant to Section 11-411 (Renewals), provided that the facts upon which the special permit was granted have not substantially changed.

All such authorizations or special permits requiring renewal shall be subject to the provisions of Sections 11-42 (Lapse of Authorization of Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit). However, the provisions of this Chapter shall apply to the renewal of any special permit or authorization for a #public parking lot#.

Any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided shall only be permitted by the applicable special permit provisions of Section 16-35.

16-07 - Existing Buildings and Off-street Parking Facilities

LAST AMENDED
12/5/2024

The provisions of this Section shall apply to existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to October 25, 1995, in the #Long Island City area#, as applicable, and to existing #buildings# #developed# without the provision of parking.

Existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages# established prior to October 25, 1995, shall be subject to the applicable zoning district regulations in effect prior to October 25, 1995, except that:

(a) any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to October 25, 1995, shall only be allowed by authorization of the City Planning Commission pursuant to Section 16-342 (Reduction in the number of required existing parking spaces); and

(b) any increase in the number of parking spaces in an existing parking facility or the creation of a new parking facility associated with an existing #building# #developed# without parking shall only be allowed by the Commission as follows:

(1) the Commission may authorize a limited increase pursuant to the provisions of Section 16-341 (Limited increase in parking spaces for existing buildings); and

(2) the Commission may permit an increase in the number of off-street parking spaces beyond the thresholds of Section 16-341 only pursuant to the applicable provisions of Section 13-45 (Special Permits for Additional Parking Spaces).

16-10 - PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA

LAST AMENDED

5/8/2013

No parking shall be required for the #Long Island City area#. Off-street parking spaces located within #accessory# off-street parking facilities, #public parking lots# and #public parking garages# in the #Long Island City area# shall be allowed only as set forth in this Section, inclusive.

All such parking facilities shall be subject to the applicable regulations set forth in Section 16-20.

16-11 - Permitted Parking for Residences

LAST AMENDED
12/5/2024

#Accessory# off-street parking spaces are permitted for #residences# in #developments# or #enlargements#, as follows:

(a) within Area A, as shown on the map in Section 16-03, #accessory# off-street parking spaces may be provided for not more than 50 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less; and

(b) within Areas B and C, as shown on the map, #accessory# off-street parking spaces may be provided for not more than 100 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#.

16-12 - Permitted Parking for Non-residential Uses

LAST AMENDED
12/5/2024

#Accessory# off-street parking spaces are permitted for non-#residential uses# in #developments# or #enlargements#, as follows:

(a) #Transient hotels#

For #transient hotel# #developments# or #enlargements#, a maximum of 150 #accessory# off-street parking spaces are permitted if there is only one entrance to the #accessory# #group parking facility# and a maximum of 225 #accessory# off-street parking spaces are permitted if there are two or more entrances. In no event may the number of parking spaces exceed 50 percent of the number of new #transient hotel# rooms.

(b) Hospitals

For #developments# or #enlargements# of non-profit, voluntary or proprietary hospitals and related facilities listed under Use Group III(B), in Area A, as shown on the map in Section 16-03, a maximum of 150 #accessory# off-street parking spaces, open or enclosed, are permitted if there is only one entrance to the #accessory# group parking facility and a maximum of 225 #accessory# off-street parking spaces, open or enclosed, are permitted if there are two or more entrances.

For hospital #developments# or #enlargements# within Areas B and C, as shown on the map, #accessory# off-street parking may be provided in accordance with the underlying district regulations.

(c) Other #commercial#, #community facility# and #manufacturing# #uses#

For #developments# or #enlargements# in Area A containing #community facility# #uses# other than hospitals, #commercial# #uses# other than #transient hotels#, or #manufacturing# #uses#, the maximum number of #accessory# off-street parking spaces permitted shall not

exceed one space per 4,000 square feet of such #community facility#, #commercial# or #manufacturing# #floor area#, or 100 spaces, whichever is less. All such parking spaces shall be used exclusively by the tenants or employees of the #development# or #enlargement# and shall not be available to the public.

Within Areas B and C, the maximum number of #accessory# off-street parking spaces permitted for each #development#, #enlargement# or alteration shall not exceed one space per 4,000 square feet of #floor area#, or 100 spaces, whichever is less. In the event that the permitted number of #accessory# off-street spaces would be less than 15 spaces, an #accessory# parking facility of up to 15 spaces may be provided.

16-13 - Permitted Parking for Zoning Lots With Multiple Uses

LAST AMENDED
5/8/2013

Where a #development# or #enlargement# contains a combination of #uses# for which parking regulations are set forth in Sections 16-11 (Permitted Parking for Residences) and 16-12 (Permitted Parking for Non-residential Uses), the number of #accessory# off-street parking spaces for all such #uses# shall not exceed the number of spaces permitted for each #use# in accordance with the provisions of such Sections. However, in no event shall the maximum number exceed 225 #accessory# off-street parking spaces. The exclusive or primary #use# provisions of Sections 16-11 and 16-12 shall be applicable to the number of spaces provided for each #use#.

16-14 - Permitted Public Parking Lots

LAST AMENDED
5/8/2013

#Public parking lots# shall not be permitted within the #Long Island City area#, except where authorized by the City Planning Commission in accordance with the provisions of Section 16-343.

16-15 - Permitted Public Parking Garages

LAST AMENDED
5/8/2013

Within Areas A or B, as shown on the map in Section 16-03, #public parking garages# shall be permitted only in accordance with the special permit provisions of Section 16-352. However, notwithstanding any underlying district regulations, within Subarea C, as shown on the map, #public parking garages# with a maximum capacity of 150 spaces shall be permitted as-of-right within any zoning district.

16-20 - SPECIAL RULES FOR PARKING FACILITIES WITHIN THE LONG ISLAND CITY AREA

LAST AMENDED
5/8/2013

All #accessory# off-street parking facilities, #public parking lots# and #public parking garages# #developed# or #enlarged# after October 25, 1995, in the #Long Island City area# shall comply with the applicable provisions of this Section, inclusive.

16-21 - Public Use and Off-site Parking

LAST AMENDED
12/5/2024

All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after a written request therefor is made to the landlord.

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

16-22 - Enclosure, Surfacing and Screening Requirements

LAST AMENDED
6/6/2024

All #accessory# off-street parking spaces shall be located within a #completely enclosed# #building#, with the exception of:

(a) parking spaces #accessory# to non-profit, voluntary or proprietary hospitals and related facilities, listed under Use Group III(B); and

(b) up to 15 off-street parking spaces #accessory# to #commercial# #uses# other than a #transient hotel#, listed under Use Group V, #community facility# #uses# other than hospitals, or #manufacturing# #uses#.

16-23 - Curb Cut Restrictions

LAST AMENDED
5/8/2013

In the #Long Island City area#, for #accessory# off-street parking facilities and #public parking garages#, curb cuts accessing entrances and exits to such parking facilities shall not be permitted at the following locations:

(a) within 50 feet of the intersection of any two #street lines#, except where the Commissioner of Buildings certifies that such location is not hazardous to traffic safety, is not likely to create traffic congestion and will not unduly inhibit surface traffic or pedestrian flow. The Commissioner of Buildings may refer such matter to the Department of Transportation, or its successor, for a report;

(b) for #accessory# off-street parking facilities, on 21st Street, 44th Drive, Jackson Avenue, Queens Boulevard, Queens Plaza (North, South and East), Skillman Avenue or Thomson Avenue, except by authorization of the City Planning Commission, pursuant to Section 16-344;

(c) for #public parking garages#, on 21st Street, 44th Drive, Jackson Avenue, Queens Boulevard, Queens Plaza (North, South and East) or Vernon Boulevard, except by authorization, pursuant to Section 16-344.

16-24 - Minimum and Maximum Size of Parking Facilities

LAST AMENDED
12/5/2024

The maximum gross unobstructed surface area, in square feet, of a permitted #accessory# #group parking facility# including stalls, aisles, driveways and maneuvering areas shall be as set forth in this Section.

(a) Attended parking facilities

For attended parking facilities without parking lift systems, the maximum gross surface area shall not exceed 200 times the number of #accessory# off-street parking spaces provided.

For attended parking facilities with parking lift systems, the maximum surface area of the portion of the facility allocated to non-elevated parking spaces shall not exceed 200 times the number of non-elevated spaces provided and the portion allocated to elevated parking spaces shall be 153 times the number of elevated spaces able to be provided on lifted trays.

No maximum surface area requirement shall apply to #automated parking facilities#.

(b) Self-park facilities

For self-parking facilities, the maximum gross surface area shall not exceed 350 times the number of #accessory# off-street parking spaces provided.

An off-street parking facility in the #Long Island City area# may provide a gross unobstructed surface area greater than the maximum size permitted by this Section upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the proposed layout of such parking facility, including, but not limited to, the arrangement of parking spaces, travel aisles and reservoir spaces, where applicable, is sufficient to accommodate the requisite vehicular navigation and turning movements associated with such a facility. To make such a determination, the applicant shall provide the Chairperson with dimensioned plan drawings that depict the proposed vehicular movement through the facility, including any relevant maneuverability or turning radius information.

16-30 - AUTHORIZATIONS AND SPECIAL PERMITS

LAST AMENDED
5/8/2013

16-31 - General Provisions

LAST AMENDED
5/8/2013

The City Planning Commission may grant authorizations and special permits, pursuant to Sections 16-34, inclusive, and 16-35, inclusive.

All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission, shall conform to and comply with all of the applicable zoning district regulations of the Zoning Resolution, except as otherwise specified herein.

16-32 - Requirements for Applications

LAST AMENDED
5/8/2013

An application to the City Planning Commission for the grant of a special permit or authorization under the provisions of this Section shall include a site plan showing the location of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

16-33 - Relationship to Public Improvement Projects

LAST AMENDED
5/8/2013

In all cases, the City Planning Commission shall deny a special permit application or authorization whenever the #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the City Council or the Commission, as determined from the calendar of each agency issued prior to the date of the public meeting on the application for a special permit or authorization.

16-34 - Authorizations

LAST AMENDED
5/8/2013

16-341 - Limited increase in parking spaces for existing buildings

LAST AMENDED
12/5/2024

The City Planning Commission may, by authorization, allow an increase in the number of parking spaces in an existing parking facility or the creation of a new parking facility associated with an existing #building# #developed# without parking, provided that the limitations of paragraph (a) and

the findings of paragraph (b) of this Section are met.

(a) Limitations

The total number of parking spaces in a parking facility, inclusive of any existing spaces, where applicable, shall not exceed what would be permitted if such facility were #developed# in accordance with the provisions of Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA). However, in no event shall the number of additional spaces authorized pursuant to this Section exceed 15 spaces.

(b) Findings

The Commission shall find that:

(1) the location of the vehicular entrances and exits to the parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;

(2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;

(3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(4) such parking facility will not be inconsistent with the character of the existing streetscape.

16-342 - Reduction in the number of required existing parking spaces

LAST AMENDED
12/5/2024

For off-street parking facilities built prior to October 25, 1995, the City Planning Commission may authorize a reduction in the number of required #accessory# off-street parking spaces where the Commission finds that such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

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

16-343 - Public parking lots

LAST AMENDED
12/5/2024

The City Planning Commission may authorize #public parking lots# with a capacity of not more than 150 spaces in the #Long Island City area#, provided that the otherwise applicable regulations set forth in Sections 36-54 or 44-44 (Surfacing), and Sections 36-55 or 44-45 (Screening) are met.

As a condition for authorizing any such #public parking lots#, the Commission shall make the following findings:

(a) such #use# will not be incompatible with, or adversely affect, the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to

be located;

(b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;

(c) such #use# is so located as to draw a minimum of vehicular traffic to and through local #residential# #streets#; and

(d) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, or requirements for shielding of floodlights and for locations of entrances and exits.

16-344 - Curb cuts

LAST AMENDED
12/5/2024

The City Planning Commission may authorize curb cuts located on a #street# designated in Section 16-23 (Curb Cut Restrictions), provided the Commission finds that a curb cut at such location:

(a) is not hazardous to traffic safety;

(b) will not create or contribute to serious traffic congestion or unduly inhibit vehicular movement;

(c) will not adversely affect pedestrian movement;

(d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and

(e) will not be inconsistent with the character of the existing streetscape.

16-35 - Special Permits

LAST AMENDED
5/8/2013

16-351 - Accessory off-street parking spaces

LAST AMENDED
12/5/2024

The City Planning Commission may, by special permit, allow the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the findings of paragraph (b).

(a) Eligible parking facilities

The Commission may permit, on-site or off-site, open or enclosed, #accessory# off-street parking facilities:

(1) associated with #developments# or #enlargements#, with any capacity not otherwise allowed under Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA); or

(2) associated with an existing parking facility or an existing #building# #developed# without parking, beyond the capacity authorized pursuant to Section 16-341 (Limited increase in parking spaces for existing buildings).

(b) Findings

The Commission shall find that:

(1) within the vicinity of the site, there are insufficient parking spaces available;

(2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;

(3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(4) such parking facility will not be inconsistent with the character of the existing streetscape; and

(5) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including traffic improvements, if necessary, and limitations on #signs# or requirements for shielding or floodlights or for locations of entrances and exits.

16-352 - Public parking garages and public parking lots

LAST AMENDED
6/6/2024

The City Planning Commission may, by special permit, allow #public parking garages# and #public parking lots# not otherwise permitted, pursuant to the applicable provisions of Section 74-195 (Public parking garages or public parking lots in high density central areas).

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article II - Residence District Regulations

File generated by https://zr.planning.nyc.gov on 9/21/2026

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Statement of Legislative Intent

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Statement of Legislative Intent

21-00 - GENERAL PURPOSES OF RESIDENCE DISTRICTS

LAST AMENDED
2/26/1967

The Residence Districts established in this Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population, with due allowance for the need for a choice of sites.

(b) To protect residential areas against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.

(c) To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds.

(d) To protect residential areas against congestion, as far as possible, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces; to require the provision of open space in residential areas wherever practicable; and to encourage the provision of additional open space by permitting moderately higher bulk and density with better standards of open space, in order to open up residential areas to light and air, to provide open areas for rest and recreation, and to break the monotony of continuous building bulk, and thereby to provide a

more desirable environment for urban living in a congested metropolitan area.

(e) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.

(f) To provide for access of light and air to windows and for privacy, as far as possible, by controls over the spacing and height of buildings and other structures.

(g) To provide appropriate space for those educational, religious, recreational, health and similar facilities which serve the needs of the nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences.

(h) To provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms.

(i) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and to protect the City's tax revenues.

21-10 - PURPOSES OF SPECIFIC RESIDENCE DISTRICTS

LAST AMENDED
12/15/1961

21-11 - R1 and R2 — Single-Family Detached Residence Districts

LAST AMENDED

12/5/2024

These districts are designed to provide a suitable open character for single-family detached dwellings at low densities, as well as all types of residences in appropriate locations. These districts also include community facilities and open uses that serve the residents of these districts or benefit from an open residential environment.

21-12 - R3A, R3X and R4A — Detached Residence Districts

LAST AMENDED
12/5/2024

These districts are designed to provide for single- or two-family detached dwellings on zoning lots of specified lot widths, as well as all types of residences in appropriate locations. R3A Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

21-13 - R3-1 and R4-1 — Detached and Semi-Detached Residence Districts

LAST AMENDED
12/5/2024

These districts are designed to provide for single- or two-family detached or semi-detached dwellings, as well as all types of residences in appropriate locations. R4-1 Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

21-14 - R3-2, R4, R4B, R5, R6, R7, R8, R9, R10, R11 and R12 — General Residence Districts

LAST AMENDED
12/5/2024

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. However, R4B Districts are limited to single- or two-family dwellings, , as well as all types of residences in appropriate locations. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment.

R11, R11A and R12 Districts may only be mapped in Mandatory Inclusionary Housing areas.

Unless otherwise specified, the regulations applicable to R10 Districts shall apply to R10H Districts.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Use Regulations

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 2 - Use Regulations

22-00 - GENERAL PROVISIONS

LAST AMENDED
12/5/2024

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purposes of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII and VIII, are permitted in #Residence Districts# subject to the provisions of the following Sections:

(a) Sections 22-11 (Use Group I – Agriculture and Open Uses) through 22-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces), inclusive, which establish general #use# allowances in Use Groups I through VIII, including each #use# listed separately therein, by #Residence District#, and additional provisions for certain #uses# where applicable.

(b) Section 22-20 (SIGN REGULATIONS), inclusive, which sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (General Provisions), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

22-10 - USE ALLOWANCES

LAST AMENDED
6/6/2024

The provisions of Sections 22-11 (Use Group I – Agriculture and Open Uses) through 22-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces) establish #use# allowances by Use Group. A brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group. For Use Groups I through IV, #use# allowances by zoning district are summarized in Use Group tables. For each #use# and zoning district, the tables contain up to two levels of notation in a particular cell:

(a) The top level will always contain a symbol and denotes:

(1) permitted as-of-right (“ ”);

(2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“ ”);

(3) allowed by special permit (“ ”) of the Board of Standards and Appeals or the City Planning Commission; or

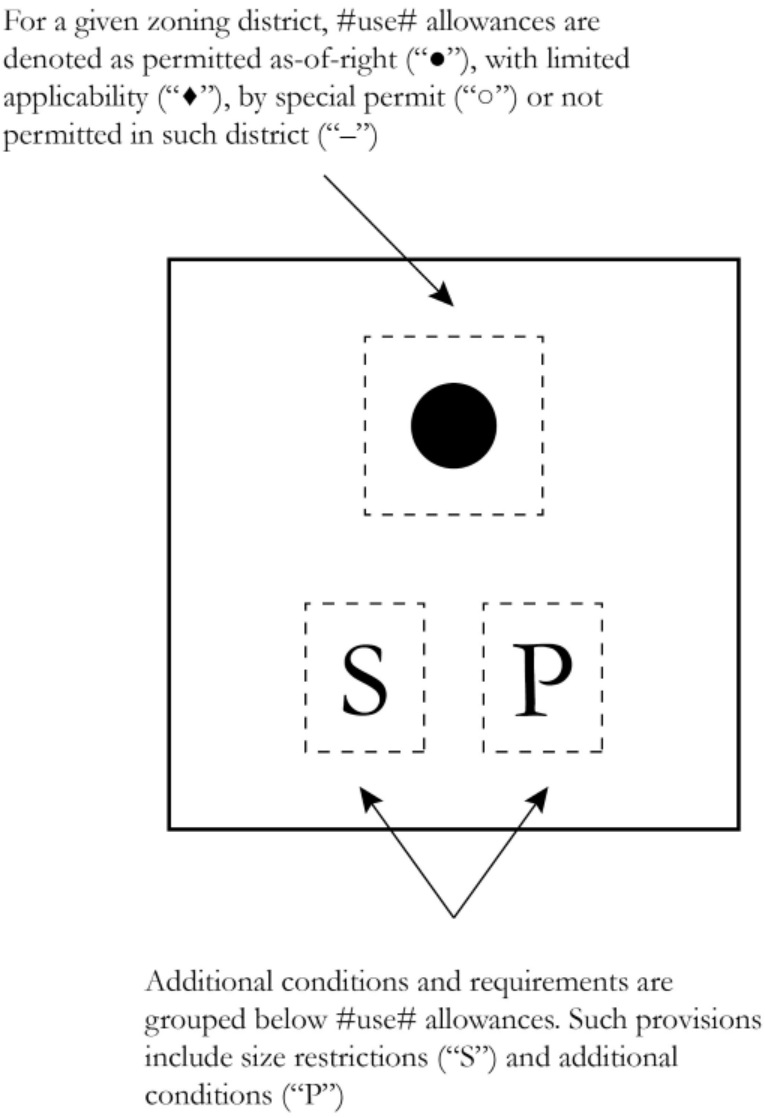
(4) not permitted in the district (“–”).

(b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:

(1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities; or

(2) additional conditions (“P”), including environmental standards or other measures other than size restrictions.

Such notations are illustrated in the following diagram:



Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions, or exemptions from enclosure requirements.

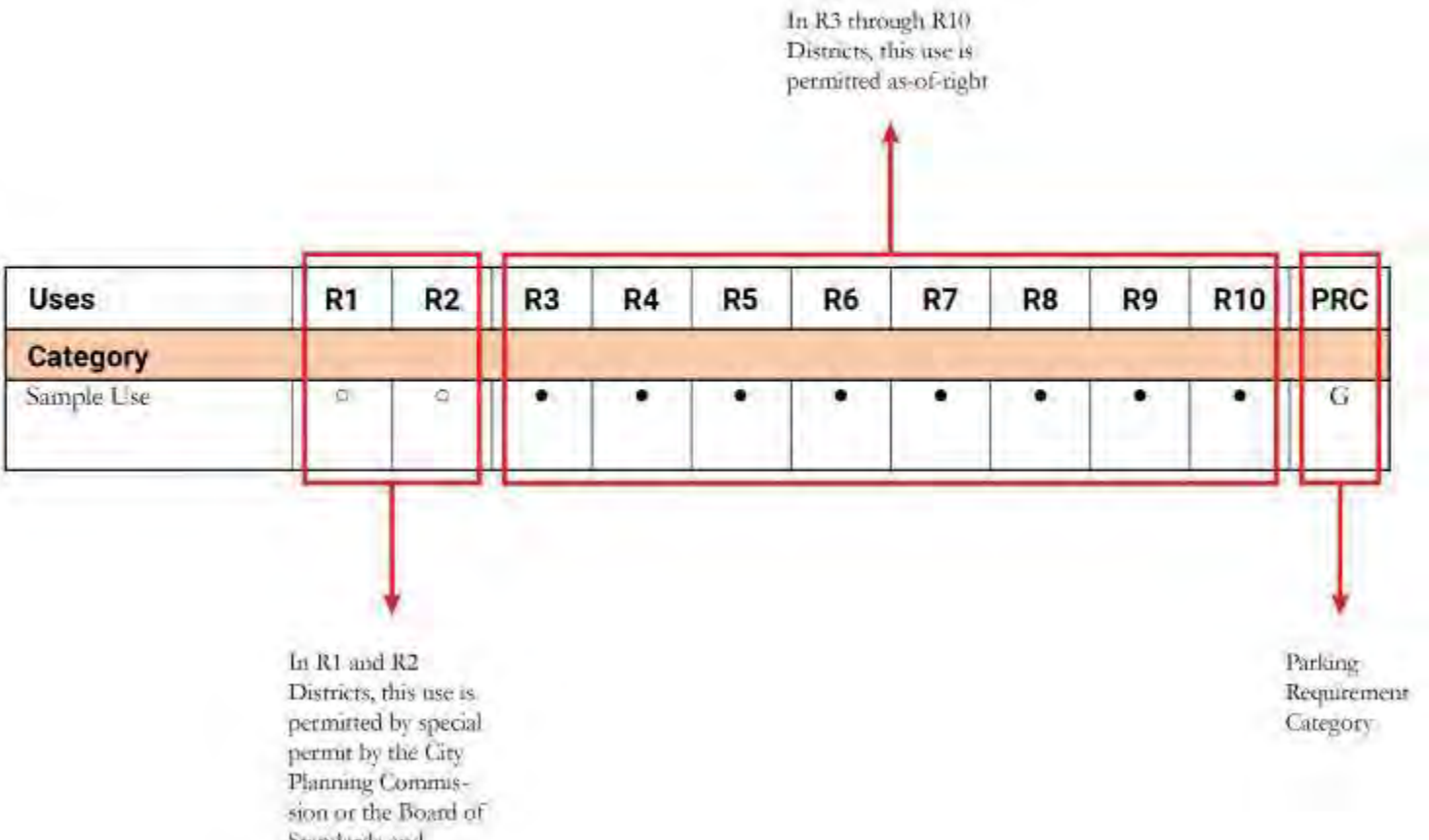
Use Group tables, except in Section 22-12 (Use Group II – Residences), also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A

through G refer to the classification of permitted non-residential #uses# to determine required accessory off-street parking spaces as set forth in the table in Section 25-31 (General Provisions). Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as "N/A", no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions or additional conditions. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #use#:

ILLUSTRATIVE EXAMPLE



22-11 - Use Group I – Agriculture and Open Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group I consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 22-111 (Use Group I – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 22-112 (Use Group I – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;

(c) Section 22-113 (Use Group I – uses permitted by special permit) for #uses# permitted by special permit by the Board of Standards and Appeals, as denoted with " " in the Use Group Table; and

(d) Section 22-114 (Use Group I – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

22-111 - Use Group I – general use allowances

LAST AMENDED
12/5/2024

The following table includes #uses# classified as Use Group I and sets forth their allowances by #Residence District#. Notations found in the table are further described in Section 22-10 (USE ALLOWANCES). Where permitted as-of-right in a #Residence District#, such #uses# shall be unenclosed, except for ancillary #buildings or other structures#.

USE GROUP I – AGRICULTURE AND OPEN USES **? = Permitted ? = Permitted with limitations ? = Special permit required** **– = Not permitted** **S = Size restriction P = Additional conditions**												
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**	**R11**	**R12**
Agriculture												
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
Open Uses												
Cemeteries	–	–	?	?	?	?	?	?	?	?	?	?
Golf courses	?	?	?	?	?	?	?	?	?	?	?	?
Outdoor racket courts	?	?	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P

Outdoor skating rinks	?	?	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
#Public parks# or playgrounds or private parks	?	?	?	?	?	?	?	?	?	?	?	?
Sand, gravel, or clay pits	?	?	?	?	?	?	?	?	?	?	?	?

22-112 - Use Group I – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 22-111 (Use Group I – general use allowances), the following provisions shall apply:

(a) Agricultural #uses# in all #Residence Districts#, including greenhouses, nurseries, or truck gardens, are permitted provided that no offensive odors or dust are created, and that there is no sale of products not produced on the same #zoning lot#.

(b) Outdoor racket courts or skating rinks in all #Residence Districts# are permitted provided that all lighting shall be directed away from nearby #residences#.

22-113 - Use Group I – uses permitted by special permit

LAST AMENDED

6/6/2024

For #uses# denoted with “ ” in Section 22-111 (Use Group I – general use allowances), the following provisions of this Section shall apply:

(a) Outdoor racket courts or skating rinks may be permitted in R1 or R2 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-111 (Outdoor racket courts or skating rinks).

(b) Sand, gravel or clay pits may be permitted in all #Residence Districts# by special permit of the Board of Standards and Appeals, in accordance with the provisions of Section 73-112 (Sand, gravel or clay pits).

22-114 - Use Group I – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section 22-111 (Use Group I – general use allowances), the provisions of this Section shall apply. For golf courses, the portion of such facility used for golf course club houses shall be classified as PRC B3. All other portions of a golf course shall not be subject to any parking requirements.

22-12 - Use Group II – Residences

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group II consists of #residences# of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 22-121 (Use Group II – general use allowances) which includes the compilation of #uses# in the Use Group table; and

(b) Section 22-122 (Use Group II – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table.

22-121 - Use Group II – general use allowances

LAST AMENDED
12/5/2024

The following table includes #uses# classified as Use Group II and sets forth their allowances by #Residence District#. Notations found in the table are further described in Section 22-10 (USE ALLOWANCES).

USE GROUP II – RESIDENTIAL USES											
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions**											
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**	**R11**

Residential Uses												
#Single-family residence#	#Detached#	?	?	?	?	?	?	?	?	?	?	?
	Other Types	? P	? P	? P	? P	? P	?	?	?	?	?	?
#Two-family residence#	#Detached#	? P	? P	?	?	?	?	?	?	?	?	?
	Other Types	? P	? P	? P	? P	? P	?	?	?	?	?	?
All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#		? P	? P	? P	? P	? P	?	?	?	?	?	?

22-122 - Use Group II – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a "P" in Section 22-121 (Use Group II – general use allowances), the following provisions shall apply:

(a) In R1 through R5 Districts, on #qualifying residential sites#, any type of #residence# shall be permitted; and

(b) In R1 through R5 Districts, for #zoning lots# that are not #qualifying residential sites#, the following limitations shall apply:

(1) in R1 and R2 Districts, #residential uses# shall be limited to #single-family# #detached# #residences#;

(2) in R3A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# and #single-# or #two-family# #zero lot line buildings#;

(3) in R3-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences#, #detached# or #semi-detached#;

(4) in R3X, R4A and R5A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences#;

(5) in R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences#, #detached# or #semi-detached#, or #single-# or #two-family# #zero lot line buildings#; and

(6) in R4B Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#.

No #rooming units# shall be permitted on #zoning lots# where #residences# are limited to #single-# or #two-family residences#.

22-13 - Use Group III – Community Facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group III consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 22-131 (Use Group III – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 22-132 (Use Group III – uses subject to size restrictions) for certain #uses#, as denoted with an "S" in the Use Group tables;

(c) Section 22-133 (Use Group III – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables;

(d) Section 22-134 (Use Group III – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group tables; and

(e) Section 22-135 (Use Group III – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group tables.

22-131 - Use Group III – general use allowances

LAST AMENDED
12/5/2024

The following tables include #uses# classified as Use Group III and set forth their allowances by #Residence District#. Such #uses# are categorized as #community facilities# with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section 22-10 (USE ALLOWANCES).

A. Community Facilities with Sleeping Accommodations

USE GROUP III(A) – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions

Uses	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12
Educational Institutions												
College or school student dormitories and fraternity or sorority student houses	?	?	?	?	?	?	?	?	?	?	?	?
Faith-based Institutions and Facilities												
Monasteries, convents or novitiates	?	?	?	?	?	?	?	?	?	?	?	?
Rectories or parish houses with sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?
Seminaries with sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?
Health Institutions and Facilities												

#Long-term care facilities#	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
#Non-profit hospital staff dwellings#	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
Other Institutions and Facilities												
Community centers or settlement houses with sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?
Non-commercial clubs with sleeping accommodations	?	?	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P
Philanthropic or non-profit institutions with sleeping accommodations	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S

B. Community Facilities without Sleeping Accommodations

USE GROUP III(B) – COMMUNITY FACILITIES WITHOUT SLEEPING ACCOMMODATIONS												
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions												
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**	**R11**	**R12**

Educational Institutions													
Colleges or universities, including professional schools but excluding business colleges or trade schools	?	?	?	?	?	?	?	?	?	?	?	?	
#Schools#	?	?	?	?	?	?	?	?	?	?	?	?	
Faith-based Institutions and Facilities													
Houses of worship	?	?	?	?	?	?	?	?	?	?	?	?	
Parish houses without sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?	
Seminaries without sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?	
Health Institutions and Facilities													
Ambulatory diagnostic or treatment health care facilities	–	–	? S P	? S P	? P	? P	? P	? P	? P	? P	? P	? P	
Non-profit or voluntary hospitals and related facilities, except animal hospitals	?	?	?	?	?	?	?	?	?	?	?	?	
Proprietary hospitals and related facilities, except animal hospitals	–	–	?	?	?	?	?	?	?	?	?	?	

Other Institutions and Facilities													
Community centers or settlement houses without sleeping accommodations	?	?	?	?	?	?	?	?	?	?	?	?	
Libraries	?	?	?	?	?	?	?	?	?	?	?	?	
Museums	?	?	?	?	?	?	?	?	?	?	?	?	
Non-commercial art galleries	?	?	?	?	?	?	?	?	?	?	?	?	
Non-commercial clubs without sleeping accommodations	?	?	? P	? P	? P	? P	? P	? P	? P	? P	? P	? P	
Non-commercial recreation centers	?	?	?	?	?	?	?	?	?	?	?	?	
Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	? S	
Welfare centers	?	?	?	?	?	?	?	?	?	?	?	?	

22-132 - Use Group III – uses subject to size limitations

LAST AMENDED

For #uses# denoted with a "S" in Section 22-131 (Use Group III – general use allowances), the following provisions shall apply:

(a) For any philanthropic or non-profit institutions, with or without sleeping accommodations, in all #Residence Districts#, the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, or, in R8 through R12 Districts, 25,000 square feet, whichever is greater.

(b) Ambulatory diagnostic or treatment health care facilities in R3-1, R3A, R3X, R4-1, R4A or R4B Districts shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3-1, R3A, R3X, R4-1 or R4A 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, as defined in the New York State Hospital Code, or a #long-term care facility#, such 1,500 square feet restriction shall not include #cellar# space.

In such #Residence Districts#, #ambulatory diagnostic or treatment health care facilities# may be permitted up to 10,000 square feet of #floor area# by special permit of the Board of Standards and Appeals, in accordance with Section 73-134 (Ambulatory diagnostic or treatment health care facilities).

22-133 - Use Group III – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a "P" in Section 22-131 (Use Group III – general use allowances), the following provisions shall apply:

(a) #Long-term care facilities# in R1 and R2 Districts shall only be permitted as-of-right on #qualifying residential sites#. In all #Residence Districts# the #high-risk flood zone#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within such areas.

(b) #Non-profit hospital staff dwellings# in all #Residence Districts# shall be located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto, or would be contiguous but for its separation by a #street# or a #street# intersection. However, such conditions may be modified by special permit of the City Planning Commission, as set forth in Section 74-132 (Non-profit hospital staff dwelling).

(c) Ambulatory diagnostic or treatment health care facilities in R3 through R12 Districts shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee 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 or ophthalmic dispensing.

(d) Non-commercial clubs in R3 through R12 Districts shall not include:

(1) clubs, the chief activity of which is a service predominantly carried on as a business;

(2) non-commercial outdoor swimming pool clubs; or

(3) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#.

However, non-commercial outdoor swimming pool clubs or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line# may be permitted by special permit by the City Planning Commission, in accordance with Section 74-133 (Swimming pool clubs or certain non-commercial clubs).

22-134 - Use Group III – uses permitted by special permit

LAST AMENDED
12/5/2024

For #uses# denoted with " " in Section22-131 (Use Group III – general use allowances), the provisions of this Section shall apply.

(a) The following #uses# may be permitted in R1 or R2 Districts by special permit of the Board of Standards and Appeals:

(1) College or school student dormitories and fraternity or sorority student houses may be permitted in accordance with Section 73-131 (College or school student dormitories or fraternity or sorority student houses).

(2) Colleges or universities, including professional schools but excluding business colleges or trade schools may be permitted in accordance with Section 73-132 (Colleges or universities).

(3) Non-commercial clubs may be permitted in accordance with Section 73-135 (Non-commercial clubs).

(4) Welfare centers may be permitted in accordance with Section 73-136 (Welfare centers).

(b) The following #uses# may be permitted in R1 or R2 Districts by special permit of the City Planning Commission: #long-term care facilities# in accordance with Section 74-131 (Long-term care facilities). However, #long-term care facilities# shall be permitted as-of-right on #qualifying residential sites#.

22-135 - Use Group III – additional provisions for parking requirement category

LAST AMENDED
12/5/2024

For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 22-131 (Use Group III – general use allowances), the provisions of this Section shall apply.

(a) #Non-profit hospital staff dwellings# shall be subject to parking requirements applicable to #residences#, in accordance with Section 25-022 (Applicability of regulations to non-profit

hospital staff dwellings).

(b) For colleges, universities or seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

22-14 - Use Group IV – Public Service Facilities and Infrastructure

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group IV consists of #uses# that provide public services, including public safety buildings, and infrastructure. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 22-141 (Use Group IV – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 22-142 (Use Group IV – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group tables;

(c) Section 22-143 (Use Group IV – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables; and

(d) Section 22-144 (Use Group IV – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group tables.

22-141 - Use Group IV – general use allowances

LAST AMENDED
12/5/2024

The following tables include #uses# classified as Use Group IV and set forth their allowances by #Residence District#. Such #uses# are categorized as public service facilities, utility infrastructure, or renewable energy and green infrastructure, as provided in paragraphs A, B and C of this Section. Notations found in the tables are further described in Section 22-10 (USE ALLOWANCES).

A. Public Service Facilities

USE GROUP IV(A) – PUBLIC SERVICE FACILITIES												
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions**												
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**	**R11**	**R12**
Public Service Buildings												
Court houses	–	–	–	–	–	–	–	–	–	–	–	–
Fire or police stations	?	?	?	?	?	?	?	?	?	?	?	?
Other Facilities												
Prisons	–	–	–	–	–	–	–	–	–	–	–	–

B. Infrastructure

USE GROUP IV(B) – INFRASTRUCTURE

? = Permitted ? = Permitted with limitations ? = Special permit required

– = Not permitted
S = Size restriction P = Additional conditions

Uses	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	R12
Communication Infrastructure												
Radio or television towers, non-#accessory#	?	?	?	?	?	?	?	?	?	?	?	?
Telephone exchanges or other communications equipment structures	?	?	?	?	?	?	?	?	?	?	?	?
Electric and Gas Infrastructure												
Electric power or steam generating plants	–	–	–	–	–	–	–	–	–	–	–	–
Electric utility substation	?	?	?	?	?	?	?	?	?	?	?	?
Gas utility substations	?	?	?	?	?	?	?	?	?	?	?	?
Public utility stations for oil or gas metering or regulating	?	?	?	?	?	?	?	?	?	?	?	?

Terminal facilities at river crossings for access to electric, gas, or steam lines	?	?	?	?	?	?	?	?	?	?	?	?
Sewage, Storm Water and Waste Infrastructure												
Composting	–	–	–	–	–	–	–	–	–	–	–	–
Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles	–	–	–	–	–	–	–	–	–	–	–	–
Incineration or reduction of garbage, offal or dead animals	–	–	–	–	–	–	–	–	–	–	–	–
Radioactive waste disposal services involving the handling or storage of radioactive waste	–	–	–	–	–	–	–	–	–	–	–	–
Sewage disposal plants	?	?	?	?	?	?	?	?	?	?	?	?
Water or sewage pumping stations	?	?	?	?	?	?	?	?	?	?	?	?
Transportation Infrastructure												
Airports	–	–	–	–	–	–	–	–	–	–	–	–

Boat launching facilities for non-commercial pleasure boats	–	–	–	–	–	–	–	–	–	–	–	–
Bus stations	–	–	–	–	–	–	–	–	–	–	–	–
Docks	–	–	?	?	?	?	?	?	?	?	?	?
Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	–	–	–	–	–	–	–	–	–	–	–	–
Heliports	–	–	–	–	–	–	–	–	–	–	–	–
Mooring facilities for non-commercial pleasure boats	–	–	–	–	–	–	–	–	–	–	–	–
Public transit or railroad electric substations	?	?	?	?	?	?	?	?	?	?	?	?
Public transit yards, including accessory motor fuel pumps	–	–	–	–	–	–	–	–	–	–	–	–

#Railroad right-of-way#	?	?	?	?	?	?	?	?	?	?	?	?
Railroad passenger stations	?	?	?	?	?	?	?	?	?	?	?	?
Seaplane bases	?	?	?	?	?	?	?	?	?	?	?	?
Truck weighing stations	–	–	–	–	–	–	–	–	–	–	–	–

C. Renewable Energy and Green Infrastructure

USE GROUP IV(C) – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE										
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions										
Uses	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**	**R8**	**R9**	**R10**
Renewable Energy and Green Infrastructure										
#Energy infrastructure equipment#	? S P	? S P	? S P	? S P	? S P	? S P	? S P	? S P	? S P	? S P
Public bicycle and micromobility parking	–	–	–	–	–	–	–	–	–	–
Recycling, or organic material, receiving	–	–	–	–	–	–	–	–	–	–

22-142 - Use Group IV – uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an “S” in Section 22-141 (Use Group IV – general use allowances), the provisions of this Section shall apply. In all #Residence Districts#, #energy infrastructure equipment# shall be limited to an aggregate #lot area# of not more than 10,000 square feet. Such size limit may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-147 (Energy infrastructure equipment).

22-143 - Use Group IV – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section 22-141 (Use Group IV – general use allowances), the provisions of this Section shall apply. In all #Residence Districts#, #energy infrastructure equipment# shall comply with the enclosure and screening provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

22-144 - Use Group IV – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with “ ” in Section 22-141 (Use Group IV – general use allowances), the provisions of this Section shall apply.

(a) The following #uses# may be permitted in all #Residence Districts# by special permit of the Board of Standards and Appeals:

(1) Radio or television towers may be permitted in accordance with Section 73-141 (Radio or television towers).

(2) Telephone exchanges or other communications equipment structures may be permitted in accordance with Section 73-142 (Telephone exchanges or other communications equipment structures).

(3) Electric utility substations on a site no greater than 40,000 square feet may be permitted in accordance with Section 73-143 (Electric or gas utility substations).

(4) Gas utility substations may be permitted in accordance with Section 73-143 (Electric or gas utility substations).

(5) Public utility stations for oil or gas metering or regulating may be permitted in accordance with Section 73-144 (Public utility stations or terminal facilities).

(6) Terminal facilities at river crossings for access to electric, gas or steam lines may be permitted in accordance with Section 73-144 (Public utility stations or terminal facilities).

(7) Water pumping stations may be permitted in accordance with Section 73-145 (Water pumping stations).

(8) Public transit or railroad electric substations on a site no greater than 40,000 square feet may be permitted in accordance with Section 73-146 (Public transit or railroad electric substations);

(b) The following #uses# may be permitted in all #Residence Districts# by special permit of the City Planning Commission, except as otherwise specified:

(1) Fire or police stations may be permitted in accordance with Section 74-141 (Fire or police stations).

(2) Electric utility substations on a site greater than 40,000 square feet may be permitted in accordance with Section 74-142 (Electric utility substations).

(3) Sewage disposal plants may be permitted in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).

(4) Sewage pumping stations may be permitted in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).

(5) Docks for ferries or water taxis may be permitted in all #Residence Districts#, except R1 and R2 Districts, in accordance with Section 62-833 (Docks for ferries or water taxis in Residence Districts). However, in R6 through R12 Districts, when located within Community District 1 in the Borough of Brooklyn, such docks are permitted by certification by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

(6) Public transit or railroad electric substations on a site greater than 40,000 square feet may be permitted in accordance with Section 74-147 (Public transit or railroad electric substations).

(7) Railroad passenger stations may be permitted in accordance with Section 74-148 (Railroad passenger stations).

(8) Seaplane bases may be permitted in accordance with Section 74-149 (Seaplane Bases).

22-15 - Use Group V – Transient Accommodations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group V consists of #uses# for transient occupancy of various types. In #Residence Districts#, such #uses# shall include:

(a) overnight camps, where allowed by special permit of the Board of Standards and Appeals, in accordance with Section 73-151 (Overnight camps); and

(b) in R10H Districts, #transient hotels#, where allowed by special permit of the City Planning Commission, in accordance with Section 74-151 (In R10H Districts).

22-17 - Use Group VII – Offices and Laboratories

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group VII consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. In #Residence Districts#, such #uses# shall include:

(a) laboratories, where allowed by special permit of the City Planning Commission, in accordance with Section 74-171 (Laboratories); and

(b) offices, where allowed within the #flood zone#, by special permit of the Board of Standards and Appeals, in accordance with Section 73-171 (Ground floor offices in the flood zone).

22-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Use Group VIII consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. In #Residence Districts#, such #uses# shall include:

(a) outdoor day camps, where allowed by special permit of the Board of Standards and Appeals, in accordance with Section 73-184 (Outdoor day camps); and

(b) riding academies or stables, where allowed by special permit of the Board of Standards and Appeals, in accordance with Section 73-185 (Riding Academies or Stables).

22-20 - SIGN REGULATIONS

LAST AMENDED
12/5/2024

22-21 - Definitions

LAST AMENDED
12/5/2024

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

22-22 - Permitted Non-illuminated Accessory Signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, non-#illuminated# #accessory# #signs# are permitted as set forth in this Section, subject to the provisions of Section 22-24 (Additional Regulations).

22-221 - Nameplates or identification signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) For all #buildings# containing #residences#, one nameplate, with an area not exceeding one square foot and indicating only the name or address of the occupant or a permitted occupation, is permitted for each #dwelling unit# or #rooming unit#.

(b) For multiple dwellings, including #apartment hotels#, or for permitted #non-residential# #buildings or other structures# exclusive of hospitals and related facilities, one identification #sign#, with an area not exceeding 12 square feet and indicating only the name of the permitted #use#, the name or address of the #building#, or the name of the management thereof, is permitted. For #community facility# #uses#, except hospitals and related facilities, a bulletin board, with an area not exceeding 16 square feet, is also permitted. For any #sign# on awnings or canopies, the height of letters on any side of such awnings or canopies shall not exceed 12 inches.

(c) For hospitals and related facilities, any number of identification or directional #signs# are permitted, provided the total #surface area# in square feet of all such #signs# shall not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less. However, for #zoning lots# with more than one #building# that fronts upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet. In addition to the aforementioned #signs#, either one directory or bulletin board, or combination thereof, is permitted, not to exceed 50 square feet.

22-222 - "For sale" or "for rent" signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

"For sale" or "for rent" #signs#, with an area not exceeding 12 square feet, are permitted. If located on vacant land, such a #sign# shall not be within 15 feet of the #street line#, nor within six feet of any other #lot line#.

22-223 - Signs for parking areas

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

One #sign#, with an area not exceeding two square feet, designating each entrance to or exit from an off-street parking area, open or enclosed, is permitted. No such #sign# shall be higher than seven feet above #curb level#.

In addition, an off-street parking facility that contains #car sharing vehicles# may provide #signs# that in the aggregate total no more than two square feet in area identifying organizations that have #car sharing vehicles# available at such parking area. No such #sign# shall be located higher than seven feet above #curb level#.

22-23 - Signs on Lots Containing Certain Community Facilities

LAST AMENDED
12/5/2024

22-231 - Permitted illuminated accessory signs for hospitals and related facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for hospitals and related facilities, #illuminated# non-#flashing# #accessory# #signs# are permitted in all districts, subject to Section 22-24 (Additional Regulations). Any number of #illuminated# non-#flashing# identification or directional #signs# are permitted, provided that the total #surface area# in square feet of said #illuminated# #signs# or the combined total #surface area# in square feet of the #illuminated# and non-#illuminated# identification or directional #signs# does not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less, and provided further that the Commissioner of Buildings determines that such #signs# are so located as to cause a minimum amount of light to be projected onto abutting or adjacent #residences#. However, for #zoning lots# with more than one #building# that front upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet.

In addition to #illuminated# or non-#illuminated# #accessory# #signs#, one illuminated non-flashing directory or bulletin board or combination thereof is permitted in lieu of a non-illuminated directory or bulletin board or combination thereof provided that the total #sign# area does not exceed 50 square feet and provided further that the Commissioner of Buildings determines that such #sign# is so located as to minimize the amount of light projected on the abutting or adjacent #residences#.

22-232 - Flags, banners or pennants on lots containing certain community facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility# #uses# of a civic, philanthropic, educational or religious nature, are permitted without limitation.

22-24 - Additional Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts as indicated, any #sign# permitted under the provisions of Sections 22-22 (Permitted Non-illuminated Accessory Signs) and 22-231 (Permitted illuminated accessory signs for hospitals and related facilities) shall conform to the regulations set forth in this Section.

22-241 - Projecting signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

No #sign# shall project across a #street line# more than 12 inches.

22-242 - Height of signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

No #sign# shall extend above the ground floor ceiling, or more than 20 feet above #curb level#, whichever is less.

22-25 - Number of Signs

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Except as otherwise provided in Sections 22-22 (Permitted Non-illuminated Accessory Signs) or 22-231 (Permitted illuminated accessory signs for hospitals and related facilities), not more than one #sign# is permitted for each #use#, #building# or #dwelling unit#, and not more than two #signs# for each professional office. On a #corner lot# or #through lot#, one #sign# (or for professional offices, two #signs#) is permitted on each #street#.

22-26 - Advertising Signs on Waterways

LAST AMENDED
12/5/2024

No moving or stationary "advertising sign" shall be displayed on a vessel plying waterways adjacent to #Residence Districts# and within view from an arterial highway. For the purposes of this Section,

arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section "advertising sign" is a sign that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Residential Bulk Regulations in Residence Districts

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Chapter 3 - Residential Bulk Regulations in Residence Districts

23-00 - APPLICABILITY AND GENERAL PURPOSES

LAST AMENDED
12/15/1961

23-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #residential# #building or other structure#, or to the #residential# portion of a #building or other structure# used for both #residential# and #community facility# #uses#. The #bulk# regulations of Article II, Chapter 4, shall apply to any #zoning lot# or portion of a #zoning lot# containing a #community facility building# or to the #community facility# portion of a #building# used for both #residential# and #community facility# #uses#, except as set forth in Sections 24-04 (Applicability of Article II, Chapter 3 Regulations) and 24-05 (Buildings containing certain community facility uses). 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.

23-02 - Applicability in Special Situations

LAST AMENDED

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to Section 74-61.

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

23-03 - General Purposes of Residential Bulk Regulations

LAST AMENDED
12/5/2024

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established.

23-04 - Zoning Lots Divided by District Boundaries

LAST AMENDED
12/5/2024

In all districts, whenever a #zoning lot# is divided by a boundary between districts or is subject to different #bulk# regulations for different portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

23-05 - Applicability of Certain Bulk Regulations

LAST AMENDED
12/5/2024

Special rules governing optional #bulk regulations# affecting one or more #bulk# parameters are set forth in Section 23-70 (ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS), inclusive.

These optional #bulk# provisions include alternative rules for:

(a) #predominantly built-up areas#, as set forth in Section 23-71, inclusive;

(b) portions of Community District 12 in the Borough of Brooklyn, as set forth in Section 23-72, inclusive; and

(c) #sky exposure plane buildings#, as set forth in Section 23-73, inclusive.

Where any of such optional provisions are utilized, all the other associated #bulk# provisions set forth in Section 23-70, inclusive, shall apply.

23-06 - Applicability of Bulk Regulations for Certain Sites

LAST AMENDED
12/5/2024

In R6 through R12 Districts without a letter suffix, on #zoning lots# where demolition or disposition is subject to approval from the U.S. Department of Housing and Urban Development (HUD) under section 18 of the Housing Act of 1937, the provisions of this Section shall apply.

For #developments# or #enlargements# of #residences# other than #qualifying senior housing# or #MIH developments# on #MIH sites#:

(a) on #zoning lots# where the height of any existing #building# containing #residences# exceeds the heights for #zoning lots# containing standard #residences# set forth in Section 23-432, the regulations for #sky exposure plane buildings# set forth in Section 23-73, inclusive, shall apply, and shall not be optional; and

(b) on #zoning lots# where the height of all existing #building# containing #residences# are less than or equal to the heights for #zoning lots# containing standard #residences# set forth in Section 23-432, the #bulk# regulations for #residential buildings# of this Chapter applicable to non-#sky exposure plane buildings# may be applied, except that:

(1) the height and setback modifications for eligible sites set forth in Section 23-434 shall not apply; and

(2) the minimum distance between #buildings# two of more #buildings# on the same #zoning lot# that are not connected at any level shall be governed by the provisions of paragraph (c) of Section 23-735. Notwithstanding the provisions of Section 23-05, the use of this Section shall not necessitate the utilization of all other provisions for #sky exposure plane buildings# unless other provisions of Section 23-73, inclusive, are applied.

23-10 - LOT AREA AND LOT WIDTH REGULATIONS

LAST AMENDED
12/5/2024

Minimum #lot area# and #lot width# regulations are set forth in Section 23-11 for R1 through R5 Districts and Section 23-12 for R6 through R12 Districts.

However, such #lot area# and #lot width# regulations shall not apply to #zoning lots# in existence on December 5, 2024, where the #lot area# or #lot width# was less than the prescribed minimums of such Sections, and after December 5, 2024, such #lot area# or #lot width# has not decreased.

Where two or more #buildings# that are #single-# or #two-family# #detached# or #zero lot line# #residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement set forth in the table in this Section shall be multiplied by the number of such #buildings# on the #zoning lot#. For the purposes of applying such calculation, #detached# #buildings# that are permitted obstructions in a required #rear yard# or #rear yard equivalent# shall not be included.

23-11 - Lot Area and Lot Width Regulations in R1 Through R5 Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, no #residence# shall be permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	**District**	**Minimum #Lot Area# (in sq. ft)**	**Minimum #Lot Widt**
#Single-# or #two-family# #detached#, or #zero lot line#, where permitted	R1-1	7,125	75
	R1-2 R1-2A	4,750	50

R2 R2A R2X R3X R3-1 R3-2 R4 R5	2,850	30	
R3A R4-1 R4A R4B R5A R5B R5D	2,375	25	
Other #residences#, where permitted	R1 – R5	1,700	18

23-12 - Lot Area and Lot Width Regulations in R6 through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, no #residence# shall be permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	**District**	**Minimum #Lot Area# (in sq. ft)**	**Minimum #Lot ft)**
#Single-# or #two-family# #detached# or #zero lot line#	R6 - R12	2,375	25
Other #residences#	R6 - R12	1,700	18

23-20 - FLOOR AREA REGULATIONS

LAST AMENDED
12/5/2024

#Floor area# regulations are set forth in Section 23-21 for R1 through R5 Districts and Section 23-22 for R6 through R12 Districts. Special allowances for #multiple dwelling residences# are set forth in Section 23-23. Special rules governing certain areas are set forth in Section 23-24.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, inclusive of #residences# subject to different #floor area ratios#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or as provided in the respective #floor area# provisions of another Chapter of this Resolution. The total of all such #floor area ratios# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

Where a #floor area# bonus established through another Section of this Resolution applies to a #zoning lot# containing #residences#, the #residential# #floor area ratio# used to calculate the maximum permitted #floor area# bonus shall be the maximum #floor area ratio# permitted for such #zoning lot# pursuant to this Section, depending on whether the #zoning lot# is a #qualifying residential site# or the #zoning lot# contains #qualifying affordable housing# or #qualifying senior housing#.

23-21 - Floor Area Regulations for R1 Through R5 Districts

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the maximum #residential# #floor area ratio# shall be as set forth in the following table. Separate maximum #residential# #floor area ratios# are set forth for standard #zoning lots# and #zoning lots# that are #qualifying residential sites#.

MAXIMUM FLOOR AREA RATIO FOR R1-R5 DISTRICTS

District	**Standard #zoning lots#**	**#Qualifying residential sites#**
R1-2A R1-1 R1-2 R2A R2 R3A R3X R3-1 R3-2	0.75[1]	1.00
R2X	1.00	1.00
R4A R4B R4 R4-1	1.00	1.50
R5A R5B R5	1.50	2.00
R5D	2.00	2.00

1 For standard #zoning lots# with a #lot area# of 4,000 square feet or more, the maximum #residential# #floor area# associated with any single #dwelling unit# shall not exceed an equivalent #floor area ratio# of 0.60.

23-22 - Floor Area Regulations for R6 Through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #residential# #floor area ratio# shall be as set forth in the following table. Separate maximum #residential# #floor area ratios# are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

MAXIMUM FLOOR AREA RATIO FOR R6-R12 DISTRICTS

District	**Standard #residences#**	**#Qualifying affordable housing# or #qualifying senior housing#**
R6A R6[1] R6-1 R7B	3.00	3.90
R6	2.20	3.90
R6B	2.00	2.40
R6D R6-2	2.50	3.00
R7A R7-1[1] R7-2[1]	4.00	5.01
R7-1 R7-2	3.44	5.01

R7D	4.66	5.60
R7X R7-3	5.00	6.00
R8A R8X R8	6.02	7.20
R8	7.20[1]	8.64[2]
R8B	4.00	4.80
R9A R9	7.52	9.02
R9D R9X R9-1	9.00	10.80
R10A R10X R10	10.00	12.00
R11	12.00	15.00
R12	15.00	18.00

1 For #zoning lots#, or portions thereof, located within 100 feet of a #wide street#

2 Outside of #Mandatory Inclusionary Housing areas#, for #zoning lots#, or portions thereof, located within 100 feet of a #wide street#, containing #UAP developments# or #qualifying senior housing#

23-23 - Special Floor Area Provisions for Multiple Dwelling Residences

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, for #buildings# containing #multiple dwelling residences#, floor space allocated to #building# amenities, corridors, refuse storage or disposal, or access to elevated ground floor #dwelling units# may be exempted from the definition of #floor area# pursuant to Section 12-10, provided that the provisions of this Section, inclusive, are met. However, exempted floor space shall be considered #floor area# for the purposes of satisfying other #ground floor level# #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for #floor area# at the #ground floor level#.

Such provisions may be applied to #buildings# #developed# after December 5, 2024, and to existing #buildings# where, after December 5, 2024, an #enlargement#, #extension#, #conversion# or other alteration results in newly created or altered floor space that conforms with such specific provisions of this Section, inclusive.

23-231 - Floor area provisions for amenities

LAST AMENDED
12/5/2024

Floor space in a #building# allocated to #residential# amenities may be exempted from the definition of #floor area#, in an amount not to exceed five percent of the #residential floor area# of the #building#.

Such amenities may include recreation spaces, including those required pursuant to Section 23-63, or other amenities, including, but not be limited to, co-working areas, library or reading rooms, or music

practice rooms, package or storage rooms, laundry facilities, or pet-related facilities.

However, amenity space shall not include floor space for circulation through the #building#, including, corridors or vertical circulation spaces.

Amenities provided pursuant to this Section shall be accessible to the residents of the #building#.

23-232 - Floor area provisions for corridors

LAST AMENDED
12/5/2024

Floor space in a #building# allocated to corridors may be exempted from #floor area# pursuant to the provisions of paragraphs (a) or (b) of this Section. Such provisions may be applied individually or in combination.

(a) Corridors Termination

Fifty percent of the floor space of a corridor may be exempted from the definition of #floor area# where one of the following criteria are met:

(1) the corridor provides direct access to outdoor space on a balcony or terrace on the same #story# that is accessible to residents of the #story#;

(2) the corridor has daylighting through windows with a glazed area of at least 20 square feet, and such windows are located:

(i) directly within the corridor;

(ii) in the enclosing walls of a stairwell along such corridor, and access to such stairwell from the corridor is provided through an entry door assembly with a minimum glazed area of at least 16 square feet; or

(iii) within common space along such corridor that accessible to residents of the #story#; or

(3) the corridor terminates with a #dwelling unit# that contains at least three bedrooms.

(b) Length of Corridor

Fifty percent of the floor space of a corridor may be exempted from the definition of #floor area#, where the length of the corridor, as measured from the vertical circulation core to the door of the furthest #dwelling unit# on the #story#, does not exceed 100 linear feet. For the purposes of this Section, a vertical circulation core shall refer to an elevator core (consisting of one or more elevators) or, in a non-elevator #building#, to a central stairwell.

23-233 - Floor area provisions for refuse storage and disposal

LAST AMENDED
12/5/2024

Floor space in a #building# allocated to refuse storage and disposal may be exempted from the definition of #floor area# in an amount not to exceed a maximum of three square feet per #dwelling unit# in the #building#.

23-234 - Elevated Ground Floor Units

LAST AMENDED
12/5/2024

For #buildings# with entryways at #curb level# that accommodate ramps, stairs or lifts to #dwelling units# that are elevated above #curb level# on the first #story# of the #building#, up to 100 square feet of such entryways may be exempted from the definition of #floor area# for each foot of difference between the floor level of such #dwelling units# and #curb level#. However, no more than a maximum of 500 square feet of floor space may be exempted from the definition of #floor area# for each #building#.

23-24 - Special Provisions for Certain Areas

LAST AMENDED
12/5/2024

23-241 - Special tower provisions

LAST AMENDED
12/5/2024

In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-435 (Tower regulations), any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in

Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:

(a) occupies the predominant portion of a #story#;

(b) is located above the #base plane# or #curb level#, as applicable, and below the highest story containing #residential floor area#; and

(c) exceeds an aggregate height of 25 feet within any given 75 vertical feet of one another within a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined by aggregating the total height of such floor spaces, dividing by 25 feet, and rounding to the nearest whole integer.

23-242 - Special provisions for certain community districts

LAST AMENDED
12/5/2024

(a) Borough of Brooklyn

For R1 through R3 Districts south of Avenue H in Community Districts 11, 14 and 15 in the Borough of Brooklyn, the maximum #floor area ratio# for standard #zoning lots# set forth in

Section 23-21 (Floor Area Regulations for R1 Through R5 Districts) shall be increased to 1.0.

23-243 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
12/5/2024

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

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

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the Commission, pursuant to Section 74-761

(Elimination or reduction in size of bonused public amenities).

23-30 - YARDS, COURTS AND OTHER OPEN AREA REGULATIONS

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, regulations governing #yards#, #courts#, #lot coverage#, and other open areas shall be set forth in Section 23-30, inclusive.

General provisions shall be as set forth in Section 23-31, inclusive.

#Front yard# requirements shall be as set forth in Section 23-32, inclusive, #side yard# requirements shall be as set forth in Section 23-33, inclusive, and #rear yard# and #rear yard equivalent# requirements shall be as set forth in Section 23-34, inclusive.

#Court# regulations, including those for #inner courts# and #outer courts#, shall be as set forth in Section 23-35, inclusive.

Maximum #lot coverage# requirements shall be as set forth in Section 23-36, inclusive.

Other regulations governing open areas, including minimum distances between #buildings# and minimum distances between #legally required windows# and #lot lines#, shall be as set forth in Sections 23-37, inclusive.

Special rules for certain areas shall be as set forth in Section 23-38, inclusive.

23-31 - General Provisions

LAST AMENDED
12/5/2024

In R6 through R12 Districts, the obstructions permitted within a #front yard# pursuant to Section 23-31, inclusive, may also be permitted in the open area between the #street wall# and the #street line#.

23-311 - Permitted obstructions in all yards, courts and open areas

LAST AMENDED
12/5/2024

In all #Residence Districts#, the following obstructions shall be permitted within any required #yard#, #rear yard equivalent#, #court# or other required open area. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

(a) #Accessory# mechanical equipment, limited in depth to 18 inches from an exterior wall;

(b) Arbors or trellises;

(c) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(d) Bicycle or micromobility parking, including necessary ancillary structures;

(e) Canopies;

(f) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

(g) Eaves, gutters, downspouts, or other similar projections, extending into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;

(h) Electric vehicle charging equipment;

(i) Flagpoles;

(j) #Qualifying exterior wall thickness#;

(k) Ramps or lifts for people with physical disabilities;

(l) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:

(1) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects; or

(2) above other permitted obstructions, as applicable, provided that the additional height shall be limited to 18 inches;

(m) Terraces or porches, open;

(n) Window sills, or similar projections extending into such #yard# or #rear yard equivalent# not more than four inches.

23-312 - Additional permitted obstructions generally permitted in all yards

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted within any #yard# or #rear yard equivalent#:

(a) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-62. Such balconies are not permitted in #side yards# or within five feet of the #side lot line# or #rear lot line# in a #rear yard# or #rear yard equivalent#;

(b) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;

(c) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;

(d) Overhanging portions of a #single-# or #two-family residence# , which are above the first #story# including the #basement# and which project not more than three feet into the #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;

(e) Parking spaces for automobiles, off-street, open, #accessory#, within a #side# or #rear yard#;

(f) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, subject to the provisions of Section 25-621 (Location of parking spaces in certain districts) and Section 25-622 (Location of parking spaces in lower density growth management areas).

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District, or the #front yard# of a #building# containing #residences# on a #qualifying residential site# in an R1 through R5 District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached# #building# in an R3-1 or R4-1 District;

(g) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:

(1) all equipment shall be subject to the applicable provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(i) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;

(ii) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and

(iii) in R6 through R12 Districts, a height of 15 feet above the adjoining grade;

(h) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;

(i) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;

(j) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#.

23-313 - Level and measurement of yards

LAST AMENDED
12/5/2024

In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except where permitted as an obstruction pursuant to Section 23-30, inclusive.

The width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

23-32 - Front Yard Requirements

LAST AMENDED
12/5/2024

23-321 - Basic front yard requirements in R1 through R5 Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, #front yards# shall be provided as set forth in the following table, except as further modified by the provisions of this Section.

District	Front Yard
R1	20 feet
R2 R2A R2X R3-1 R3-2	15 feet
R3A R3X R4 R4-1 R4A R5 R5A	10 feet
R4B R5B R5D	5 feet

For the purpose of this Section, the area between the #street line# and the #street wall line# of adjacent #buildings# containing #residences# on the same or adjoining #zoning lots# fronting on the same #street# shall be considered adjacent #front yards#.

Minimum #front yard# yards shall be modified as follows:

(a) For #qualifying residential sites# with a #lot width# of at least 150 feet, the applicable #front yard# depth set forth in the table may be reduced by five feet, except that a #front yard# shall be no shallower than five feet;

(b) For a #corner lot#, one #front yard# may have a depth that is five feet shallower than the applicable depth set forth in the table, except that a #front yard# shall be no shallower than five feet;

(c) Where an adjacent #front yard# is shallower than the minimum required pursuant to the applicable district regulations, then the #front yard# may be as shallow as the shallowest adjacent #front yard#. However, a #front yard# shall be no shallower than five feet;

(d) In R4B and R5B Districts, a #front yard# shall be no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#. However, a #front yard# shall be no shallower than five feet, and need not exceed 15 feet in depth. Where the #street walls# surrounding the subject #building# do not have a #prevailing street wall frontage#, these #front yard# line-up provisions need not apply; and

(e) To accommodate #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may encroach into a required #front yard#, provided that no encroachment exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof.

23-322 - Front yard requirements for R6 through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, no #front yard# requirements shall apply.

23-33 - Side Yard Requirements

LAST AMENDED

23-331 - Permitted obstructions in certain side yards

LAST AMENDED12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas) and 23-312 (Additional permitted obstructions generally permitted in all yards) shall be permitted within required #side yards# and required open areas along #side lot lines#. In addition, the following obstructions shall be permitted within certain portions of required #side yards# and required open areas along #side lot lines#:

(a) on #corner lots#, enclosed #accessory# off-street parking spaces may be located in any portion that is within 30 feet of both #side lot lines#. However, in R1 or R2A Districts on #zoning lots# whose mean width is 45 feet or more, no portion of such structure shall be located less than five feet from any #side lot line#; and

(b) on #zoning lots# other than #corner lots#, the permitted obstructions listed in Section 23-341 (Permitted obstructions in required rear yards or rear yard equivalents) may be located in any portion that is within 30 feet of a #rear lot line# or within 10 feet of a #rear yard equivalent#.

23-332 - Basic side yard requirements in R1 through R5 Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

(a) #Detached# #buildings#

In the districts indicated, for #zoning lots# containing only #single-# or #two-family# #detached# #residences#, two #side yards#, shall be provided. In R1 Districts the minimum width of each #side yard# shall be eight feet, and in all other districts, the minimum width shall be five feet.

R3 R4 R5

(b) #Semi-detached# #buildings# and #zero lot line buildings#

In the districts indicated, for #zoning lots# containing only #single-# or #two-family# #semi-detached# or #zero lot line# #residences#, a #side yard# with a minimum width of five feet shall be provided.

In addition, where an adjoining #zoning lot# contains a #single-# or #two-family# #detached# #semi-detached#, or #zero lot line# #residence#, an open area with a minimum total width of eight feet shall be required between the #building# on the subject #zoning lot# and the #residence# on the adjacent #zoning lot#.

R3-2 R4 R4B R5 R5B R5D

(c) Other #residences#

In the districts indicated, for #zoning lots# containing #residences# that are not subject to paragraphs (a) or (b) of this Section, no #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#. Furthermore, where a #zoning lot# adjoins a #zoning lot# containing exclusively #single-# or #two-family# #residences#, and where a #side yard# with a minimum width of three feet or more is provided along the common #side

lot line#, an open area with a minimum total width of eight feet shall be required between the #building# on the subject #zoning lot# and the #residence# on the adjacent #zoning lot#.

R1 R2 R3 R4 R5

(d) Permitted obstructions in open areas between #buildings#

Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, chimneys, downspouts, eaves, gutters, open #accessory# off-street parking spaces, #qualifying exterior wall thickness#, ramps for access by people with disabilities, and steps as set forth in the applicable provisions of Sections 23-311 and 23-312 shall be permitted obstructions in open areas between #buildings#, provided that such obstructions, not including #accessory# off-street parking spaces, #qualifying exterior wall thickness# or #accessory# mechanical equipment, may not reduce the minimum width of the open area by more than three feet.

23-333 - Modified side yard requirements for qualifying residential sites

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, for #residences# on #qualifying residential sites#, no #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#.

Furthermore, except as provided for by paragraph (c) of Section 23-332 (Basic side yard requirements in R1 through R5 Districts), where a #building# containing #residences# on an adjacent #zoning lot# has a #side yard# adjoining the subject #zoning lot# an open area with a minimum width of five feet,

measured perpendicular to the #side lot line# shall be provided, and shall extend along the entire #side lot line#.

23-334 - Modified side yard requirements for existing narrow zoning lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, where the width of a #zoning lot# is less than that required under the provisions of Section 23-11 (Lot Area and Lot Width Regulations in R1 Through R5 Districts), for a #single-# or #two-family residence#, the required total width of #side yards#, or minimum open area provided along a #side lot line#, as applicable, may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required, and where applicable, the minimum distance required between a #residence# on an adjacent #zoning lot# may be reduced by six inches for each foot by which the width of a #zoning lot# is less than that required, provided that the narrow lot condition was in existence on December 15, 1961, and, subsequently, such narrow lot condition has neither increased nor decreased in width.

However, in no event shall the required width of a #side yard# or open area be less than three feet and, where applicable, the minimum distance between a #residence# on an adjacent #zoning lot# be less than five feet.

23-335 - Side yard requirements for R6 through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

(a) #Detached# #buildings#

In the districts indicated, for #zoning lots# containing only #single-family# or #two-family# #detached# #residences#, two #side yards#, each with a minimum width of five feet, shall be provided.

(b) All other #buildings#

In the districts indicated, for #zoning lots# containing all other types of #residences#, no #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#.

23-34 - Rear Yard and Rear Yard Equivalent Requirements

LAST AMENDED
12/5/2024

23-341 - Permitted obstructions in required rear yards or rear yard equivalents

LAST AMENDED
12/5/2024

(a) In all #Residence Districts#, the obstructions set forth in Sections 23-311 and 23-312, as well as the following obstructions shall be permitted within any required #rear yard# or #rear yard equivalent#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

(1) Breezeways;

(2) Fire escapes;

(3) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;

(4) Recreational or drying yard equipment;

(5) Sheds, tool rooms or other similar #accessory# #buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;

(6) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:

(i) on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a #detached# #accessory# #building or other structure#, or on any roof with a slope greater than 20 degrees; or

(ii) affixed to solar canopies and located over any otherwise unenclosed #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;

(7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

(b) In all #Residence Districts#, the obstructions set forth in Sections 23-311 and 23-312, as well as the following obstructions shall be permitted within any required #rear yard# or #rear yard equivalent#.

(1) Balconies, unenclosed, subject to the provisions of Section 23-62;

(2) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

(i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Parking spaces shall also be permitted in #buildings# allowed as permitted obstructions pursuant to paragraph (b)(4) of this Section, provided that the portion allocated to parking spaces does not exceed 10 feet in height;

(ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed 15 feet above #base plane#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in

Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;

(iii) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);

(3) any portion of a #building# used for #residential uses# other than #dwelling units# in #buildings# containing #qualifying senior housing#, provided that:

(i) such #zoning lot# is located in an R6 through R12 Districts other than R6B, R7B or R8B Districts;

(ii) such #building# portion is located within 100 feet of a #wide street#;

(iii) the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less; and

(iv) such space shall be accessible to all residents of the #building#.

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

(4) for #single-# or #two- family residences#, any portion of a #building# used for #residential uses#, provided that:

(i) for any #ancillary dwelling unit# associated with a #detached#, #zero lot line# or #semi-detached# #building#, the height, at any level, shall be limited to one #story#, not to exceed 15 feet. However, where an #accessory# parking space is provided below a portion of a #building# containing an #ancillary dwelling unit#, the height of such #building#, and an associated #ancillary dwelling unit#, shall not exceed two #stories# or 25 feet in height above adjoining grade, whichever is less, including the apex of a pitched roof;

(ii) for #detached# and #zero lot line# #buildings#, the height of all other portions of #buildings# not containing an #ancillary dwelling unit# shall be limited to two #stories# or 25 feet in height above adjoining grade, whichever is less, including the apex of a pitched roof;

(iii) the size shall be limited to an area not exceeding one-third of the #rear yard# or #rear yard equivalent#; and

(iv) where such #building# is free-standing from other existing #buildings# on the #zoning lot#, it shall not be closer than five feet to a #rear lot line# or #side lot line#.

In addition, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

23-342 - Rear yard requirements

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, #rear yards# shall be provided on #interior lots# in accordance with this Section., except as otherwise provided pursuant to the provisions of Section 23-34, inclusive.

(a) Standard lots

In the districts indicated, a #rear yard# shall be provided as follows:

(1) For #detached# and #zero lot line buildings#, for #buildings# or portions thereof at or below a height of 75 feet, as measured from #base plane#, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot#, and for portions above 75 feet, where permitted, a #rear yard# with a depth of 30 feet shall be provided; and

(2) For #semi-detached# and #attached# #buildings#:

(i) for #zoning lots# with a #lot width# of less than 40 feet, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot#; and

(ii) for #zoning lots# with a #lot width# of 40 feet or greater, for #buildings# or portions thereof at or below a height of 75 feet, as measured from #base plane#, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot#, and for portions above 75 feet, where permitted, a #rear yard# with a depth of 30 feet shall be provided.

(b) Shallow lots

In the districts indicated, the provisions of this Section may be modified where an #interior lot# is less than 95 feet deep at any point, and the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition has neither increased nor decreased in depth.

For such shallow #interior lots#, or portions thereof, the depth of a required #rear yard# set forth for standard lots may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 95 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 10 feet.

23-343 - Rear yard equivalent requirements

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, #rear yard equivalents# shall be provided on #through lots# in accordance with this Section, except as otherwise provided pursuant to the provisions of Section 23-34, inclusive.

(a) Exceptions

No #rear yard equivalent# regulations shall apply:

(1) to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#;

(2) to #large sites#;

(3) to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of a #street#; or

(4) to any #zoning lot# occupying an entire #block#.

(b) Depth requirement

(1) For standard lots

On any #through lot# that is 190 feet or more in maximum depth from #street# to #street#, for #buildings# or portions thereof at or below a height of 75 feet, a #rear yard equivalent# consisting of an open area with a minimum depth of 40 feet shall be provided, and above a height of 75 feet, where permitted, a #rear yard equivalent# of 60 feet shall be provided.

(2) For shallow lots

The depth of a #rear yard equivalent# may be reduced where a #through lot# is less than 190 feet deep at any point, and the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition has neither increased nor decreased in depth.

For such shallow #through lots#, or portions thereof, the depth of a required #rear yard equivalent# set forth for standard #through lots# in this Section, may be reduced by one foot by which the depth of a #zoning lot#, or portion thereof, is less than 190 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 20 feet.

(c) Location requirement

(1) Standard location

A #rear yard equivalent# shall be provided midway, or within 10 feet of being midway, between the two #street lines# upon which such #through lot# fronts.

(2) Alternative location allowances

Alternatively, for #zoning lots# utilizing the height and setback provisions for eligible sites in Section 23-434, the tower regulations of Section 23-435, or other height and setback provisions of this Resolution that modify or supersede the underlying provisions for R10 Districts without a letter suffix, or for shallow lots eligible for the provisions of paragraph (b)(2) of this Section, the following options may be applied:

(i) open areas adjoining and extending along the full length of either or both #street lines#, where the combined depth of such open areas is equivalent to the depth of the required #rear yard equivalent#;

(ii) open areas adjoining and extending along the full length of each #side lot line# with a minimum width equivalent to half of the required #rear yard equivalent#, as measured perpendicular from each #side lot line#. However, the width of such open area along one #side lot line# may be decreased provided that a corresponding increase in width is made along the other #side lot line# and further provided that any open area shall have a minimum width of five feet. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections 23-311 and 23-312 shall be permitted in such open areas.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-341 (Permitted obstructions in required yards or rear yard equivalents).

23-344 - Additional rear yard modifications

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the #rear yard# requirements set forth in Section 23-342 (Rear yard requirements) and the #rear yard equivalent# requirements of Section 23-343 (Rear yard equivalent requirements) shall be modified as set forth in this Section.

(a) Within one hundred feet of corners

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

(b) Along #short dimension of a block#

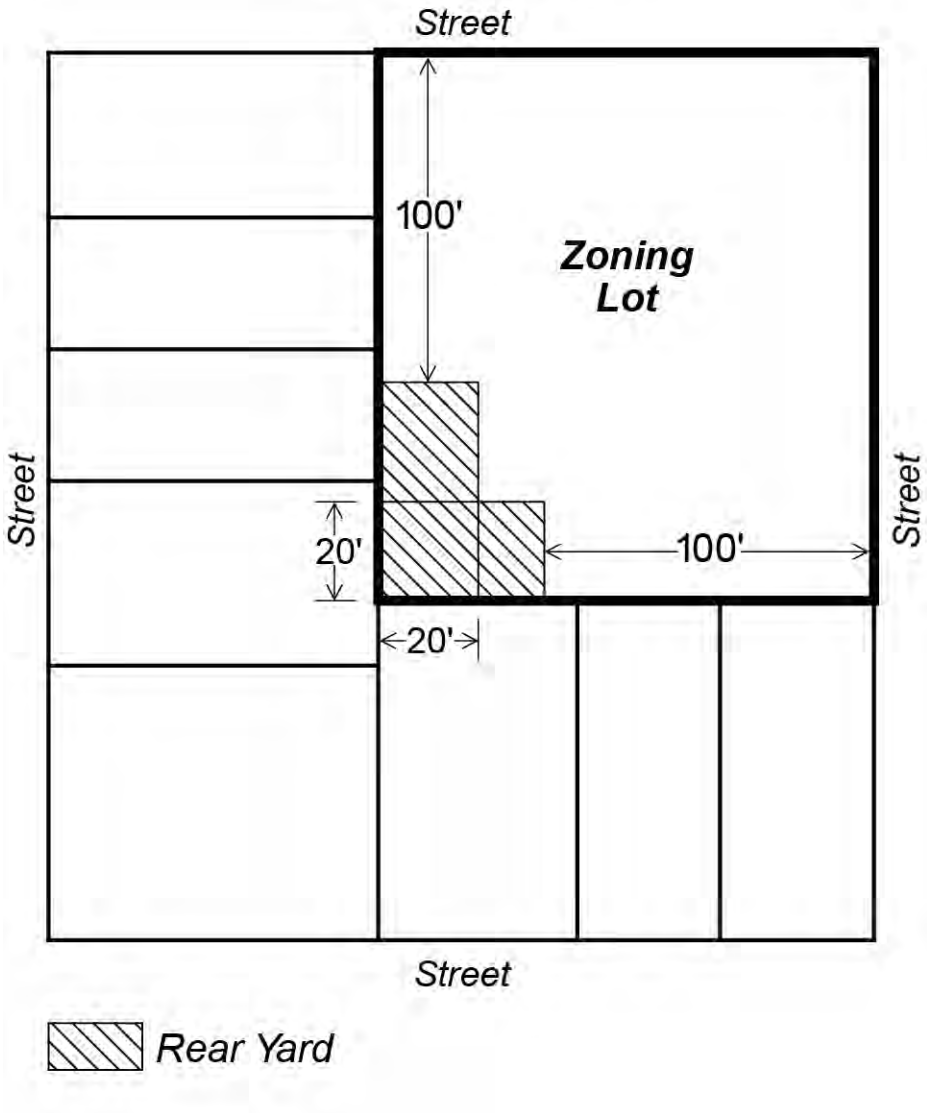
In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with the #street line# of the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #street line#

(c) Beyond one hundred feet of a #street line#

In all districts, as indicated, for #interior# or #through lot# portions of #corner lots#, and for #zoning lots# bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

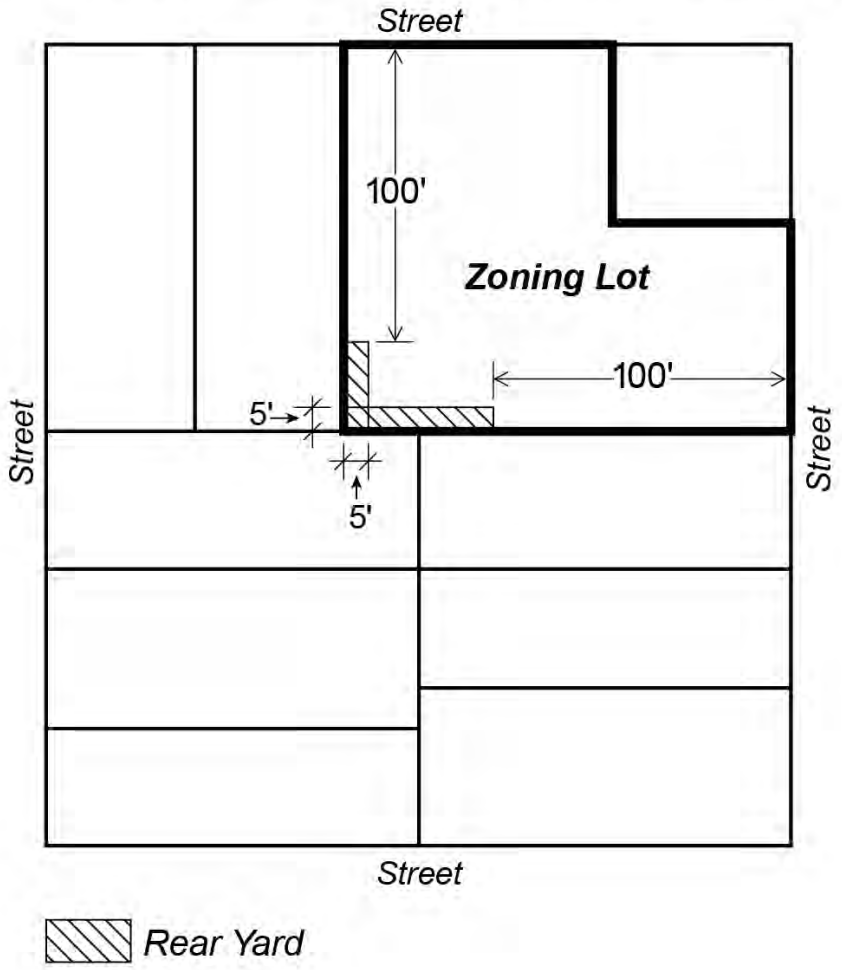
(1) In all districts, a #rear yard# shall be provided in accordance with Section 23-342 (Rear yard requirements), where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.

CORNER LOT



(2) In R1 through R5 Districts, a #rear yard# with a minimum depth of five feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

ZONING LOT BOUNDED BY TWO OR MORE STREETS
(NEITHER A CORNER LOT NOR A THROUGH LOT)



(3) In R6 through R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(d) For zoning lots with multiple #rear lot lines#

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

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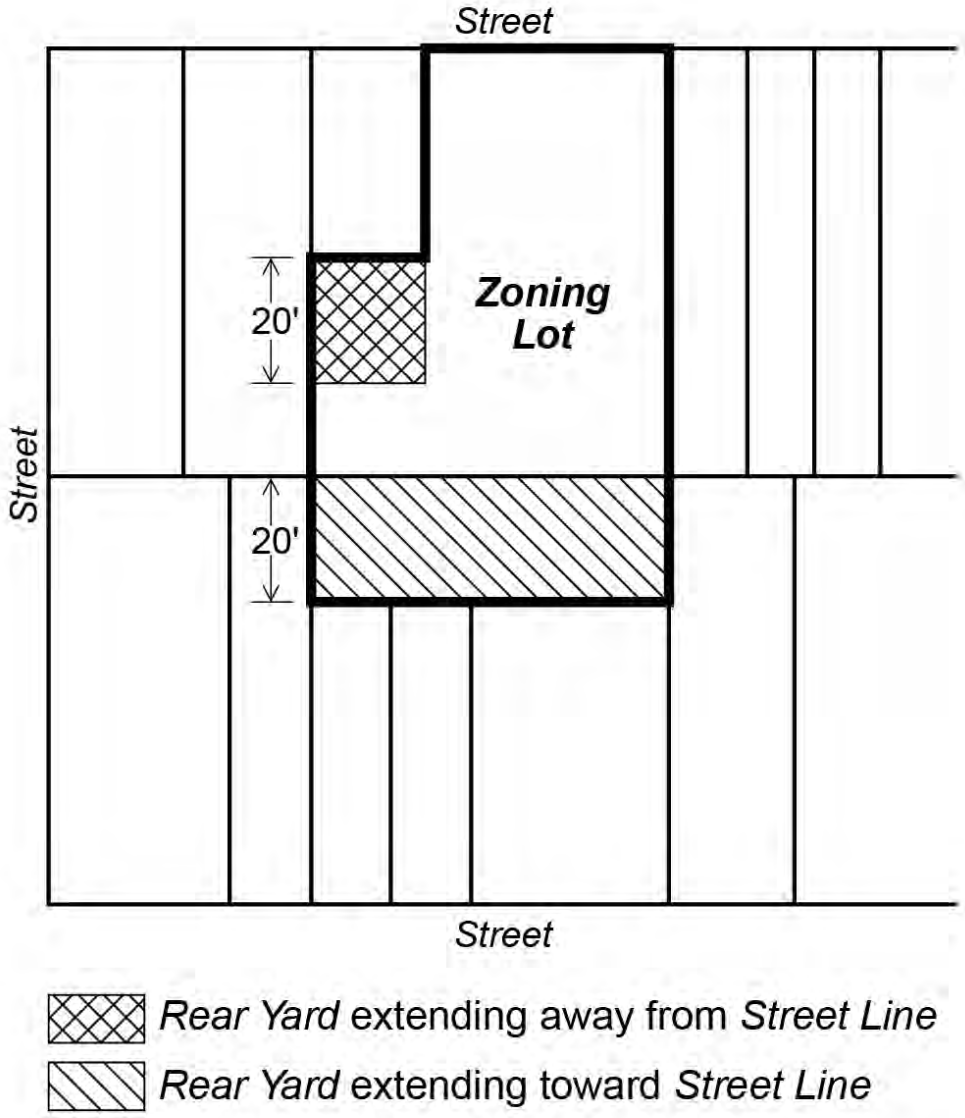
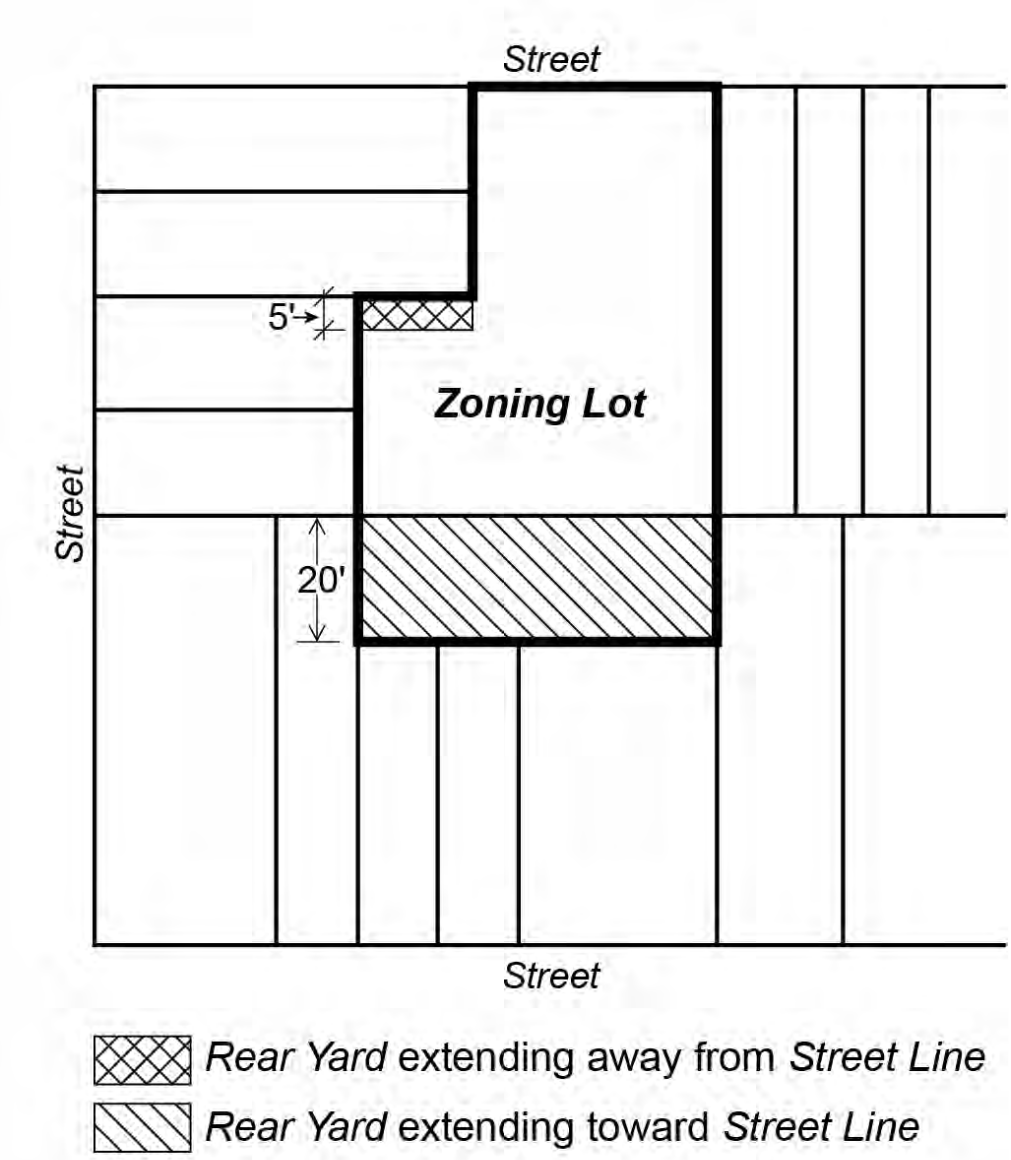


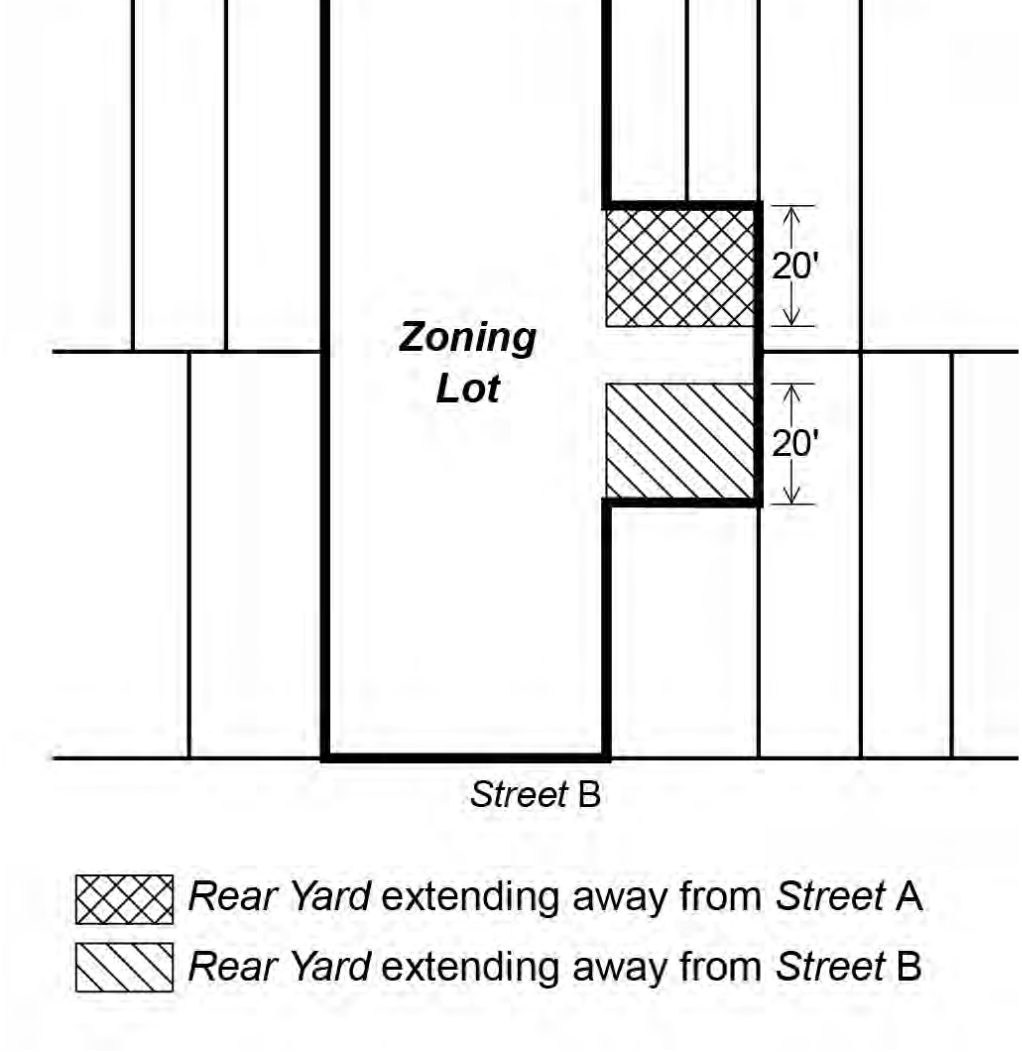
ith Section 23-

(2) In R1 through R5 Districts, a #rear yard# with a minimum depth of five feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



(3) In R6 through R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(4) In all districts, for portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



23-35 - Court Regulations

LAST AMENDED

12/5/2024

#Inner court# regulations are set forth in Section 23-352 and #outer court# regulations are set forth in Section 23-353. Permitted obstructions in such #courts# are set forth in Section 23-351.

These regulations shall not apply to any #single-# or #two-family# #detached# #residence#.

A corner of a #court# may be cut off between walls of the same #building#, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

23-351 - Permitted obstructions in courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the obstructions permitted in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted within the minimum area and dimensions needed to satisfy the requirements for a #court#. For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

(a) Fences;

(b) Fire escapes in #outer courts#;

Fire escapes in #outer court recesses# not more than five feet in depth;

Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

(c) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in paragraph (g) of Section 23-312 (Additional permitted obstructions generally permitted in all yards);

(d) Recreational or drying yard equipment.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, shall be permitted.

23-352 - Inner court regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the following #inner court# regulations shall apply:

(a) where #legally required windows# face onto an #inner court#, for #buildings# or portions thereof at or below a height of 75 feet, the area of an #inner court# shall not be less than 800

square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet, and above a height of 75 feet, where permitted, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet;

(b) where no #legally required windows# face onto an #inner court#, for #buildings# or portions thereof at or below a height of 75 feet, the area of such small #inner court# shall not be less than 200 square feet and no dimension shall be less than 10 feet, and above a height of 75 feet, where permitted, the area of such small #inner court# shall not be less than 300 square feet and no dimension shall be less than 15 feet; and

(c) the width of an #inner court recess# shall be at least equal to the depth of the #inner court recess#, except that such width need not exceed the minimum dimension for an #inner court#, relative to the height.

For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

23-353 - Outer court regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the following #outer court# regulations shall apply:

(a) where #legally required windows# face onto an #outer court#, the width of such #outer court# shall be at least equal to the depth of such #outer court#, except that an #outer court# may extend to any depth where the width of the #outer court# is 20 feet or more in #buildings# or portions thereof, at or below a height of 75 feet, or where the width of the #outer court# is 30 feet or more above a height of 75 feet, where permitted;

(b) where no #legally required windows# face onto an #outer court#, for #buildings# or portions thereof at or below a height of 75 feet, the area of such small #outer court# shall not be less than 200 square feet and no dimension shall be less than 10 feet, and above a height of 75 feet, where permitted, the area of such small #outer court# shall not be less than 300 square feet and no dimension shall be less than 15 feet; and

(c) the width of an #outer court recess# shall be at least equal to the depth of the #outer court recess#, except where such width permits any depth for an #outer court#, relative to the height.

23-36 - Maximum Lot Coverage

LAST AMENDED
12/5/2024

For #developments# or #enlargements# of #residences#, the maximum #lot coverage# regulations are set forth in Section 23-361 for R1 through R5 Districts and Section 23-362 for R6 through R12 Districts. Special rules for certain #interior# or #through lots# are set forth in Section 23-363.

23-361 - Maximum lot coverage in R1 through R5 Districts

LAST AMENDED

R1 R2 R3 R4 R5

(a) For #single-# or #two-family residences#

In the districts indicated, for #zoning lots# with #buildings# containing #single-# or #two-family residences#, the maximum #residential# #lot coverage# shall be as set forth in the following table.

MAXIMUM RESIDENTIAL LOT COVERAGE FOR SINGLE OR TWO-FAMILY RESIDENCES???????

	Lot type	
District	**#Interior lots# or #through lots# (percent)**	**#Corner lots# (percent)**
R1 R2	40	80
R3	50	80
R4 R5	60	80

However, in R2X, R3A and R3X Districts, the maximum #residential# #lot coverage# shall be that #lot coverage# remaining after the application of all required #yards# on the #zoning lot#.

(b) For #multiple dwelling residences#

In the districts indicated, for #zoning lots# with #buildings# containing #multiple dwelling residences#, where permitted, the maximum #residential# #lot coverage# for #interior lots# or

#through lots# shall be 80 percent and the maximum #residential# #lot coverage# for #corner lots# shall be 100 percent.

However, for #large sites# with #buildings# utilizing the provisions of Section 23-425 (Height and setback modifications for large sites), the maximum #residential# #lot coverage# of the entire site shall be 50 percent. Individual #corner lot#, #interior lot#, or #through lot# portions may exceed such overall maximum, provided they do not exceed the respective maximums that would apply to #zoning lots# that are not #large sites#.

23-362 - Maximum lot coverage in R6 through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

(a) For standard lots

In the districts indicated, the maximum #residential# #lot coverage# for #interior lots# or #through lots# shall be 80 percent and the maximum #residential# #lot coverage# for #corner lots# shall be 100 percent.

(b) For eligible sites

In the districts indicated, for #zoning lots# with #buildings# utilizing the eligible site provisions of Section 23-434 (Height and setback modifications for eligible sites), the maximum #residential# #lot coverage# of the entire site shall be:

(1) 65 percent on #zoning lots# with a #lot area# of 30,000 square feet or more that are not #large sites#; and

(2) 50 percent on #large sites#.

Individual #corner lot#, #interior lot#, or #through lot# portions may exceed such overall maximum, provided they do not exceed the respective maximums that would apply to #zoning lots# that are not utilizing the eligible site provisions.

23-363 - Special rules for certain interior or through lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #lot coverage# set forth in Section 23-361 (Maximum lot coverage in R1 through R5 Districts) or 23-362 (Maximum lot coverage in R6 through R12 Districts), as applicable, may be increased in accordance with the provisions of this Section.

(a) Shallow #zoning lots#

For #zoning lots# eligible for the #rear yard# modifications for shallow #interior lots# set forth in Section 23-342 (Rear yard requirements) or the #rear yard equivalent# modifications for shallow #through lots# set forth in Section 23-343 (Rear yard equivalent requirements), the maximum #lot coverage# of such #zoning lot#, or portion thereof, may be increased by one

percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 95 feet for #interior lots# or 190 feet for #through lots#. Where the #front lot line# or #rear lot line# of a #zoning lot# intersects a #side lot line# at an angle other than 90 degrees, the depth of such #zoning lot#, or portion thereof, shall be measured at the midpoint of such irregularly angled #lot line#.

In no event shall the maximum #lot coverage# of an #interior lot# or #through lot# exceed 90 percent. Shallow portions of a #zoning lot# may exceed such maximum, so long as the adjusted maximum #lot coverage# complies with such maximum.

(b) Within 100 feet of corners

In the districts indicated, for #interior# or #through lots#, or portions thereof, within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less, the maximum #lot coverage# shall be 100 percent.

(c) Along the short dimension of the block

In the districts indicated, whenever a #front lot line# of an #interior# or #through lot# coincides with the #street line# of the #short dimension of a block#, the maximum #lot coverage# for such #zoning lot#, or portion thereof, shall be 100 percent within 100 feet of such #street line#.

23-37 - Other Open Area Regulations

LAST AMENDED
12/5/2024

23-371 - Standard minimum distance between buildings

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum distance between the portion of a #building# containing #residences# and any other #building# on the same #zoning lot# shall be as provided in this Section.

For the purpose of this Section, #abutting# #buildings# on a single #zoning lot# may be considered a single #building#. However, if two or more portions of a #building# are not connected or not #abutting# at a particular level, such separated portions shall comply with the applicable provisions of this Section. In applying such provisions, the height of such separated portions shall be measured from the roof of the connecting or #abutting# portion of such #building#, as applicable, instead of from the #base plane#.

(a) Exceptions

The provisions of this Section shall not apply to:

(1) #buildings# that are separated from each other by a #rear yard equivalent#; or

(2) space between a #single-family#, #two-family#, or three-family #residence# and a garage #accessory# thereto.

(b) For #single-# and #two-family residences#

For #buildings# with two or fewer #dwelling units#, the required minimum distance between

any such #residences# and any other #building# with two or fewer #dwelling units# on the same #zoning lot#, or a non-#residential# #building# on the same #zoning lot# shall vary according to the height of such #buildings#. Such minimum distance shall be measured perpendicular to the #building# wall or window, as applicable. However, for #buildings# with two or fewer #dwelling units#, the required minimum distance between any such #residences# and an #ancillary dwelling unit# on the same #zoning lot# shall be 10 feet.

For #buildings# with two or fewer #dwelling units#, the required minimum distance between any such #residences# and a #building# with three or more #dwelling units# on the same #zoning lot# shall be subject to the provisions of paragraph (c) of this Section.

	Maximum #Building# Height above #Base Plane# or #Cur Applicable (in feet)		
	35 or less	Between 35 and 50	Ove
Minimum distance	15	20	30

(c) For #buildings# that contain three or more #dwelling units#

The minimum distance between a #building# containing three or more #dwelling units# and any other #building# on the #zoning lot# shall be applied in accordance with the provisions of this Section. Where two or more portions of a #building# are separated completely from one another at a particular level above grade, such separated portions shall comply with paragraph (c)(1) of this Section. Where there are multiple #buildings# on a single #zoning lot# that do not connect at any level, such #buildings# shall comply with paragraph (c)(2) of this Section.

(1) For separated portions of a #building#

The required minimum distance between any separated portion of a #building# containing #dwelling units# shall be as follows:

(i) where #legally required windows# face onto a separated portion of a #building# at or below a height of 75 feet, the minimum dimension between such separated portions shall not be less than 20 feet, and above a height of 75 feet, where permitted, the minimum dimension shall not be less than 30 feet; and

(ii) where no #legally required windows# face onto a separated portion of a #building# at or below a height of 75 feet, the minimum dimension between such separated portions shall not be less than 10 feet, and above a height of 75 feet, where permitted, the minimum dimension shall not be less than 15 feet.

(2) Two or more #buildings# on a single #zoning lot#

The minimum distance between two or more #buildings# on the same #zoning lot# that are not connected at any level shall be 40 feet, as measured between the closest points of such #buildings#, for portions of #buildings# lower than 125 feet, as measured from the #base plane# or #curb level#, as applicable.

Portions of such #buildings# higher than 125 feet shall be at least 80 feet apart, as measured between the closest points of such #buildings#. However, such minimum distance need not exceed 40 feet if such portions of #buildings# above a height of 125 feet do not exceed, in aggregate, a #lot coverage# of 40 percent or, for lots of less than 20,000 square feet, the percentage set forth in the table below:

AGGREGATED LOT COVERAGE OF PORTIONS OF BUILDINGS ON A SMALL ZONING LOT

Area of #Zoning Lot# (in square feet)	**Maximum Percent of #Coverage#**
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42

18,501 to 19,999	41

(d) In addition, the following rules shall apply to:

(1) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;

(2) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;

(3) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project, may penetrate the minimum spacing requirements. However, such projections shall not be permitted in open spaces provided pursuant to paragraph (c)(2) of this Section; and

(4) the obstructions permitted in Section 23-311 shall be permitted in such minimum distance.

23-372 - Distance between legally required windows and lot lines

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

The minimum distance between #legally required windows# and walls or #lot lines# shall be as set forth in this Section.

For the purposes of this Section, #abutting# #buildings# on the same #zoning lot# shall be considered a single #building#.

(a) Exceptions

This Section shall not apply to #legally required windows# in #buildings# containing #residences# with a maximum height of 35 feet, as measured from #base plane#, and with a maximum of three #dwelling units#.

(b) Basic provisions

The minimum distance between a #legally required window# and:

(1) any wall;

(2) a #rear lot line#, or vertical projection thereof; or

(3) a #side lot line#, or vertical projection thereof;

shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

The obstructions permitted for any #yard# set forth in Section 23-311 shall be permitted in such minimum distance.

(c) For shallow lots

For #interior lots#, where the depth is less than 95 feet deep at any point, the minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, may be modified to equal the #rear yard# depth required for shallow lots pursuant to the provisions of Section 23-342 (Rear yard requirements). However, in no event shall such minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, be less than 10 feet.

(d) Special provisions for R3 through R5 Districts

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15-foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15-foot dimension shall be open from its lowest level to the sky for the entire length of the #side lot line#. Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, chimneys, downspouts, eaves, #qualifying exterior wall thickness#, gutters, open #accessory# off-street parking spaces, ramps for access by people with disabilities, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in Sections 23-311 or 23-312, provided that such obstructions, not including #qualifying exterior wall thickness# and #accessory# mechanical equipment, will not reduce the minimum width of the open area by more than three feet.

23-38 - Special Rules for Certain Areas

LAST AMENDED
12/5/2024

23-381 - Special provisions in other geographies

LAST AMENDED
12/5/2024

In all districts, for #buildings# containing #multiple dwelling residences# on #zoning lots# that adjoin a #public park#, the minimum distance between a #legally required window# and a #lot line# need not apply to portions of #buildings# facing such #public park# where the Commissioner of the Department of Parks and Recreation determines that the #public park# will provide sufficient access to light and air for such #building's# #legally required windows#. Where the Commissioner makes such determination, the #public park# shall be considered a #street# for the purposes of applying other applicable laws or statutes to such #legally required window#.

23-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

Height and setback regulations are set forth in Section 23-42, inclusive, for R1 through R5 Districts and Section 23-43, inclusive, for R6 through R12 Districts. Special rules governing certain areas are set forth in Section 23-44. Permitted obstructions to maximum heights are set forth in Section 23-41.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, inclusive of #residences#, subject to different height and setback regulations for the applicable district, the applicable height and setback regulations shall be whichever regulations permit the tallest overall heights.

23-41 - Permitted Obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in this Section, inclusive, shall be permitted to penetrate a maximum height limit set forth in Sections 23-42 (Height and Setback Requirements in R1 Through R5 Districts), 23-43 (Height and Setback Requirements for R6 Through R12 Districts) or 23-44 (Special Provisions for Certain Areas).

23-411 - General permitted obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the following obstructions shall be permitted to penetrate a maximum height limit or #sky exposure plane#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

(a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;

(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and

(3) may rise above the permitted #building# height, up to the height of a parapet wall or railing permitted in accordance with this Section. When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

(b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in the applicable height and setback regulations;

(c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

(d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;

(e) Flagpoles or aerials;

(f) Parapets, railings, or safety guards, whether applied singly, or in combination, provided that:

(1) parapets shall not exceed four feet in height;

(2) railings shall not exceed 4 feet, 6 inches in height, and shall be at least 50 percent open for the portion that exceeds four feet in height; and

(3) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent for the portion that exceeds four feet in height;

(g) #Qualifying exterior wall thickness#;

(h) Roof thickness, up to 12 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to December 5, 2024. For a #building# that has added roof thickness pursuant to this paragraph, the height of any other permitted obstruction may be measured from the finished level of the roof instead of the maximum height limit or #sky exposure plane#;

(i) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(j) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:

(1) on the roof, or any portion thereof, of a #building#, with a slope less than 20 degrees: up to a height of 15 feet, or, when located on a bulkhead or other obstruction of this Section, a height of six feet; or

(2) on the roof, or any portion thereof, of a #building#, which has a slope of more than 20 degrees: up to a height of 60 inches in height, as measured perpendicular to the roof surface;

(k) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(l) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;

(m) Window washing equipment mounted on a roof;

(n) Wire, chain link or other transparent fences.

23-412 - Additional permitted obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-411 (General permitted obstructions), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or #sky exposure plane#:

(a) Balconies, unenclosed, subject to the provisions of Section 23-62 (Balconies);

(b) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single-# or #two-family residence#;

(c) Elevator or stair bulkheads (including shafts and vestibules), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures or other screening), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or

vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;

(2) the aggregate area of such obstructions, including any screening, does not exceed 50 percent of the #lot coverage# of the #building# and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (c)(3) of this Section;

(3) the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed:

(i) R1 through R5 Districts, for #buildings# on #qualifying residential sites#, or in R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, for any #building#, a height of 25 feet above the maximum permitted height;

(ii) in R6 through R12 Districts:

(a) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height; and

(b) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and

(4) all equipment shall be subject to the applicable provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(d) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) the diameter of the swept area of the rotor does not exceed 15 feet.

23-413 - Permitted obstructions in certain districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) In the districts indicated, for those #buildings# that are subject to Section 23-421 (Basic pitched-roof envelopes for certain districts), permitted obstructions are limited to chimneys, dormers, #qualifying exterior wall thickness#, flagpoles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-411 (General permitted obstructions).

(b) In the districts indicated, for #buildings# other than those subject to the provisions set forth in Section 23-421, for those #buildings# subject to any height and setback regulations, the following rules shall apply within a required front setback distance above a maximum base height:

(1) Dormers shall be allowed as a permitted obstruction, provided that on any #street# frontage, either one of the following methods is applied:

(i) the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story#entirely below the maximum base height. For each foot above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height; or

(ii) the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

Where towers allowances are utilized pursuant to the provisions of Section 23-435, dormers may only rise to a height equivalent to 75 percent of the height of the tower portion. Such dormer shall be included in the calculation of tower coverage.

(2) Solar energy systems on a roof shall be limited to four feet or less in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.

(3) Wind energy systems shall not be allowed as permitted obstructions.

(4) Window washing equipment shall not be allowed as permitted obstructions.

23-42 - Height and Setback Requirements in R1 Through R5 Districts

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the height and setback regulations of a #building or other structure# shall be as set forth in Section 23-421 (Basic pitched-roof envelopes for certain districts) and 23-422 (Basic flat-roof envelopes for certain districts). Where applicable, standard setback provisions are set forth in Section 23-423.

Such heights may be increased on #qualifying residential sites# or on #zoning lots# containing #qualifying senior housing#, or for certain #large sites#, pursuant to Sections 23-424 or 23-425, respectively.

Additional provisions are set forth in Section 23-426 and Section 23-44, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and #abutting# #semi-detached# #buildings# may be considered to be one #building#.

23-421 - Basic pitched-roof envelopes for certain districts

LAST AMENDED
12/5/2024

R1 R2 R3A R3X R3-1 R3-2 R4 R4-1 R4A R5A

In the districts indicated, the height and setback regulations for #single-# or #two-family# #detached#, #semi-detached#, or #zero lot line# #buildings or other structures#, where permitted, shall be set forth in this Section.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of 25 feet.

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

(a) At a height of 35 feet above and parallel to the #base plane#, a plane is projected above the area enclosed by and including the perimeter walls of the #building or other structure#. A second plane (the perimeter wall plane) is projected in the same manner at a height of 25 feet above the #base plane#. (See Figure A)

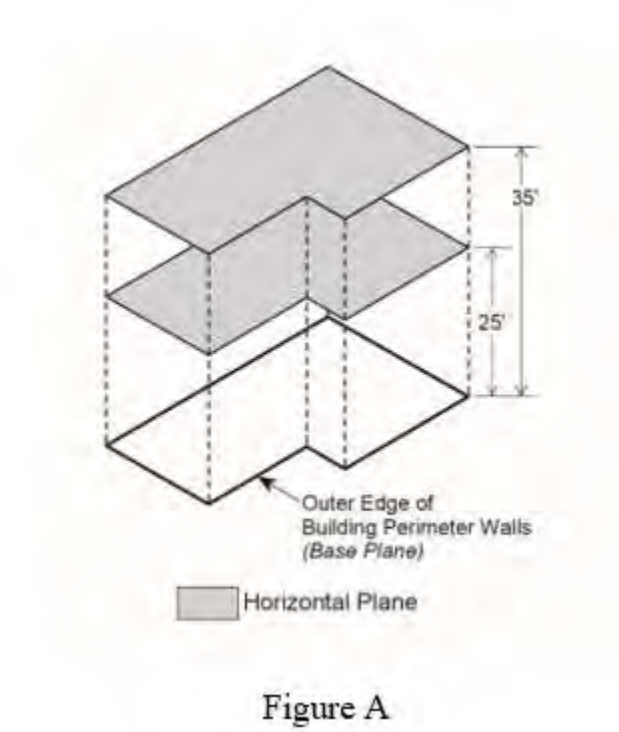


Figure A

(b) Each perimeter wall of the #building or other structure# with a horizontal dimension of eight feet or more which projects from an adjacent perimeter wall at least 18 inches may have an apex point directly above it on the 35-foot-high plane. (See Figure B). The location of the apex point is flexible provided it is directly above its perimeter wall and provided a line drawn from the intersection of two perimeter walls to such an apex point does not exceed 80 degrees to the horizontal. An apex point is not required for each qualifying perimeter wall; however, the maximum number of apex points above each such wall is one.

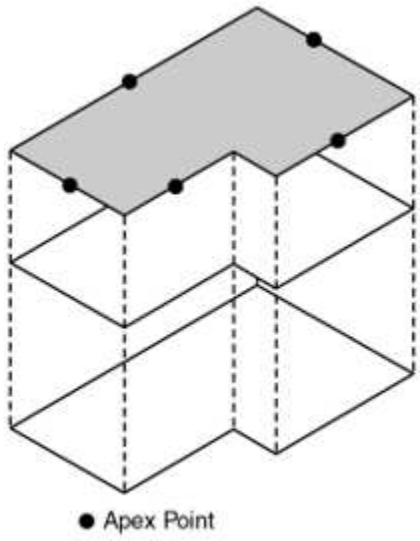


Figure B

(c) One "ridge line" is extended in a straight line from each apex point along the 35-foot-high plane. Ridge lines which connect two apex points may cross other ridge lines. Otherwise, ridge lines which extend from only one apex point must terminate at a point of intersection with another ridge line. (See Figure C)

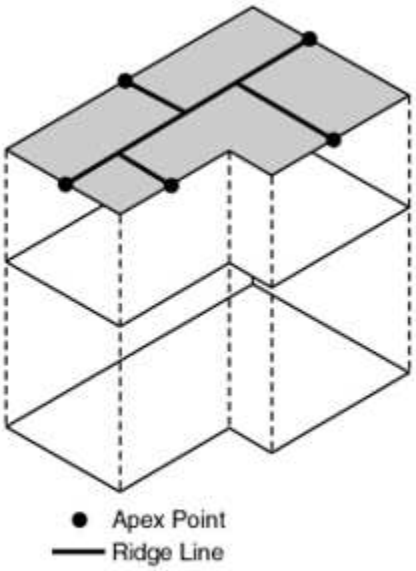


Figure C

(d) Sloping planes are extended in a straight line outward and downward from each ridge line until they intersect the perimeter wall plane. Every sloping plane generated must intersect the perimeter wall plane for the full width of the ridge line from which it extends. (See Figure D). The maximum angle of pitch for any sloping plane may not exceed 80 degrees to the horizontal. Sloping planes extended from ridge lines perpendicular or within 45 degrees of being perpendicular to each other may intersect, in which case the higher plane defines the limit of the envelope. Sloping planes extended from ridge lines parallel or within 45 degrees of being parallel to each other must intersect the perimeter wall plane without intersecting each other.

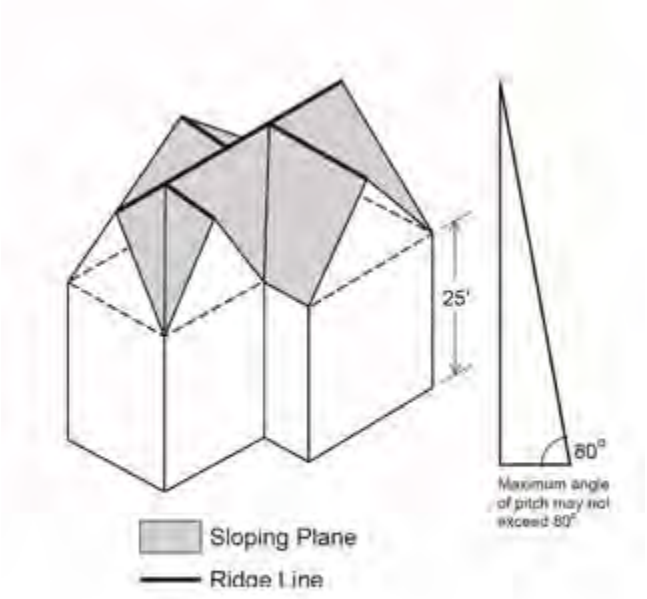


Figure D

(e) The perimeter walls are then extended vertically beyond the perimeter wall plane, up to the heights defined by the sloping planes generated in paragraph (d). (See Figure E). The perimeter walls of the #building or other structure#, the sloping planes and the perimeter wall extensions define the #building# envelope. (See Figure F).

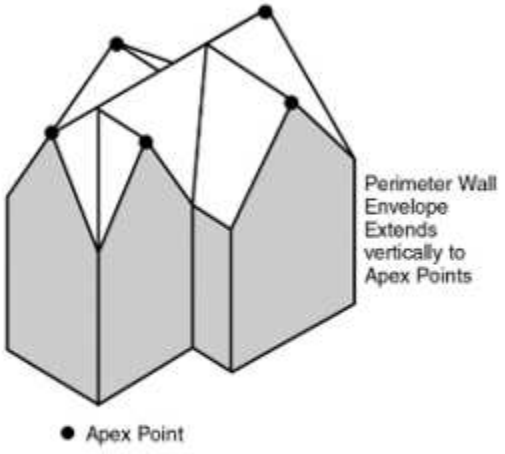


Figure E

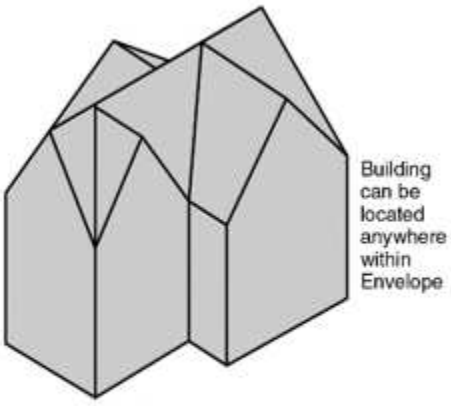


Figure F

(f) Special Situations

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

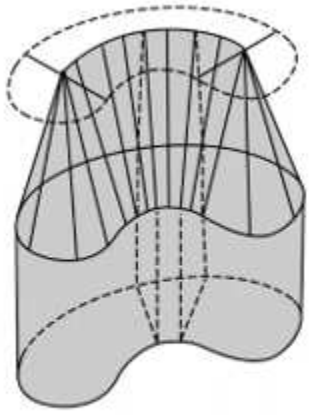


Figure G

(g) In R1 and R2 Districts without a letter suffix, for #zoning lots# that either:

(1) have a #lot area# of at least 9,500 square feet and #lot width# of at least 100 feet; or

(2) have a slope, as measured from the #street wall line level# to the #rear wall line level#, of at least five percent to the horizontal;

the reference plane for applying the regulations of this Section may be located up to five feet above the #base plane#.

23-422 - Basic flat-roof envelopes for certain districts

LAST AMENDED
12/5/2024

R3-2 R4 R4B R5 R5B R5D

In the districts indicated, the height and setback regulations for #buildings or other structures# shall be set forth in this Section.

R3-2 R4

(a) In the districts indicated, for #residences# not subject to the provisions of Section 23-421, the maximum #building# height shall be 35 feet.

R4B

(b) In the district indicated, the maximum #building# height shall be 25 feet.

R5B

(c) In the district indicated, the maximum #building# height shall be 35 feet.

R5

(d) In the district indicated, except R5 Districts with a letter suffix, the maximum base height shall be 35 feet, and the maximum #building# height shall be 45 feet. At a height not higher than the maximum base height, a setback shall be provided in accordance with Section 23-423.

R5D

(e) In the district indicated, the maximum #building# height shall be 45 feet.

23-423 - Standard setback regulations

LAST AMENDED
12/5/2024

Where minimum setback regulations are specific for a particular #building# envelope for a particular district, the following shall apply.

At a height not higher than the maximum base height specified for the applicable district, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#. Such minimum setbacks may be modified as follows:

(a) The depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the minimum required #front yard#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.

(b) The depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.

(c) These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.

(d) Dormers provided in accordance with the provisions of Section 23-413 (Permitted obstructions in certain districts) may penetrate a required setback area.

23-424 - Height and setback requirements for qualifying residential sites

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, for #qualifying residential sites#, the height and setback modifications set forth in this Section shall apply.

The maximum base height and maximum #building# height shall be as set forth in the following table. At a height not higher than the maximum base height, a setback shall be provided in accordance with Section 23-423.

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHTS FOR #QUALIFYING RESIDENTIAL SITES# AND #QUALIFYING SENIOR HOUSING#

District	Maximum Base Height (in feet)	Maximum Height of #Buildings o other Structures# (in feet
R1-1 R1-2 R1-2A R2 R2A R2X R3-1 R3-2 R3A R3X	35	3
R4 R4-1 R4A R4B	35	4
R5 R5A R5B R5D	45	5

23-425 - Height and setback modifications for large sites

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, for #zoning lots# that meet the criteria of paragraph (a) of this Section, the height and setback modifications set forth in paragraph (b) shall apply.

(a) Eligible sites

The provisions of this Section shall apply to #large sites# that are #qualifying residential sites# or #zoning lots# located in R3-2, R4, R5, R5B or R5D Districts.

However, for #large sites# with existing #buildings#, eligible portions of the #zoning lot# for #developments# or #enlargements#:

(1) shall not include open space with amenities used for recreational purposes, such as play equipment, court game facilities, ball fields or fixed tables and chairs, unless such space is replaced in kind and size on the same #zoning lot#; and

(2) shall be located, partially or entirely, within 100 feet of a #street line#.

(b) Modified height and setback provisions

For eligible #zoning lots#, the maximum base height and maximum #building# heights set forth in Section 23-424 shall apply. However, where either the height at roof level of an existing #building#, or ornamental features in an existing non-#residential# #building or other structure#, meet or exceed the maximum heights set forth in such table, the maximum heights may be increased by 10 feet, or the height of such roof level or ornamental feature, whichever is lower.

23-426 - Additional height and setback provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the following additional regulations shall apply:

(a) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable maximum height regulations of Section 23-42, inclusive, or as modified in any applicable Special District, may be modified as follows: the maximum base

height may vary between the maximum set forth in Sections 23-422, 23-424, and 23-425, and the height of an adjacent #building# before setback, if such height is higher than the maximum base height.

(b) For #buildings# containing #multiple dwelling residences# with #street wall# widths exceeding 150 feet, as measured parallel to the #street line#, a minimum of 20 percent of the entire surface area of each #street wall# shall either recess or project a minimum of three feet from the #street wall#. The depth of required recesses or projections of a #building# shall be measured from the #street wall#.

23-43 - Height and Setback Requirements in R6 Through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the #street wall# location of a #building# shall be as set forth in Section 23-431, the height and setback regulations of a #building or other structure# shall be as set forth in Section 23-432, and standard setback provisions shall be as set forth in Section 23-433.

The maximum heights set forth in Section 23-432 may be modified for #zoning lots# meeting certain criteria, in accordance with Section 23-434, or where towers are permitted in accordance with Section 23-435. Additional height and setback provisions are set forth in Section 23-436 and Section 23-44, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate

#building#.

#Lot coverages# for towers, including maximums and minimums, where applicable, shall be applied at every level.

23-431 - Street wall location requirements

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the applicable #street wall# location provisions of this Section shall apply. Such provisions shall apply to the portion of a #street wall# located below the maximum base height and before the required setback as set forth in Section 23-432 (Height and setback requirements).

(a) Line-up rules

In R6B, R7B, and R8B Districts, the #street wall# of a #building# shall be located no closer to the #street line# than the closest #street wall#, or portion thereof, nor further from the #street line# than the furthest #street wall#, or portion thereof, of an existing adjacent #building# on the same or an adjoining #zoning lot# located on the same #street# frontage. Eligible adjacent #buildings# shall be located within 15 feet of the #street line#, within 25 feet of the subject #building#, and have a height that exceeds 35 feet. Where an existing adjacent #building# has multiple #street walls# located at varying depths from the #street line#, the subject #street wall# shall not be located closer to the #street line# than the furthest portion of such existing adjacent #street wall# that is at least five feet in width and extends to at least half the height of the #building#.

However, where, the #street wall# surrounding the subject #building# do not have a #prevailing street wall frontage#, the applicable #street wall# regulations of paragraph (b) may be applied.

(b) Percentage-based rules

For all #buildings# that are not subject to the provisions of paragraph (a), the following shall apply:

(1) Along #wide streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in Section 23-432, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

(2) Along #narrow streets#, at least 70 percent of the #aggregate width of street wall# shall be located within 10 feet of the #street line# and extend to at least the minimum base height specified in Section 23-432, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond 10 feet of the #street line#, provided that any such recesses deeper than 15 feet are located within an #outer court#.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of this Section may be applied.

(c) Modifications for large zoning lots

Notwithstanding the provisions of paragraph (a) or (b) of this Section, for #zoning lots# with a #lot area# of at least 40,000 square feet or for #zoning lots# that occupy an entire #block#, at least 50 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and extend to at least the minimum base height specified in Section 23-432, or the height of the #building#, whichever is less.

(d) Articulation allowances

In all districts, and along all frontages, #street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

23-432 - Height and setback requirements

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the minimum base height, maximum base height, and maximum #building# height shall be as set forth in the following table. Separate maximum base heights and maximum #building# heights are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

For portions of a #building# #street wall# that exceed the maximum base height, a setback shall be provided at a height not lower than the minimum base height or higher than the maximum base height in accordance with Section 23-433.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,
AND MAXIMUM BUILDING HEIGHTS

District	**Minimum base height (in feet)**	**Standard #residences#**		**#Qualifying affordable ho #qualifying senior hou**	
		Maximum base height (in feet)	**Maximum height of #buildings or other structures# (in feet)**	**Maximum base height (in feet)**	**Maxim height #buildi other structu feet)**
R6A R6[1] R6-1	40	65	75	65	
R6[2]	30	45	55	65	
R6B	30	45	55	45	
R6D R6-2	30	45	65	55	

R7A R7-11 R7-21	40	75	85	85	
R7-12 R7-22	40	65	75	85	
R7B	40	65	75	65	
R7D	60	85	105	95	
R7X R7-3	60	95	125	105	
R8A	60	95	125	105	
R8B	55	65	75	85	
R8X	60	95	155	105	
R8[2]	60	85	115	105	
R8[1]	60	95	135	105	
R8[3]	60	95	135	125	
R9A[1] R9[1]	60	105	145	135	
R9A[2] R9[2]	60	95	135	135	
R9D R9-1	60	125	175	155	
R9X[1]	105	125	175	155	
R9X[2]	60	125	165	155	

R10X[1] R10[1]	60	155	215	155	
R10A[1]	125	155	215	155	
R10A[2] R10X[2] R10[2]	60	125	185	155	
R11A[1]	125	155	255	155	
R11A[2] R11	60	155	255	155	
R12	60	155	325	155	

1 For #zoning lots# or portions thereof within 100 feet of a #wide street#

2 For #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# or, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

3 Outside of #Mandatory Inclusionary Housing areas#, for #zoning lots#, or portions thereof, located within 100 feet of a #wide street#, containing #UAP developments# or #qualifying senior housing#

23-433 - Standard setback regulations

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#. Such minimum setbacks may be modified as follows:

(a) The depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.

(b) The depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.

(c) These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.

(d) Dormers provided in accordance with the provisions of Section 23-413 (Permitted obstructions in certain districts) may penetrate a required setback area.

23-434 - Height and setback modifications for eligible sites

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, without a letter suffix, for #zoning lots# that meet the criteria of paragraph (a) of this Section, the height and setback modifications set forth in paragraph (b) may be applied.

The eligible site provisions of this Section may be applied to either a single #zoning lot# that meets the criteria of paragraph (a) or two or more #zoning lots# under single fee ownership or alternate ownership arrangements that are contiguous or would be contiguous but for their separation by a #street#, where the combined #lot area# exceeds 40,000 square feet, and where at least one individual #zoning lot# meets the criteria of paragraph (a).

(a) Eligible sites

The provisions of this Section shall apply to #zoning lots# that meet at least one of the following criteria:

(1) #zoning lots# with a #transportation-infrastructure-adjacent frontage#;

(2) #zoning lots# where one of the following irregularities exists on December 5, 2024, and the date of application for a building permit:

(i) an #interior lot#, or portions thereof, has a depth that is less than 85 feet, or a #through lot#, or portion thereof, has a depth that is less than 170 feet;

(ii) an #interior lot#, or portions thereof, has a depth that is greater than or equal to 115 feet, or a #through lot#, or portion thereof, has a depth that is greater than or equal to 230 feet;

(iii) #corner lots# or other #zoning lots# with multiple #front lot lines# where the angle between two #front lot lines# is more than 15 degrees from being

perpendicular;

(iv) #through lots# or other #zoning lots# with multiple #front lot lines# where the angle between two #front lot lines# is more than 15 degrees from being parallel;

(v) #zoning lots# where, over the depth of the lot, as measured perpendicular from the #front lot line#, there is a slope of at least 15 percent to the horizontal; or

(3) #zoning lots# that have a #lot area# of at least 20,000 square feet or occupy an entire #block#.

In addition, for #zoning lots# with a #lot area# of 30,000 square feet or more with existing #buildings#, the following restrictions shall apply. The area of the #zoning lot# used for #developments# or #enlargements# under the provisions of this Section:

(i) shall not include any portion of open space with amenities used for recreational purposes, such as play equipment, court game facilities, ball fields or fixed tables and chairs, unless such space is replaced in kind and size on the same #zoning lot#; and

(ii) shall be located, partially or entirely, within 100 feet of a #street line#.

(b) Modified height and setback provisions

For eligible #zoning lots#, the maximum permitted #building# height may be modified by the heights in the table below. However, for #zoning lots# with a #lot area# of at least 40,000 square feet, whether singly or in combination, where either the height at roof level of an existing #building#, or ornamental features in an existing non-residential #building or other

structure#, meet or exceed the maximum heights set forth in such table, the maximum heights may be increased by 25 percent, or the height of such roof level or ornamental feature, whichever is lower.

MAXIMUM BUILDING HEIGHT FOR ELIGIBLE SITES

District	**Maximum height of #buildings or other structures# (in feet)**
R6-2	95
R6 R6-1	125
R7-1 R7-2	155
R7-3	185
R8	215
R8[1]	255
R9	285
R9-1	315
R10	355
R11	405
R12	495

1 for #UAP developments# or #qualifying senior housing# on #zoning lots#, or portions thereof, within 100 feet of a #wide street#

23-435 - Tower regulations

LAST AMENDED
12/5/2024

In R9 through R12 Districts, other than R9A, R9X, R10A or R11A Districts, as an alternative to the maximum #building# heights set forth in Section 23-432, towers are permitted pursuant to the provisions of this Section.

Above the maximum base height specified for the particular district, a tower with a maximum #lot coverage# of:

(a) 65 percent shall be permitted up to a height of 300 feet; and

(b) 50 percent shall be permitted above a height of 300 feet.

23-436 - Additional height and setback provisions

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the following additional regulations shall apply:

(a) Existing buildings may be vertically #enlarged# by up to one story or 15 feet without regard to the #street wall# location requirements of Section 23-431.

(b) On #through lots# which extend less than 190 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section 23-431 shall be mandatory along only one #street# frontage.

(c) On #corner lots#, or portions thereof, the #street wall# location requirements of Section 23-431 shall be mandatory along only one #street# frontage. Where one of the #street# frontages bounding the #corner lot# is a #wide street# and the other a #narrow street#, the #street wall# location rules shall be applied along the #wide street# frontage;

(d) The #street wall# location and minimum base height provisions of Sections 23-431 and 23-432, respectively, shall not apply along any street frontage of a #zoning lot# occupied by buildings whose #street wall# heights or widths will remain unaltered.

(e) The minimum base height provisions of Section 23-432 shall not apply to #buildings#, or portions thereof, that are #developed# or #enlarged# and do not exceed such minimum base heights.

(f) For any zoning lot located in a Historic District designated by the Landmarks Preservation Commission, the #street wall# location and minimum or maximum base height regulations of Section 23-43, inclusive, or as modified in any applicable Special District, may be modified as follows:

(1) The minimum base height of a #street wall# may vary between the applicable minimum set forth in Section 23-432, and the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height; and

(2) The maximum base height of a #street wall# may vary between the applicable maximum set forth in Section 23-432, inclusive, and the height of the #street wall# of adjacent #building# before setback, if such height is higher than the maximum base height.

(g) Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of applying the provisions of Section 23-431, but such widening may be included in the setback reductions permitted pursuant to paragraph (a) of Section 23-433.

23-44 - Special Provisions for Certain Areas

LAST AMENDED
12/5/2024

23-441 - Special tower provisions

LAST AMENDED
12/5/2024

The tower provisions of Section 23-435 shall be modified in certain areas, as follows:

(a) In R9D and R10X Districts, the minimum #lot coverage# of a tower above the maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. However, any #story# located within the highest 15 percent of the tower may cover less than 33 percent of the #lot area# of a #zoning lot# provided that the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of the tower.

(b) In R9 or R10 districts without a letter suffix, the following tower-on-a-base provisions shall apply to #buildings# where:

(1) more than 25 percent of the #floor area# is #residential#; and

(2) such #building# is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the #short dimension of a block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#.

The minimum #lot coverage# of a tower above the maximum base height shall be 30 percent of the #lot area# of the #zoning lot#. However, any #story# located within the highest 15 percent of the tower may cover less than 30 percent of the #lot area# of a #zoning lot# provided that the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of the tower.

At least 55 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet. When the #lot coverage# of the tower portion is less than 40 percent, the required 55 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

Percent of #lot coverage# of the tower portion	**Minimum percent of total #building# #floor area# distribution below the level of 150 feet**
40.0 or greater	55.0
39.0 to 39.9	55.5

38.0 to 38.9	56.0
37.0 to 37.9	56.5
36.0 to 36.9	57.0
35.0 to 35.9	57.5
34.0 to 34.9	58.0
33.0 to 33.9	58.5
32.0 to 32.9	59.0
31.0 to 31.9	59.5
30.0 to 30.9	60.0

For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof, that portion of a #zoning lot# located within 125 feet from the #wide street# frontage along the short dimension of a #block# shall be treated as if it were a separate #zoning lot#.

No tower or portion thereof shall be located on a #narrow street# at a distance that is more than 100 feet from the intersection with a #wide street#.

(c) No towers shall be permitted on any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a

#street line# opposite such a #public park#.

23-442 - Special provisions for certain community districts

LAST AMENDED
12/5/2024

(a) Borough of Manhattan

(1) Community District 9

In R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street, the underlying height and setback regulations for the zoning district shall apply, except that the additional height allowances for eligible sites set forth in Section 23-434 shall not apply.

(2) Community District 6

In Community District 6 in the Borough of Manhattan, in R10 Districts located east of First Avenue and north of East 51st Street, for #buildings# where more than 25 percent of the #floor area# is #residential# but are not otherwise subject to the tower-on-a-base provisions of paragraph (b) of this Section, the following shall apply.

The minimum #lot coverage# of a tower above the maximum base height shall be 30 percent of the #lot area# of the #zoning lot#. However, any #story# located within the highest 15 percent of the tower may cover less than 30 percent of the #lot area# of a

#zoning lot# if the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# directly below the highest 15 percent of the tower.

At least 45 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet. In addition, when the #lot coverage# of the tower is less than 40 percent, the required 45 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

Percent of #lot coverage# of the tower portion	**Minimum percent of total #building# #floor area# distribution below the level of 150 feet**
40.0 or greater	45.0
39.0 to 39.9	45.5
38.0 to 38.9	46.0
37.0 to 37.9	46.5
36.0 to 36.9	47.0
35.0 to 35.9	47.5
34.0 to 34.9	48.0
33.0 to 33.9	48.5
32.0 to 32.9	49.0

31.0 to 31.9	49.5
30.0 to 30.9	50.0

(b) Borough of Brooklyn

(1) Street wall modifications in Community Districts 8 and 9

For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 23-431 and 23-432, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

(2) Height and setback modifications in Community District 9

For #zoning lots# in #Mandatory Inclusionary Housing areas# within the portion of Community District 9 in the Borough of Brooklyn, on the #block# bounded by Montgomery Street, Washington Avenue, Sullivan Place, and Franklin Avenue, the following height and setback modifications shall apply. The maximum height of a #building or other structure# shall not exceed an imaginary plane that:

(i) begins at an elevation of 90 feet above the level of the #base plane#, beginning at the point along the center line of Sullivan Place, distant 120 feet, 4 inches east of the center line of Washington Avenue and parallel to Sullivan Place, and

extending to Montgomery Street at an angle of 83 degrees, 17 minutes, 38 seconds; and

(ii) extends upwards at a slope equivalent of 10 percent to the horizontal, in an easterly direction, as measured perpendicular to the line established by paragraph (b)(2)(i) of this Section.

Obstructions permitted pursuant to Section 23-411 may penetrate such imaginary plane provided that they are at least 90 percent transparent. In addition, obstructions specified in Section 23-412(c) located within 85 feet of Franklin Avenue may penetrate such imaginary plane up to 12 feet if there is a minimum of 30 feet between such obstructions and the obstruction is no longer than 60 feet in length along the frontage of Franklin Avenue.

23-443 - Special provisions in other geographies

LAST AMENDED
12/5/2024

(a) Special provisions for #zoning lots# adjoining #public parks#

In all districts, where a #building# adjoining a #public park# utilizes the provisions of Section 23-381, such #public park# shall be considered a #wide street# for the purpose of applying the

regulations set forth in Sections 23-42 and 23-43 to any #building or other structure# on a #zoning lot# adjoining such #public park#.

(b) Special provisions for #zoning lots# with #transportation-infrastructure-adjacent frontage#

For #zoning lots# or portions thereof within 100 feet of a #street line# along a #transportation-infrastructure-adjacent frontage#, the following shall apply:

(1) the applicable #street wall# location provisions of Section 23-431 and the minimum base height provisions of Section 23-432 need not apply; and

(2) for #buildings# containing #multiple dwelling residences# that are not otherwise eligible for additional height pursuant to Section 23-434, the applicable maximum #building# heights may be increased by 10 feet in R1 through R6 Districts, and by 20 feet in R7 through R12 Districts.

(c) #Limited Height Districts#

In the #Limited Height Districts#, the underlying height and setback regulations for the zoning district shall apply, except that:

(1) the additional height allowances for eligible sites set forth in Section 23-434 shall not apply; and

(2) for #zoning lots# that do not contain #qualifying affordable housing# or #qualifying senior housing#, the maximum height of #buildings or other structures# shall be as shown in the following table:

#Limited height district#	Maximum height above #curb level# or #base plane#, as applicable
LH-1	50 feet
LH-lA	60 feet
LH-2	70 feet
LH-3	100 feet

(d) Special provisions along certain district boundaries

Where a #lot line# of a #zoning lot# located in an R6 through R12 District coincides with the district boundary of an R1 through R5 District, the height of a #building# within a 'transition area' measured parallel to the district boundary, shall not exceed the heights set forth in the table, depending on the zoning district adjacency, the adjacent #zoning lot# condition, and the width of the #zoning lot#.

TRANSITION AREA DIMENSION AND MAXIMUM HEIGHT

	Maximum permitted height within transition area (in feet, above #base plane#)	
Adjacent zoning district and #zoning lot# condition	**For #zoning lots# with a #lot width# less than or equal to 30 feet**	**For #zoning lots# with a #lot width# greater than 30 feet**

Within a distance equal to one-third of the #lot width# of the district boundary	Within 15 feet of the district boundary	Beyond 15 feet and within 25 feet of the district boundary		
R1 R2 R3	Non-#qualifying residential sites#	45*	45*	65
	#Qualifying residential sites#	65	65	85
R4 R5	Non-#qualifying residential sites#	65	65	85
	#Qualifying residential sites#	85	85	85

* For #zoning lots# in R7, R8, R9 and R10 Districts, the maximum permitted height within the transition area shall be 65 feet.

23-50 - DENSITY REGULATIONS

LAST AMENDED

12/5/2024

23-51 - Applicability

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11R12

The provisions of Section 23-50 (DENSITY REGULATIONS), inclusive, shall apply to #developments#, #enlargements# or to existing #buildings# that increase the number of #dwelling units#. However, the provisions of this Section shall not apply to #rooming units#.

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

The provisions of this Section shall not apply to #single-# or #two-family residences#.

23-52 - Maximum Number of Dwelling Units

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, for #buildings# containing #multiple dwelling residences#, the maximum number of #dwelling units# permitted shall be determined by dividing the maximum #residential# #floor area# permitted on the #zoning lot# by the applicable #dwelling unit# factor. The applicable #dwelling unit# factor shall be as follows:

(a) For the following types of # multiple dwelling residences#, there shall be no applicable #dwelling unit# factor:

(1) #developments# or #enlargements# of #residences# in #special density areas#;

(2) #qualifying senior housing#; or

(3) #conversions# of any non-#residential# #building#, or portion thereof, to #residences# in the #special density areas#, or outside of #special density areas#, #conversions# of #community facility# #buildings#, or portions of #buildings# containing #community facilities#, to #residences#.

(b) For all other types of # multiple dwelling residences#, the applicable #dwelling unit# factor shall be 680. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit#.

In addition, for #zoning lots# with #residential uses# that have different #dwelling unit# factor applicability, for the purposes of calculating the maximum number of #dwelling units# permitted within #buildings#, or portions thereof, that are subject to a #dwelling unit# factor, the calculation shall exclude the #floor area# not subject to a #dwelling unit# factor before dividing by the #dwelling unit# factor. Where #floor area# in a #building# is shared by multiple #residential uses#, the #floor area# for such shared portion shall be attributed to each #residential use# proportionately, based on the percentage each #residential use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

23-60 - ADDITIONAL DESIGN ELEMENTS

LAST AMENDED
12/5/2024

23-61 - Street Trees and Planting

LAST AMENDED
12/5/2024

23-611 - Street tree planting

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

(a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#;

(b) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or

(c) construction of a #detached# garage that is 400 square feet or greater.

23-612 - Planting strips in residence districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

(a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family# #residences#;

(b) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or

(c) construction of a #detached# garage that is 400 square feet or greater.

23-613 - Front yard planting requirements

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or in any area where there is a #permitted obstruction# permitted pursuant to Section 23-31, inclusive.

Planted areas shall be comprised of any combination of grass, groundcover, shrubs, trees, or other living plant material, and shall have a minimum dimension of one foot, exclusive of any bounding walls.

No #zoning lot# shall be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

23-62 - Balconies

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, balconies may project into or over any open areas not occupied by #buildings# at that particular level, provided that:

(a) within any #yards#, #courts#, or other required open areas, such balcony shall:

(1) not project by more than one third of the depth of such areas specified above, or a distance greater than seven feet, whichever is less, as measured from the plane surface of the #building# wall from which it projects. However, where such balcony projects into any open area required pursuant to the application of height and setback regulations, the one third projection shall not apply;

(2) not cover more than 10 percent of any open area required pursuant to Section 23-30, inclusive, or any outdoor recreation space provided pursuant to Section 23-63; and

(3) have an aggregate width, at the level of any #story#, not exceeding 50 percent of the width at that level of the plane surface of the #building# wall from which it projects; and

(b) within any open areas, whether required or not, such balcony shall:

(1) be unenclosed except for #building walls# and parapets, railings, or safety guards, whether applied singly, or in combination, provided that:

(i) parapets shall not exceed four feet in height;

(ii) railings shall not exceed 4 feet, 6 inches in height and shall be at least 50 percent open for the portion that exceeds four feet in height; and

(iii) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent materials for the portion that exceeds four feet in height. In addition, where such balcony has a roofed portion above it, there shall be an opening that is not less than 40 percent of the height between the bottom of the roof and the finished floor level of such balcony.

However, such balconies may be recessed into a #building# wall up to a maximum depth of six feet provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet, railing, or safety guard; and

(2) be located at least 13 feet above #curb level#, except that for #buildings# containing #residences# not more than 35 feet in height, such balcony may be located at or higher than the floor level of the second #story# provided that such balcony is located not lower than seven feet above #curb level# or seven feet above natural grade, whichever is

higher.

23-63 - Required Recreation Space in Multiple Dwelling Residences

LAST AMENDED
12/5/2024

All #developments#, #enlargements#, #extensions# or #conversions# in #buildings# that are #multiple dwelling residences# that result in nine or more new #dwelling units# after December 5, 2024 shall provide recreation space in accordance with this Section.

Such recreation space may include, but shall not be limited to, fitness centers, pools, wellness services, sports courts, game rooms, outdoor spaces, or child play spaces.

The amount of recreation space required shall be equivalent to a minimum of three percent of the #residential# #floor area# of the #building#. Such space may be provided indoors or outdoors, singly or in combination. Where provided indoors, floor space may be exempted from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS), provided that the standards of Section 23-231 (Floor area provisions for amenities) are met.

Additionally, such recreation space shall comply with the following standards:

(a) all recreation space shall be accessible to the residents of the #building#;

(b) the minimum dimension of any recreation space, in any direction, whether indoor or outdoor, shall be 15 feet;

(c) any outdoor recreation space shall be open to the sky, except that:

(1) #building# projections, not to exceed seven feet in depth, may cover up to 10 percent of the outdoor recreation space, provided that the lowest level of the projection is at least 10 feet above the level of the outdoor recreation space; and

(2) the combination of #building# projections, where provided, and any sun shading devices permitted pursuant to 23-311, including, but not limited to, arbors or trellises, awnings and other sun control devices, or canopies, may cover up to 50 percent; and

(d) any indoor recreation room shall have at least one exterior wall with windows, or ceiling with skylights, that measures not less than 9.5 percent of the total floor space of the room.

23-64 - Modification to Existing Recreation Space

LAST AMENDED
12/5/2024

Recreation space provided in #Quality Housing buildings#, in #buildings# #converted# pursuant to Article I, Chapter, or in any other #building# as part of requirements in effect prior to December 5, 2024, or recreation space that is provided pursuant to the requirements of Section 23-63 (Required Recreation Space in Multiple Dwelling Residences) after December 5, 2024, may be modified, relocated or otherwise reconfigured, provided that the requirements of Section 23-63 are met for all newly created spaces.

23-70 - ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS

LAST AMENDED

23-71 - Predominantly Built-up Areas

LAST AMENDED
12/5/2024

23-711 - Applicability

LAST AMENDED
12/5/2024

The optional #predominantly built-up area# provisions of Section 23-71, inclusive, may be applied to #zoning lots#:

(a) that have a #lot area# of not more than 1.5 acres;

(b) located on a #block#:

(1) that is entirely within R4 or R5 Districts without a letter or number suffix, including a #Commercial District# mapped within such #Residence Districts#;

(2) that has a maximum area of four acres;

(3) where the #buildings# on #zoning lots# comprise 50 percent or more of the area of the #block#; and

(c) where, as of October 21, 1987, not more than 75 percent of the aggregate length of the #block# frontages facing each other around the #zoning lot#, on both sides of the #street#, are allocated

to #single-# or #two-family# #detached# or #semi-detached# #residences#.

All #buildings# used in calculations shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued prior to the date of application for a building permit.

23-712 - Floor area modifications

LAST AMENDED
12/5/2024

For #zoning lots# in R4 or R5 Districts, without a letter or number suffix, utilizing the #predominantly built-up area# provisions of Section 23-71, inclusive, the maximum #floor area ratio# shall be as set forth in the following table:

District	**Maximum #Floor Area Ratio#**
R4	1.35
R5	1.65

23-713 - Height and setback modifications

LAST AMENDED
12/5/2024

For #zoning lots# in R4 or R5 Districts, without a letter or number suffix, utilizing the #predominantly built-up area# provisions of Section 23-71, inclusive, the following height and setback

modifications shall apply:

(a) in R4 Districts, the height and setback regulations applicable to an R4A District set forth in Section 23-421 (Basic pitched-roof envelopes for certain districts) shall apply; and

(b) in R5 Districts, the height and setback regulations applicable to an R5B District set forth in Section 23-422 (Basic flat-roof envelopes for certain districts) shall apply.

23-72 - Portions of Community District 12 in the Borough of Brooklyn

LAST AMENDED
12/5/2024

23-721 - Applicability

LAST AMENDED
12/5/2024

The optional provisions of Section 23-72, inclusive, may be applied to #zoning lots# containing #buildings# used exclusively as #single-#, #two-# or three-#family residences# in R5 and R6 Districts without a letter suffix in the portion of Community District 12, in the Borough of Brooklyn, that is bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway.

23-722 - Floor area modifications

LAST AMENDED
12/5/2024

For #zoning lots# in R5 Districts, without a letter suffix, utilizing the provisions of Section 23-72, inclusive, the maximum #floor area ratio# shall be as set forth in the following table:

District	**Maximum #Floor Area Ratio# for a #corner lot#**	**Maximum #Floor Area Ratio# for an #interior# or #through lot#**
R5	1.65	1.80

23-723 - Yard modifications

LAST AMENDED
12/5/2024

For #zoning lots# utilizing the provisions of Section 23-72, inclusive, the #yard# regulations shall be modified as follows:

(a) in R5 Districts without a letter suffix, the #front yard# regulations shall be modified as follows: a #front yard# shall be provided with a depth of not less than five feet provided that, for #corner lots#, one #front yard# with a depth of not less than 10 feet is required;

(b) in R5 Districts and R6 Districts without a letter suffix, the #rear yard# regulations shall be modified to require a #rear yard# with a depth of not less than 20 feet at every #rear lot line# on any #zoning lot#.

23-724 - Height and setback modifications

LAST AMENDED
12/5/2024

For #zoning lots# in R5 Districts, without a letter suffix, utilizing the provisions of Section 23-72, inclusive, the following height and setback modifications shall apply: the height and setback regulations applicable to an R5B District set forth in Section 23-422 (Basic flat-roof envelopes for certain districts) shall apply.

23-73 - Special Provisions for Sky Exposure Plane Buildings

LAST AMENDED
12/5/2024

23-731 - Applicability

LAST AMENDED
12/5/2024

The optional provisions for #sky exposure plane buildings# set forth in Section 23-73, inclusive, may be applied to #zoning lots# in R6 through R10 Districts without a letter suffix, except that such alternative provisions shall not apply to:

(a) #zoning lots# in R6-1, R6-2, R7-3 and R9-1 Districts;

(b) #zoning lots# in R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street; or

(c) #zoning lots# located in the #Limited Height Districts#.

23-732 - Floor area ratio and open space ratio in R6 through R9 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9

In the districts indicated without a letter suffix, for #sky exposure plane buildings#, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be determined by the #height factor# of such #zoning lot# as set forth in this Section. Where elected, such #floor area ratio# shall supersede the #floor area ratio# provisions of Section 23-22, and apply to all #residences#, including #qualifying affordable housing# or #qualifying senior housing#.

The minimum #open space# required through the application of a minimum #open space ratio# shall be applied in conjunction with the applicable regulations of Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS). The obstructions set forth in Section 23-311 shall per permitted in required #open space#.

MINIMUM REQUIRED OPEN SPACE RATIO AND MAXIMUM FLOOR AREA RATIO

R6 through R9 Districts

For #zoning lots# with a #height factor# of	In R6 Districts		In R7 Districts		In R8 Districts		In R9 Districts	
	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Max. #Floor Area Ratio#	Min. Req. #Open Space Ratio#	Ma #Fl Ar Ra
1	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.9
2	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.9
3	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2.8
4	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.6
5	29.5	2.02	17.5	2.67	7.1	3.69	2.6	4.4
6	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.0
7	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.6
8	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.1
9	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.5
10	32.0	2.38	20.0	3.33	8.6	5.38	4.6	6.8
11	32.5	2.40	20.5	3.38	8.9	5.56	5.0	7.0
12	33.0	2.42	21.0	3.41	9.2	5.71	5.4	7.3

13	33.5	2.43	21.5	3.42	9.5	5.81	5.8	7.4
14	34.0	2.43	22.0	3.44	9.8	5.92	6.2	7.5
15	34.5	2.43	22.5	3.42	10.1	5.95	6.6	7.5
16	35.0	2.42	23.0	3.41	10.4	5.99	7.0	7.5
17	35.5	2.42	23.5	3.40	10.7	6.02	7.4	7.5
18	36.0	2.40	24.0	3.38	11.0	6.02	7.8	7.4
19	36.5	2.39	24.5	3.36	11.3	6.02	8.2	7.4
20	37.0	2.38	25.0	3.33	11.6	6.02	8.6	7.3
21	37.5	2.36	25.5	3.30	11.9	5.99	9.0	7.2

For #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

OPEN SPACE RATIO FOR HIGH BUILDINGS

District	**Minimum Required #Open Space Ratio# at #Height Factor# of 21**	**Additional Required #Open Space Ratio# for each Additional #Height Factor#**
R6	37.5	0.5
R7	25.5	0.5

R8	11.9	0.3
R9	9.0	0.4

For these #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.*

* The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{1}{FAR} = \frac{OSR}{100} + \frac{1}{HF}$$

23-733 - Floor area ratios in R9 and R10 Districts

LAST AMENDED
12/5/2024

(a) #Floor area ratios# in R10 Districts

In R10 Districts, the maximum #floor area ratio# on a #zoning lot# shall be 12.0 for #qualifying affordable housing# or #qualifying senior housing# and 10.0 for other #residences#.

(b) Additional #floor area# regulations in R9 and R10 Districts for #buildings# with towers

In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-737 (Tower regulations), the #floor area# provisions of Section 23-241 (Special tower provisions) shall apply.

23-734 - Permitted obstructions in open space

LAST AMENDED
12/5/2024

In R6 through R10 Districts without a letter suffix, the obstructions permitted for any #yard# set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted in any #open space# required on a #zoning lot#. For the purposes of applying such allowances to #open space#, all percentage calculations shall be applied to the area of the #open space# instead of the #yard#:

(a) balconies, unenclosed, subject to the provisions of Section 23-62;

(b) breezeways;

(c) driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed 50 percent of the required #open space# on any #zoning lot#;

(d) #energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-312 (Additional permitted obstructions generally permitted in all yards);

(e) greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of the #open

space##;

(f) parking spaces, off-street, enclosed, #accessory#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#;

(g) solar energy systems:

(1) on the roof of an #accessory# #building#, limited to 18 inches in height as measured perpendicular to the roof surface; or

(2) affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;

(h) steps;

(i) swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#; or

(j) fire escapes or planting boxes, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted, pursuant to Sections 23-311, 23-312, 23-341 (Permitted obstructions in required rear yards or rear yard equivalents) or 23-351 (Permitted obstructions in courts), as applicable.

23-735 - Special yard, court and other area regulations

LAST AMENDED

For #sky exposure plane buildings#, the provisions of Section 23-30, inclusive, shall apply, except that:

(a) for #through lots#, the alternate location allowances set forth in paragraph (c)(2) of Section 23-343 (Rear yard equivalent requirements) may be applied to #rear yard equivalents#;

(b) the maximum #lot coverages# set forth in Section 23-36, inclusive, need not apply; and

(c) the minimum distance between #buildings# provisions of paragraph (c)(2) of Section 23-371, pertaining to two or more #buildings# on the same #zoning lot# that are not connected at any level, shall be modified as follows.

The required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall vary according to the height of such #building# and the particular wall condition and the presence of #legally required windows# in facing #building# walls.

For the purposes of this Section, wall condition shall be defined as follows:

"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

Such minimum distance shall be as indicated in the following table:

Wall Condition	**Maximum #building# height above #base plane# or #curb level#, as applicable**				
	25 feet	35 feet	40 feet	50 feet	Over 50 feet
Wall to wall	40	40	40	40	40
Wall to window	40	40	40	45	50
Window to window	40	45	50	55	60

However, for portions of #buildings# higher than 125 feet, the provisions of Section 23-371 shall continue to apply.

23-736 - Special height and setback regulations for sky exposure plane buildings

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, for #sky exposure plane buildings#, the height and setback regulations shall be as set forth in this Section, inclusive.

#Buildings# may elect to utilize the front setback provisions of paragraph (a) of this Section, or the alternate front setback provisions of paragraph (b) of this Section. Where elected, such provisions shall

supersede the provisions of Section 23-43, inclusive.

In R9 or R10 Districts, towers may penetrate a #sky exposure plane# pursuant to Section 23-737 (Tower regulations).

Notwithstanding the foregoing, for narrow #buildings#, the provisions of Section 23-738 shall apply, and within #Limited Height Districts# the provisions for Section 23-739 shall apply.

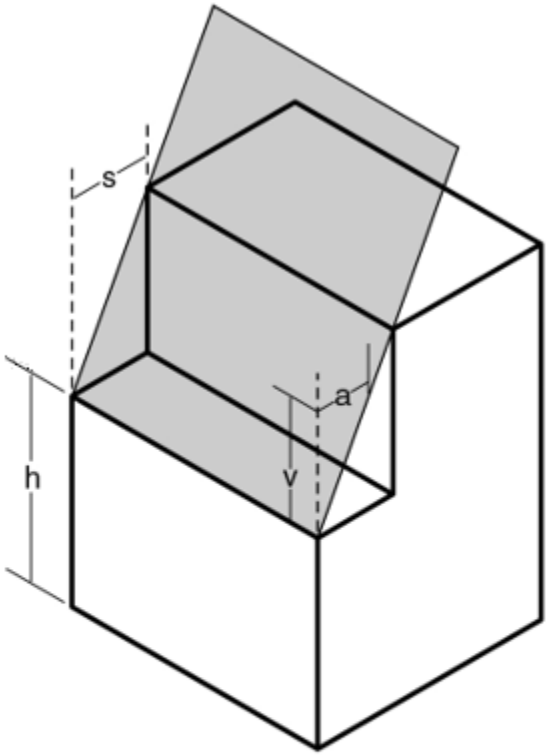
(a) Front setbacks

If the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above the #street line# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-41 (Permitted Obstructions) or 23-737 (Tower regulations).

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 or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane#		
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a rati vertical distance to horizontal distance)	
			On #Narrow Street#	On #Wide Stree

On #Narrow Street#	On #Wide Street#	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance		
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to
R8 R9 or R10 Districts							
20	15	85 feet or nine #stories#, whichever is less	85	2.7	to 1	5.6	to



a - Horizontal distance
s - *Initial setback distance*
h - Height of *sky exposure plane* above *street line*
v - Vertical distance

Sky Exposure Plane

SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

(b) Alternate front setbacks

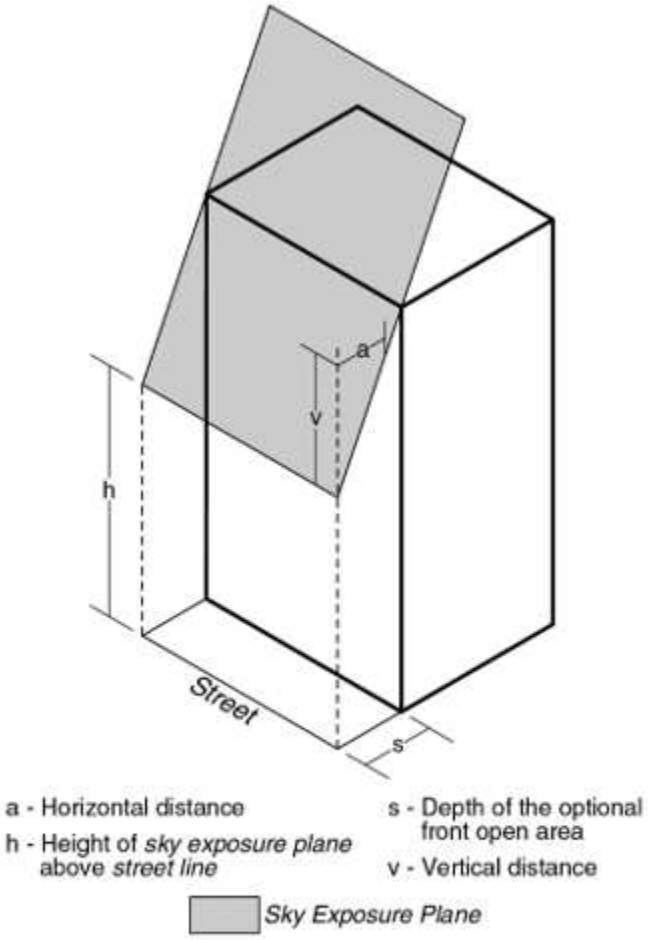
If an open area is provided along the entire length of the #front lot line# with the minimum depth set forth in the table in this Section, the provisions of this Section may apply in lieu of the provisions of paragraph (a) of this Section. The #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table, except as otherwise provided in Sections 23-41 (Permitted Obstructions) or 23-737 (Tower regulations).

In R9 or R10 Districts, the provisions of this paragraph shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the

#building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet, measured perpendicular to #street line#)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
R8 R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1



ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

23-737 - Tower regulations

LAST AMENDED

12/5/2024

In R9 or R10 Districts, for #buildings# that do not meet the criteria set forth in paragraphs (b)(1) and (b)(2) of Section 23-441, a tower may penetrate a #sky exposure plane# provided that such tower:

(a) does not occupy more than 40 percent of the #lot area# of a #zoning lot# for #zoning lots# with a #lot area# greater than 20,000 square feet, or more than 50 percent of the #lot area# for all other #zoning lots#; and

(b) is set back at least 10 feet from a #street line# along a #wide street# and at least 15 feet from a #street line# along a #narrow street#.

However, the provisions of this Section shall not apply to any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

23-738 - Height limitations for narrow buildings or enlargements

LAST AMENDED
12/5/2024

R7-2 R8 R9 R10

In the districts indicated, portions of #buildings# with #street walls# less than 45 feet in width shall not be permitted above the following heights:

(a) For #interior lots#, and for #through lots#, which shall be treated as two separate #interior lots# of equal depth for the purposes of determining the height limitations of this Section, a height equal to the width of the #street# on which such #street walls# front or 100 feet, whichever is less;

(b) For #corner lots# bounded by only #narrow streets#, a height equal to the width of the narrowest of such #streets# on which such #street walls# front;

(c) For #corner lots# bounded by at least one #wide street#, a height equal to the width of the widest #street# on which it fronts, or 100 feet, whichever is less;

(d) The heights permitted in paragraphs (a), (b) or (c) of this Section may be exceeded if:

(1) on a #wide street#, such portion of a #building# with a #street wall# less than 45 feet in width #abuts# an existing #building# with a #street wall# that exceeds such permitted heights. Such new #street walls# may reach the height of such #abutting# #building# or, where there are two #abutting# #buildings# that exceed such heights, such new #street wall# may reach the height of the tallest of such #abutting# #buildings#; or

(2) on a #narrow street#, such #street walls# #abut# two existing #buildings# with #street walls# that both exceed the heights permitted. Such new #street walls# may reach the height of the lowest of such #abutting# #buildings#; and

(3) such new #street walls# shall be fully contiguous at every level with such #abutting# #street walls#.

(e) In addition, the following rules shall apply:

(1) The front height and setback regulations and any height limitations of the underlying district shall apply, except that the alternate front setback regulations of paragraph (b) of Section 23-736 and the tower regulations of Section 23-737 shall not apply. In the event of a conflict between the underlying regulations and the regulations of this Section, the more restrictive shall apply.

(2) The provisions of this Section shall not apply to #street walls# of permitted obstructions or #street walls# located beyond 100 feet of a #street line#.

(3) For the purposes of determining the width of a #street wall#:

(i) the width shall be the sum of the maximum widths of all #street walls# of a #building# at every level. The width of a #street wall# shall be the length of the #street line# from which, when viewed directly from above, lines perpendicular to the #street line# may be drawn to such #street wall#; and

(ii) #abutting# #buildings# on a single #zoning lot# may be considered a single #building#.

(4) For #buildings# with #street walls# less than 45 feet in width that front only on a #narrow street# and #abut# two existing #buildings#, the #street wall# of such #building# shall be no closer to the #street line# than the #street wall# of the #abutting building# that is closest to the #street line#.

(5) On a #through lot# containing #buildings# with #street walls# less than 45 feet in width, the alternative location provisions for #rear yard equivalents# set forth in Section 23-735 (Special yard, court and other area regulations) shall not apply.

23-739 - Limited Height Districts

LAST AMENDED

In the #Limited Height Districts#, for #zoning lots# that do not contain #qualifying affordable housing# or #qualifying senior housing#, the maximum height of #buildings or other structures# shall

be as shown in the following table:

#Limited Height District#	Maximum height above #curb level# or #base plane#, as applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

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Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

24-00 - APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

24-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #community facility building#, or to the #community facility# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

The #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# in any #Residence District# which contains a #residential building#, or to the #residential# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility# #uses#, except where specifically modified by the provisions of this Chapter.

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.

24-02 - Applicability in Special Situations

LAST AMENDED
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement of a #building# on a #zoning lot# greater than one and a half acres that includes a

#railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to Section 74-61.

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

24-03 - General Purposes of Community Facility Bulk Regulations

LAST AMENDED
12/5/2024

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of the physical volume of buildings and their degree of lot coverage is established.

24-04 - Applicability of Article II, Chapter 3 Regulations

LAST AMENDED
12/5/2024

For #community facility# #buildings# or #buildings# used partly for #community facility# #use# and partly for #residential use#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

(a) All #bulk# regulations

(1) In all districts, the #bulk# regulations of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) for #qualifying affordable housing# may be applied to #buildings# subject to an #affordable housing regulatory agreement# if #qualifying affordable housing# includes #community facility# #uses#.

(2) In R3-1, R3A, R3X, R4-1, R4A, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility# #building#, and the #bulk# regulations of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) shall apply to any #zoning lot# or portion of a #zoning lot# that 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:

(i) 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

(ii) such #building# has received an authorization pursuant to Section 24-06 (Modification of Bulk Regulations in Certain Districts).

(b) Height and setback

(1) In R6 through R12 Districts with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts),

inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations.

(2) In all other #Residence Districts#, the #residential# height and setback regulations may be applied as follows:

(i) the height and setback regulations of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied in accordance with the applicable #Residence District# regulations;

(ii) the height and setback regulations of Section 23-43, inclusive, may be applied in accordance with the applicable #Residence District# regulations.

However, for Districts subject to the #street wall# location requirements of paragraph (b) of Section 23-431, such regulations need not apply to houses of worship listed under Use Group III(B).

Any obstructions permitted to penetrate a maximum height limit pursuant to Section 23-41 (Permitted Obstructions), inclusive, shall also be permitted in addition to those set forth in Section 24-51 (Permitted Obstructions).

(c) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential# #bulk# regulations may also be applied to the entire #building#:

(1) the #yard# regulations of Section 23-30, inclusive, applicable to a #multiple dwelling residence#;

(2) the maximum #lot coverage# requirements of Section 23-36, inclusive; and

(3) for #community facility# #uses# with sleeping accommodations:

(i) the special #floor area# allowances of Section 23-23, inclusive;

(ii) the #court# regulations of Section 23-35, inclusive; and

(iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section 23-37.

Any obstructions permitted within a specific open area pursuant to Section 23-30, inclusive, shall also be permitted.

Where a particular #bulk# regulation of Article II, Chapter 3 is applied, it shall supersede the applicable regulations of Article II, Chapter 4.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.

24-05 - Buildings Containing Certain Community Facility Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) In R1 through R5 Districts 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 listed under Use Group III(B), 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 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#.

(b) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3, shall apply, except that:

(1) 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. 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;

(2) the provisions of Section 23-341 (Permitted obstructions in required yards or rear yard equivalents), inclusive, shall be modified to prohibit parking spaces of any kind within a #front yard#;

(3) in lieu of Section 23-332 (Basic side yard requirements in R1 through R5 Districts), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and

(4) for child care services in R1 and R2 Districts, the provisions of paragraph (9) in the definition of #floor area# in Section 12-10, pertaining to #floor area# exclusions for the lowest story of a #residential building#, shall not apply.

For such #buildings#, the authorization provisions of Section 24-06 (Modification of Bulk Regulations in Certain Districts) shall be inapplicable.

24-06 - Modification of Bulk Regulations in Certain Districts

LAST AMENDED
12/5/2024

R3-1 R3A R3X R4-1 R4A R4B R5B

In the districts indicated, the City Planning Commission may authorize #developments# or #enlargements#, pursuant to the #bulk# regulations of this Chapter, provided that the Commission finds that:

(a) the design of the #development# or #enlargement# 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 Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

24-07 - Street Tree Planting

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

24-08 - Planting Strips

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide and maintain a planting strip in accordance with Section 26-42.

24-10 - FLOOR AREA AND LOT COVERAGE REGULATIONS

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the #floor area# and #lot coverage# regulations of this Section 24-10, inclusive, shall apply as follows.

For any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility# #use# shall not exceed the #floor area ratio# and #lot coverage# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), except as otherwise provided in the following Sections:

Section 24-111 (Maximum floor area ratio for certain community facility uses)

Section 24-112 (Special floor area ratio provisions for certain areas)

Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards)

Section 24-14 (Floor Area Bonus for a Public Plaza)

Section 24-15 (Floor Area Bonus for Arcades)

Section 24-16 (Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses)

Section 24-17 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

24-11 - Maximum Floor Area Ratio and Percentage of Lot Coverage

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility# #use# shall not exceed the #floor area ratio# and #lot coverage# set forth in the table in this Section.

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R1 THROUGH R5 DISTRICTS

District	#Floor Area Ratio#	#Lot coverage# (percent of #lot area#)	
		#Corner Lot#	#Interior Lot# or #Through Lot#
R1	1.00	60	55
R2	1.00	60	55
R3	1.00	60	55
R4	2.00	60	55
R5 R5A R5B	2.00	60	55
R5D	2.00	80	60

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH R12 DISTRICTS FOR CONTEXTUAL DISTRICTS

District	#Floor Area Ratio#	#Lot coverage# (percent of #lot area#)	
		#Corner Lot#	#Interior Lot# or #Through Lot#
R6A	3.00	80	60
R6B	2.00	80	60
R6D	2.50	80	65
R7A	4.00	80	65
R7B	3.00	80	65
R7D	4.66	80	65
R7X	5.00	80	70
R8A	6.50	80	70
R8B	4.00	80	70

R8X	6.00	80	70
R9A	7.50	80	70
R9D	9.00	80	70
R9X	9.00	80	70
R10A	10.00	100	70
R10X	10.00	100	70
R11A	12.00	100	70

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE IN R6 THROUGH R12 DISTRICTS FOR NON-CONTEXTUAL DISTRICTS

		#Lot coverage# (percent of #lot area#)	
District	#Floor Area Ratio#	#Corner Lot#	#interior Lot# or #Through Lot#
R6 R6-1	4.80	70	65
R6-2	2.50	70	65
R7-1	4.80	70	65

R7-2 R7-3	6.50	70	65
R8	6.50	75	65
R9 R9-1	10.00	75	65
R10	10.00	75	65
R11	12.00	100	70
R12	15.00	100	70

24-111 - Maximum floor area ratio for certain community facility uses

LAST AMENDED
12/5/2024

R1 R2

(a) In the districts indicated, for any #zoning lot# containing #community facility# #uses# other than those #uses# for which a permit is required pursuant to Sections 73-11 (Agriculture and Open Uses), 73-13 (Community Facilities) or 73-18 (Recreation, Entertainment and Assembly Spaces), or where #bulk# modification is permitted pursuant to Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts), the maximum #floor area ratio# shall not exceed the #floor area# permitted for #residential uses# by the applicable district regulations. The provisions of this paragraph shall not apply to #buildings# for which plans were filed with the Department of Buildings prior to November 15, 1972, including any subsequent amendments thereof.

R3 R4 R5 R6 R7 R8 R9

(b) In R3 through R5 Districts, and in R6 through R9 Districts without a letter suffix, the maximum #floor area ratio# on a #zoning lot# for philanthropic or non-profit institutions with

sleeping accommodations, and in R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, the maximum #floor area ratio# on a #zoning lot# for #long-term care facilities# shall be as set forth in the table in this Section, except that such maximum #floor area ratio# shall not apply to #qualifying affordable housing#. Such maximum #floor area ratio# may be modified by special permit of the City Planning Commission pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

MAXIMUM FLOOR AREA RATIO FOR CERTAIN COMMUNITY FACILITY USES

District	Maximum #Floor Area Ratio# Permitted
R3	0.50
R4	0.75
R5 R5A R5B	1.27
R5D	2.00
R6	2.43
R7	3.44
R8	6.02
R9	7.52

(c) In R6 through R12 Districts with a letter suffix, the maximum #floor area ratio# on a #zoning lot# for philanthropic or non-profit institutions with sleeping accommodations shall be as set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage).

24-112 - Special floor area ratio provisions for certain areas

LAST AMENDED
12/5/2024

The #floor area ratio# provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), inclusive, shall be modified for certain areas as follows:

(a) in R8B Districts within Community District 8, in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility# #uses# exclusively shall be 5.10;

(b) in R10 Districts, except R10A or R10X Districts, within Community District 7, in the Borough of Manhattan, all #zoning lots# shall be limited to a maximum #floor area ratio# of 10.0; and

(c) in R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Sections 23-435 or 23-737 (Tower regulations), the provisions of Section 23-242 (Special provisions for certain community districts) shall apply:

(1) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(2) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

24-113 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
3/22/2016

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

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

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

24-12 - Height and Application of Lot Coverage

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the portion of a #building# containing a #community facility# #use# located at any height up to but not exceeding 23 feet above #curb level# or #base plane#, where applicable, may be excluded in determining the percentage of #lot coverage# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage). Obstructions permitted under the provisions of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.

24-13 - Floor Area Bonus for Deep Front and Wide Side Yards

LAST AMENDED
3/22/2016

R3 R4 R5

In the districts indicated, except R5D Districts, the maximum #floor area ratio# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased to the #floor area ratio# set forth in the table in this Section, if #yards# are provided as follows:

(a) on #interior lots#, a #front yard# not less than 30 feet in depth, and a #side yard# not less than 15 feet in width along any #side lot line#;

(b) on #corner lots#, two #front yards#, each not less than 30 feet in depth;

(c) on #through lots#, a #front yard# not less than 30 feet in depth along each #front lot line#, provided, however, that if the #rear yard equivalent# required for such #through lot# is provided as set forth in the alternative in paragraph (b) of Section 24-382 (Required rear yard equivalents), at least one #side yard# not less than 30 feet in width shall be provided in addition.

No portion of a #rear yard equivalent# that is also a #front yard# or a #side yard# as provided under this Section may contain any obstructions not permitted in a #front yard# or #side yard# under the provisions of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

However, the provisions of this Section shall not apply to philanthropic or non-profit institutions with sleeping accommodations and #long-term care facilities#.

Districts	Maximum #Floor Area Ratio# Permitted
R3	1.60
R4	2.40
R5	2.40

24-14 - Floor Area Bonus for a Public Plaza

LAST AMENDED
12/5/2024

R9 R10 R11 R12

In the districts indicated, for #developments# or #enlargements# with 25 percent or less of the total #floor area# of the #building# allocated to #residential uses#, for each square foot of a #public plaza#, subject to the provisions of Section 37-70, provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased by six square feet.

24-15 - Floor Area Bonus for Arcades

LAST AMENDED
12/5/2024

R9 R10 R11 R12

In the districts indicated, for #developments# or #enlargements# with 25 percent or less of the total #floor area# of the #building# allocated to #residential uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased by three square feet.

24-16 - Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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

24-161 - Maximum floor area ratio for zoning lots containing community facility and residential uses

LAST AMENDED
12/5/2024

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R6D R7-2 R7-3 R7A R7B R7D R7X R8 R9 R10 R11 R12

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

24-162 - Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts

LAST AMENDED
12/5/2024

R3-2 R4 R5 R6 R7-1

In the districts indicated, except R4-1, R4A, R4B, R5D, R6A, R6B and R6D Districts, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential use#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations.

(a) For #buildings# containing #residential# and #community facility# #uses#, if the ratio of #floor area# provided in a #building# to the #lot area# of the #zoning lot# is greater than as set forth in Column A in the table in this Section, then the maximum ratio of #community facility# #floor area# in such #buildings# to the #lot area# of the #zoning lot# shall be as set forth in Column B in the table. The maximum #floor area ratio# for the #residential# portions of such #buildings# shall be in accordance with Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

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

District	COLUMN A	COLUMN B
	Ratio of #Floor Area# of #Building# to #Lot Area#	Maximum Ratio of #Floor Area# for #Community Facility Use# to #Lot Area#
R3-2	.50	.20
R4	.75	.40
R5B	1.25	.40

R5	1.25	.60
R6	2.50	1.00
R7-1	3.50	1.00

(b) For #buildings# containing #residential# and #community facility# #uses#, if the ratio of #floor area# provided in a #building# to the #lot area# of the #zoning lot# is not greater than as set forth in Column A in the table in paragraph (a), then the maximum ratio of the #community facility# #floor area# in such #buildings# to the #lot area# shall be as set forth in Section 24-11 , inclusive. The maximum #floor area ratio# for the #residential# portion of such #buildings# shall be in accordance with Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

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

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

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

24-163 - Lot coverage for zoning lots containing community facility and residential uses

LAST AMENDED
12/5/2024

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility# #uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#.

Furthermore, the maximum percent of #lot coverage# for #community facility# #uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

In addition, where a portion of a #building# is permitted as an obstruction in a required #rear yard# or #rear yard equivalent# pursuant to Section 24-33, for the purposes of applying the provisions of Section 24-12, portions of #community facility# #buildings# in existence on December 15, 1961, that exceed the maximum heights for such permitted obstructions, may be excluded from the maximum #lot coverage#.

24-164 - Balconies

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations set forth in Section 23-62 (Balconies) shall apply to any portion of a #building# used for living or sleeping accommodations.

24-17 - Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different maximum #floor area ratios# or different maximum percentages of #lot coverage#, on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

24-18 - Special Floor Area Ratio and Related Bulk Provisions for Certain Areas

LAST AMENDED
12/5/2024

24-181 - Special provisions for certain buildings

LAST AMENDED
12/5/2024

For #sky exposure plane buildings# in R6 through R9 Districts without a letter suffix, the applicable #floor area ratio# and #open space ratio# provisions of Section 23-73 (Special Provisions for Sky Exposure Plane Buildings), inclusive, shall be modified by the provisions of this Section.

(a) **#Open space ratio# for #residential# portions of #buildings#**

For #zoning lots# containing a #residential building# or for the #residential# portion of a #mixed building#, a minimum #open space ratio# shall be provided in accordance with Section 23-70. For the purposes of applying such regulations:

(1) **the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;**

(2) **the #lot coverage# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and**

(3) **the applicable #height factor#, if the maximum permitted #residential# #floor area ratio# is less than the total #floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.**

A non-#residential# #use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential# #use# and the regulations on minimum required #open space ratio# shall not apply to such change of #use#.

(b) **Location of #open space#**

The #open space# required for a #residential building# or for the #residential# portion of a #mixed building# under the provisions of paragraph (a) of this Section may be provided at ground floor level or upon the roof of a #building#. #Open space# on a roof may be located at a level higher than 23 feet above #curb level# on a #community facility# #building# or the #community facility# portion of a #building#, provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of a #building# used partly for #community facility# and #residential uses#. However, #open space# located on the roof of a #community facility# #building# separated by open area from #residential# #buildings# or #buildings# used partly for #community facility# and #residential uses# on the same #zoning lot# may not be at a

level higher than 23 feet above #curb level#.

For the purposes of this Section, #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#.

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

LAST AMENDED
12/5/2024

In all districts, the maximum number of #dwelling units# on a #zoning lot# containing both #community facility# and #residential uses# shall

be as set forth in Section 23-50 (DENSITY REGULATIONS).

24-30 - YARD REGULATIONS

LAST AMENDED
12/15/1961

General Provisions

24-31 - Applicability of Yard Regulations

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #yards# shall be provided as set forth in Sections 24-30 (YARD REGULATIONS) and 24-40 (SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES), inclusive.

For #zoning lots# with #residential# and #community facility# #uses#, #front yards# shall be provided pursuant to Article II, Chapter 3, where applicable, and #side yards# and #rear yards# shall be provided in accordance with this Chapter. The #building# articulation provisions of paragraph (b) of Section 23-426 (Additional height and setback provisions) shall apply to #zoning lots# with #residential# and #community facility# #uses#.

For the #residential# portion of a #building# with both #residential# and #community facility# #uses#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units#, where any window of such #dwelling units# faces onto such #rear yard#.

24-32 - Level of Yards and Measurement of Yard Width or Depth

LAST AMENDED
2/2/2011

In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except as otherwise provided in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

In all #Residence Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

24-33 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Sections 23-311 (Permitted obstructions in all yards, courts and open areas) and 23-341 (Permitted obstructions in required rear yards or rear yard equivalents), as well as the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

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

(1) Fences;

(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;

(3) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-312 (Additional permitted obstructions generally permitted in all yards);

(4) Steps;

(5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

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

(1) Balconies, unenclosed, subject to the provisions of Section 24-164;

(2) Any #building# or portion of a #building# used for #community facility# #uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded from #floor area#, pursuant to Section 25-85 (Floor Area Exemption). In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, pursuant to Section 24-51 (Permitted Obstructions), shall be permitted above such an #accessory building#, or portion thereof. However, the following shall not be permitted obstructions:

(i) in all #Residence Districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;

(ii) in R1, R2, R3-1, R3A, R3X, R4-1 R4A or R4B Districts, any portion of a #building# used for any #community facility# #use#;

(iii) in all #Residence Districts# not listed in paragraph (b)(2)(ii) of this Section, beyond 100 feet of a #wide street#, any portion of a #building# used for a #community facility# #use# other than a #school#, house of worship, college or university, or hospital and related facilities;

(3) Parking spaces, off-street, #accessory# to a #community facility# #use#, provided that the height of an #accessory building#, or portion of a #building# used for such purposes, shall not exceed 15 feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

24-34 - Minimum Required Front Yards

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

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

District	#Front Yard# (in feet)
R1	20
R2 R3 R4	15
R5	10
R5D	5*

* In R5D Districts, the provisions set forth in Section 23-321 (Basic front yard requirements) shall apply.

24-35 - Minimum Required Side Yards

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

(a) In the districts indicated, if a #building# containing a #community facility# #use# has an #aggregate width of street walls# equal to 80 feet or less or, for #abutting# #buildings#, if the combined #aggregate width of street walls# of all such #abutting# #buildings# on a #zoning lot# is equal to 80 feet or less, then two #side yards# shall be provided, each with a minimum required width of eight feet. If such #building# or #buildings# have an #aggregate width of street walls# equal to more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of the #aggregate width of street walls#. The provisions of this paragraph (a) shall not apply in R5D Districts. In lieu thereof, the #side yard# regulations set forth in Section 23-332 (Basic side yard requirements in R1 through R5 Districts), as applicable, shall apply.

R6 R7 R8 R9 R10 R11 R12

(b) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

24-351 - Special provisions applying along district boundaries

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 District coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide shall be provided along such boundary within the districts indicated.

24-36 - Minimum Required Rear Yards

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 24-37 (Special Provisions for Shallow Interior Lots), 24-38 (Special Provisions for Through Lots) or 24-39 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 24-361 (Beyond one hundred feet of a street line).

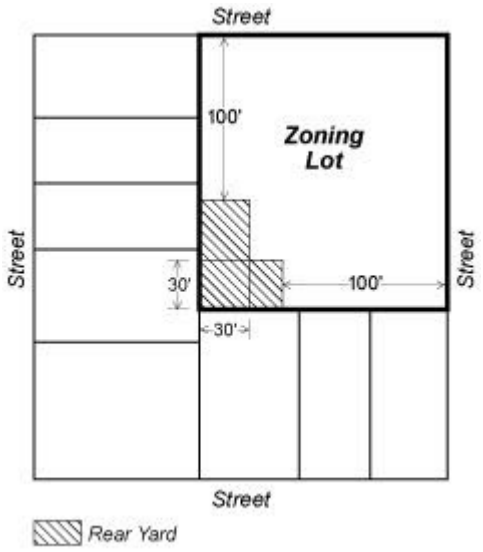
24-361 - Beyond one hundred feet of a street line

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

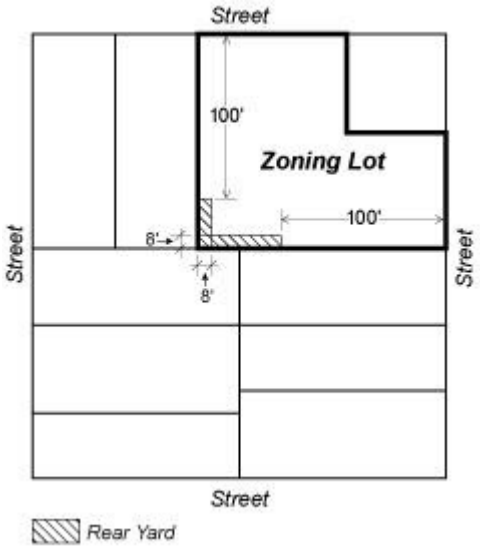
In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT

(b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



ZONING LOT BOUNDED BY TWO OR MORE STREETS (NEITHER A CORNER LOT NOR A THROUGH LOT)

(c) In R6 through R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

24-37 - Special Provisions for Shallow Interior Lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, if an #interior lot# consists entirely of a tract of land:

(a) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and

(b) which is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be 10 feet.

24-38 - Special Provisions for Through Lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

24-381 - Excepted through lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) In all districts, as indicated, no #rear yard# regulations shall apply to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#.

(b) In the districts indicated, for all #buildings#, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion which is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.

24-382 - Required rear yard equivalents

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

(a) an open area with a minimum depth of 60 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;

(b) two open areas, each adjoining and extending along the full length of a #street line#, and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that:

(1) a corresponding increase in the depth of the open area along the other #street line# is made; and

(2) any required front setback areas are maintained; or

(c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 30 feet measured from each such #side lot line#.

However, in R5D, R6A, R6B, R6D, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A, R10X and R11A Districts, on any #through lot# at least 180 feet in depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

24-39 - Other Special Provisions for Rear Yards

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the #rear yard# requirements set forth in Section 24-36 (Minimum Required Rear Yards) shall be modified, as set forth in this Section, inclusive.

24-391 - Within one hundred feet of corners

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

24-392 - Along short dimension of block

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with the #street line# of the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

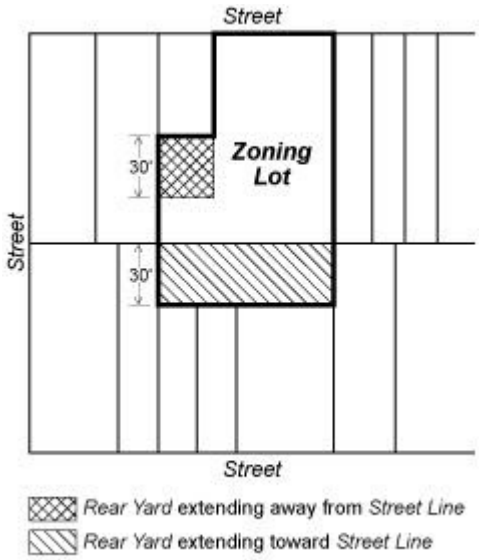
24-393 - For zoning lots with multiple rear lot lines

LAST AMENDED
12/5/2024

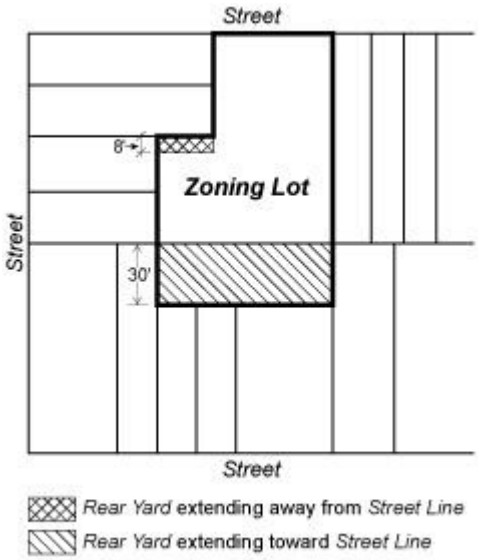
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

(a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.

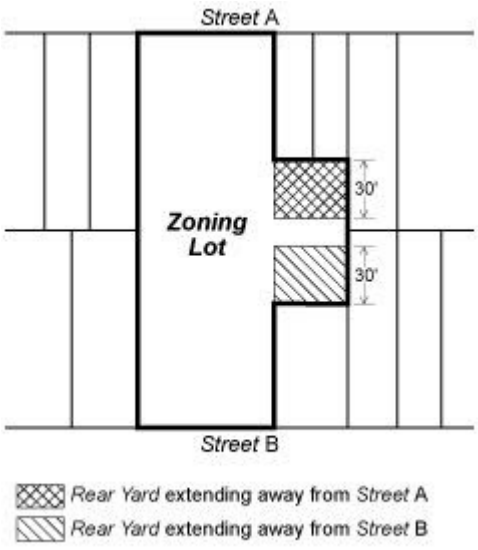


(b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



(c) In R6 through R12 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(d) In all districts, for portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



24-40 - SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different #yard# regulations on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

24-41 - Modifications of Rear Yard Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the regulations set forth in Section 24-393 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

24-50 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the height and setback regulations of this Section 24-50, inclusive, shall apply as follows.

Height and setback regulations applicable to R1 through R5 Districts, except R5D Districts, are set forth in Section 24-521 (Front setbacks in districts where front yards are required). In R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements

set forth in Section 23-40 (HEIGHT AND SETBACK REGULATIONS), inclusive.

In R6 through R12 Districts with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, pursuant to Section 24-04 (Applicability of Article II, Chapter 3 Regulations). For other #buildings# in R6 through R12 Districts without a letter suffix utilizing the provisions of this Chapter, height and setback regulations are set forth in Sections 24-522 (Front setbacks in districts where front yards are not required), 24-53 (Alternate Front Setbacks) and 24-54 (Tower Regulations), as applicable.

In all districts, supplemental provisions are set forth in Sections 24-55 (Required Side and Rear Setbacks), 24-56 (Special Height and Setback Provisions for Certain Areas), 24-57 (Modifications of Height and Setback Regulations), 24-58 (Special Provisions for Zoning Lots Divided by District Boundaries) and 24-59 (Special Height Limitations), respectively.

24-51 - Permitted Obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-411 (General permitted obstructions), as well as the following obstructions, shall be permitted and may thus penetrate a maximum height limit or #sky exposure plane# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

(a) Balconies, unenclosed, subject to the provisions of Section 24-164;

(b) Elevator or stair bulkheads (including shafts; and vestibules), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;

(2) the aggregate area of such obstructions, including any screening, does not exceed 50 percent of the #lot coverage# of the #building# and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (3) of this Section;

(3) the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building# and the height of such obstructions shall not exceed:

(i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;

(ii) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and

(4) all equipment shall be subject to the applicable provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(d) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;

(e) Spires or belfries;

(f) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) the diameter of the swept area of the rotor does not exceed 15 feet.

24-52 - Maximum Height of Walls and Required Setbacks

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the maximum height of a front wall or of any other portion of a #building or other structure# shall be as set forth in this Section, except as otherwise provided in Section 24-51 (Permitted Obstructions), 24-53 (Alternate Front Setbacks) or 24-54 (Tower Regulations).

24-521 - Front setbacks in districts where front yards are required

LAST AMENDED
3/22/2016

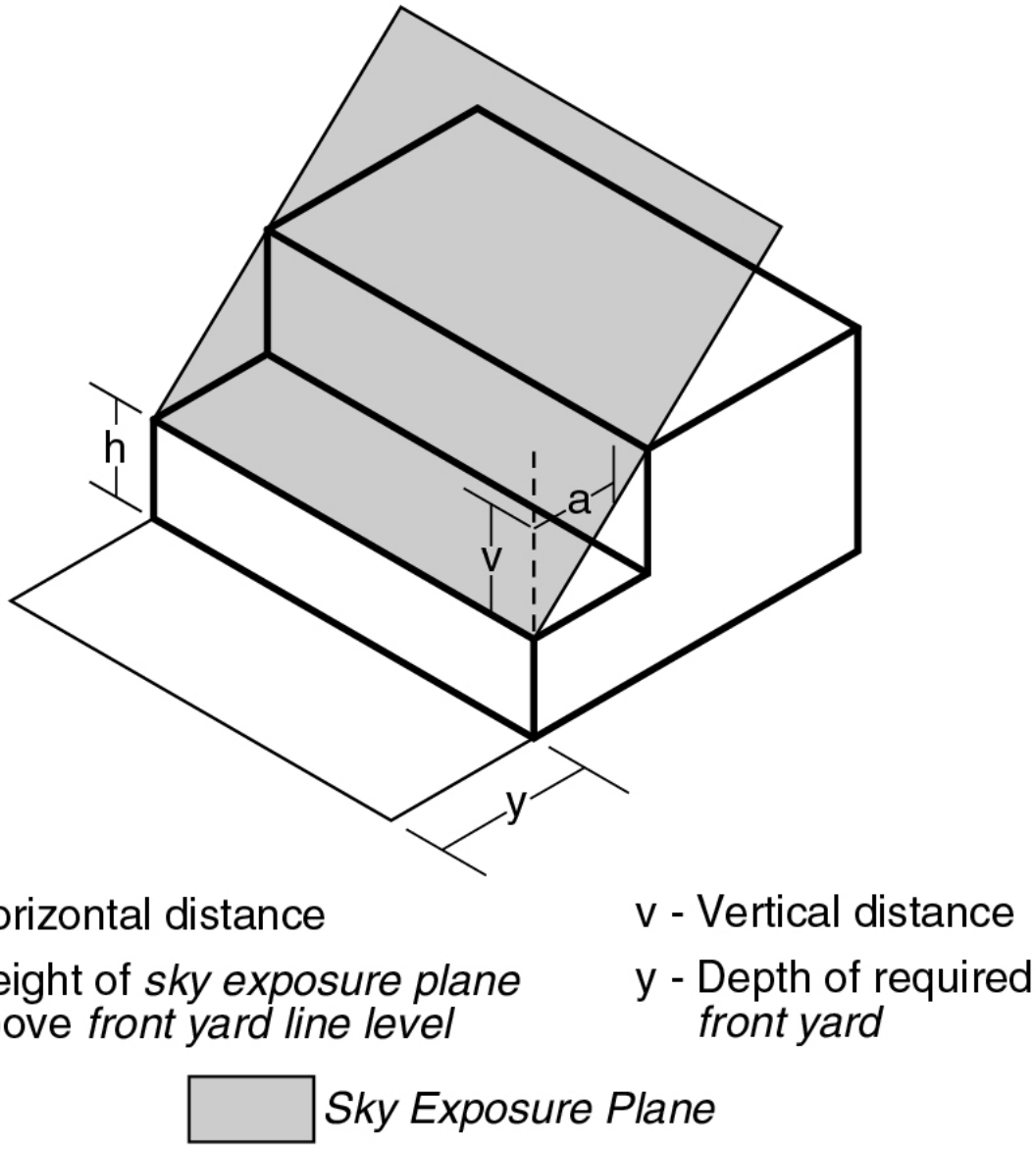
R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, where #front yards# are required, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

	#Sky Exposure Plane#	
Height above #Front Yard Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)	District

On #Narrow Street#		On #Wide Street#			
Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance		
25	1 to	1	1 to	1	R1 R2 R3
35	1 to	1	1 to	1	R4 R5



SKY EXPOSURE PLANE

R1, R2, R3, R4, R5 Districts

24-522 - Front setbacks in districts where front yards are not required

LAST AMENDED

12/5/2024

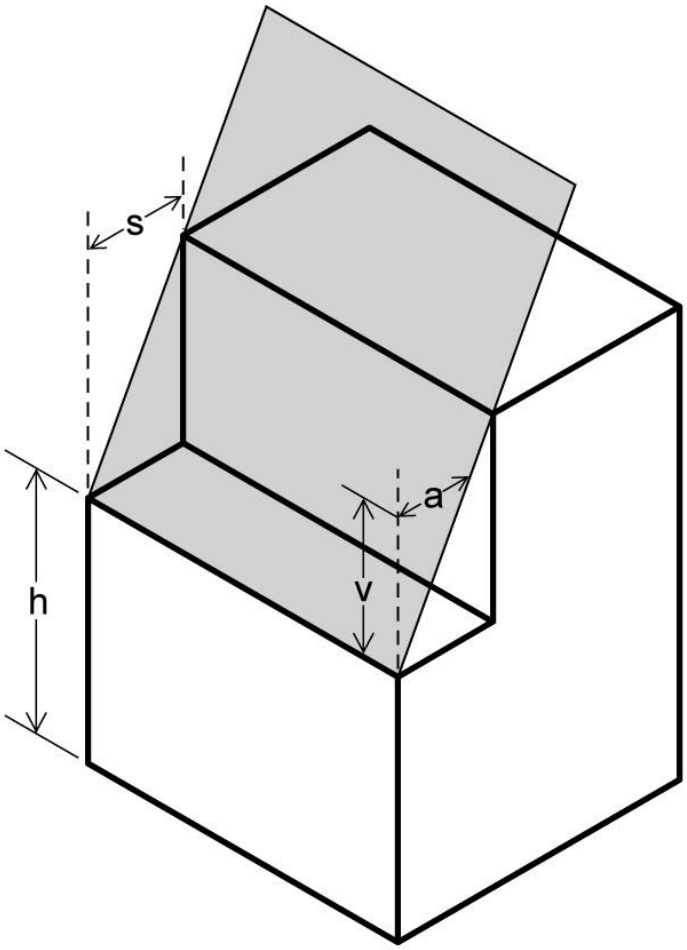
R6 R7 R8 R9 R10 R11 R12

In the districts indicated without a letter suffix,if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the 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 or other structure# within the #Initial Setback Distance#	#Sky Exposure Plane#			
			Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)		
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts							

20	15	60 feet or six #stories#, whichever is less	60	2.7	to 1	5.6	to 1
R8, R9, R10, R11 or R12 Districts							
20	15	85 feet or nine #stories#, whichever is less	85	2.7	to 1	5.6	to 1



a - Horizontal distance
s - *Initial setback distance*
h - Height of *sky exposure plane* above *street line*
v - Vertical distance

Sky Exposure Plane

SKY EXPOSURE PLANE

R6, R7, R8, R9, R10, R11, R12 Districts

24-53 - Alternate Front Setbacks

LAST AMENDED

12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated without a letter suffix, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 24-52 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such an open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 24-51 (Permitted Obstructions) or 24-54 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table, and the #sky exposure plane# shall be measured from a point above the #street line#.

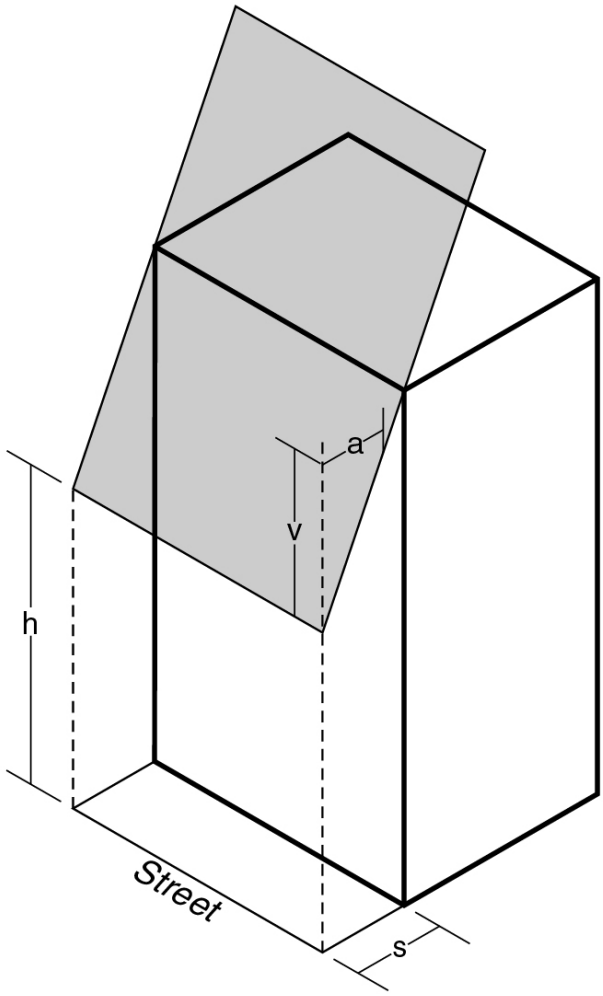
If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 24-14 (Floor Area Bonus for a Public Plaza).

In R9 , R10, R11 or R12 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)	Alternate #Sky Exposure Plane#		
	Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)	
		On #Narrow Street#	On #Wide Street#

On #Narrow Street#	On #Wide Street#	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance	
Within R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
Within R8 R9, R10, R11 or R12 Districts						
15	10	85	3.7	to 1	7.6	to 1



a - Horizontal distance

h - Height of *sky exposure plane* above *street line*

s - Depth of the optional front open area

v - Vertical distance

Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE

R6 R7 R8 R9 R10 R11 R12 Districts

24-54 - Tower Regulations

LAST AMENDED
12/5/2024

R7-2 R7-3 R8 R9 R10 R11 R12

(a) In the districts indicated without a letter suffix, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in this Section, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. (Such portion of a #building# that penetrates a #sky exposure plane# is hereinafter referred to as a tower.)

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45

15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

#Buildings# #developed# or #enlarged# with towers shall comply with either tower-on-a-base regulations or standard tower regulations as follows:

(1) Applicability of tower-on-a-base regulations

The tower-on-a-base regulations of Section 23-442 (Special provisions for certain community districts) shall apply in R9 and R10 Districts to any such #building# that:

(i) is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#; and

(ii) contains more than 25 percent of its total #floor area# in #residential use#.

If a portion of such #building# is #developed# or #enlarged# as a #tower# the entire #zoning lot# shall comply with the provisions of Section 23-442.

(2) Applicability of standard tower regulations

In R7-2, R7-3 and R8 Districts, for #buildings# #developed# or #enlarged# as towers, where such towers are comprised, at every level, of only #community facility# #uses#; and in R9 and R10 Districts, for any #building# #developed# or #enlarged# as a tower that does not meet the location and #floor area# criteria of paragraph (a)(1) of this Section the tower provisions of this Section may be applied.

At all levels, a tower shall be located not less than 15 feet from the #street line# of a #narrow street# and not less than 10 feet from the #street line# of a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-62 (Balconies), are permitted to project into or over open areas not occupied by towers.

(b) Inapplicability of tower regulations

R7-2 R7-3 R8 R9 R10 R11 R12

In the districts indicated, the provisions of this Section shall not apply to any #development# or #enlargement# located wholly or partly in a #Residence District# that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

24-55 - Required Side and Rear Setbacks

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-164 (Balconies); and awnings and other sun control devices, decks, #qualifying exterior wall thickness#, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), are permitted to project into or over any open areas required by the provisions of this Section.

24-551 - Required side setbacks for tall buildings in low bulk districts

LAST AMENDED
2/2/2011

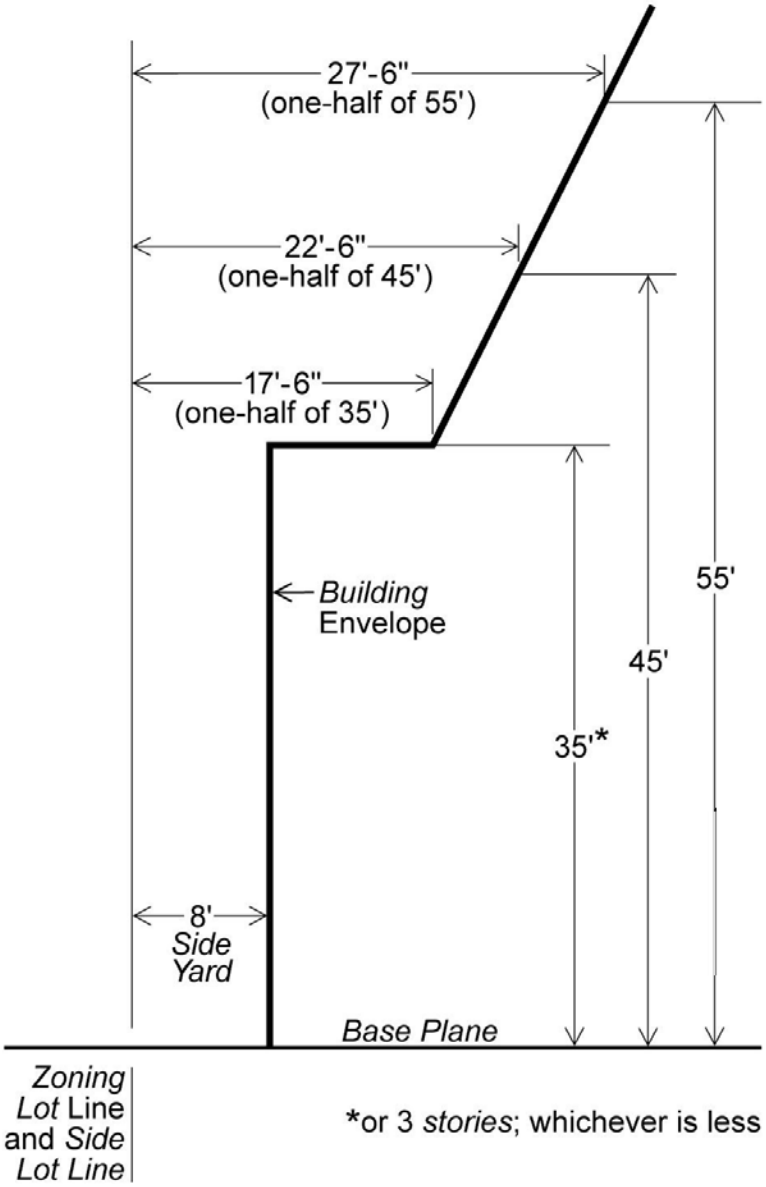
R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, no #community facility# portion of any #building# that is more than 35 feet or more than three #stories# above the level of a #side yard#, whichever is lower, shall be nearer to a #side lot line# bounding such #yard# than a distance equal to one-half the height above yard level of such portion of the #building#.

The following are permitted to project into any open area required under the provisions of this Section:

(a) parapet walls, not more than four feet high; and

(b) chimneys or flues, with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.



SIDE SETBACK REQUIREMENT

24-552 - Required rear setbacks for tall buildings

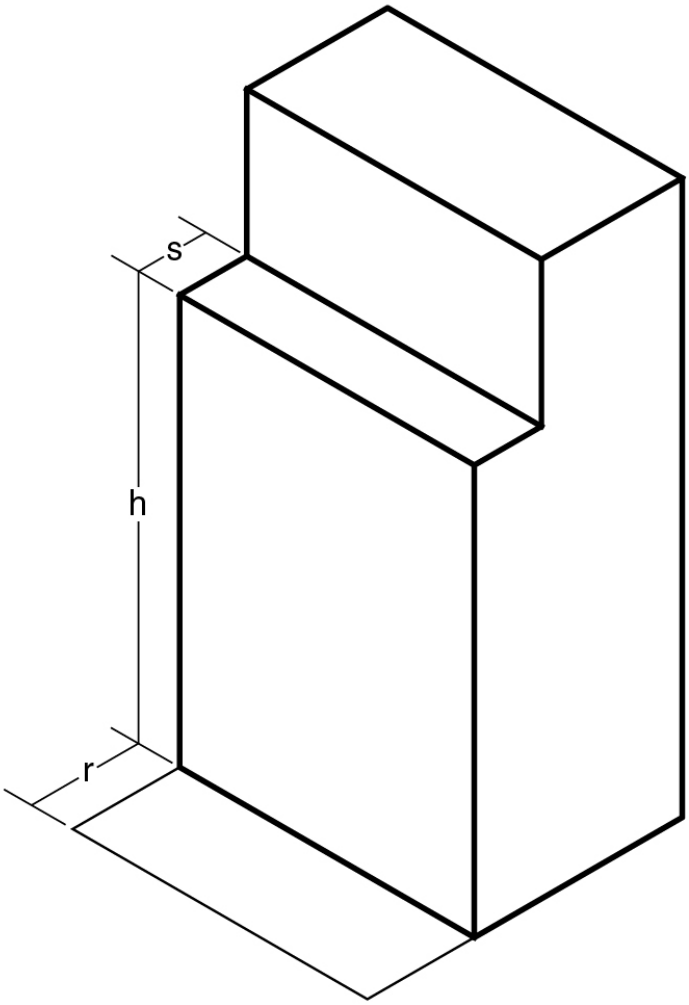
LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated without a letter suffix, no portion of a #building# more than 125 feet above yard level shall be nearer to a #rear yard line# than 20 feet. However, this provision shall not apply to any portion of a #building# that qualifies as a tower under the provisions of Section 24-54.

In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 24-382, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraphs (b) or (c) of Section 24-382, the requirements of this Section shall not apply.



h - Height of wall above *rear yard*
r - Depth of required *rear yard*
s - Depth of required *rear yard* setback

REAR SETBACK FOR TALL BUILDINGS

24-56 - Special Height and Setback Provisions for Certain Areas

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a)(1) of Section 24-54 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-441 (Special tower provisions) apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. However, such provisions shall be modified in accordance with the provisions of Section 23-442 (Special provisions for certain community districts).

(c) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-443.

(d) Community District 9, Brooklyn

Notwithstanding any other provisions of this Resolution, in #Mandatory Inclusionary Housing areas# within the portion of Community District 9 in the Borough of Brooklyn, on the #block# bounded by Montgomery Street, Washington Avenue, Sullivan Place, and

Franklin Avenue, any #building or other structure# hereafter constructed or any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed shall comply with the provisions of Section 23-442(b)(2), inclusive.

24-57 - Modifications of Height and Setback Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-50 through 24-55, inclusive, and paragraphs (b) and (c) of Section 24-56, relating to height and setback regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

24-58 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts, or is subject to other regulations resulting in different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 24-54 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

24-59 - Special Height Limitations

LAST AMENDED
12/5/2024

The provisions of this Section, inclusive, shall apply to #buildings# utilizing the #sky exposure plane# provisions of this Chapter. In no event shall such provisions apply to #buildings# that utilize the #residential# height and setback regulations of Section 23-40, inclusive.

24-591 - Limited Height Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level# or #Base Plane#, as applicable
LH-1	50 feet
LH-lA	60 feet
LH-2	70 feet
LH-3	100 feet

24-592 - Height limitations for narrow buildings or enlargements

LAST AMENDED
12/5/2024

R7-2 R8 R9 R10

In the districts indicated, the provisions of Section 23-738 (Height limitations for narrow buildings) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

24-60 - COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

LAST AMENDED
12/15/1961

24-61 - General Provisions and Applicability

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions set forth in Sections 24-62 to 24-66, inclusive, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, shall apply only to #community facility buildings# or portions of #buildings# used for #community facility# #use# containing living accommodations with required windows. For the purposes of these Sections, a required window shall be deemed to be a window or part of a window that:

(a) opens into any room used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients; and

(b) is required to provide adequate light or ventilation to such room by any applicable law or statute.

The provisions of Sections 24-62 through 24-67, inclusive, shall apply only to portions of #buildings# at or above the sill level of the lowest required window. For the purposes of these Sections, #abutting# #buildings# on a single #zoning lot# shall be considered a single #building#.

24-62 - Minimum Dimensions of Courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum distance between different walls of the same #building# shall conform to the regulations set forth in the following Sections:

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance Between Required Windows and Walls or Lot Lines).

A corner of a #court# may be cut off between walls of the same #building#, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

24-63 - Outer Court Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #outer courts# shall be in compliance with the provisions of this Section.

24-631 - Narrow outer courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

24-632 - Wide outer courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, if an #outer court# is 20 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 40 feet.

24-633 - Outer court recesses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 40 feet.

24-64 - Inner Court Regulations

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

24-641 - Minimum dimensions of inner courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the area of an #inner court# shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet. For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed from directly above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

24-642 - Inner court recesses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the width of an #inner court recess#:

(a) if 20 feet or less, shall be at least twice the depth of the recess; or

(b) if more than 20 feet but less than 40 feet, shall be at least equal to the depth of the recess; and

(c) need not be greater than 40 feet, whatever the depth of the recess.

24-65 - Minimum Distance Between Required Windows and Walls or Lot Lines

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum distance between required windows and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to required windows in #buildings# of three #stories# or less.

24-651 - General provisions

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, except as otherwise provided in Section 24-652 (Minimum distance between required windows and certain walls), the minimum distance between any required windows and:

(a) any wall;

(b) a #rear lot line#, or vertical projection thereof; or

(c) a #side lot line#, or vertical projection thereof;

shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window; provided, however, that a required window may open on any #outer court# meeting the requirements of Section 24-63 (Outer Court Regulations).

24-652 - Minimum distance between required windows and certain walls

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the minimum horizontal distance between a required window opening on an #inner court# and any wall opposite such window on the same #zoning lot# or between a required window and any wall of any other #building# opposite such window on the same #zoning lot#, shall not be less than 20 feet, nor shall any such wall be nearer to such window than a distance equal to one-third the total height of such wall above the sill level of such window. Such minimum distance need not exceed 40 feet.

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the required window for the full width of the rough window opening between such window and a projection of such wall onto such horizontal plane.

For the purposes of this Section, at any level at which two portions of a single #building# are not connected one to the other, such portions shall be deemed to be two separate #buildings# and shall be subject to the provisions of this Section.

24-66 - Modifications of Court Regulations or Distance Requirements

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-61 to 24-65, inclusive, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

24-67 - Permitted Obstructions in Courts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the obstructions permitted for any #yard# set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following, shall not be considered obstructions when located within a #court#. For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

(a) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in paragraph (g) of Section 23-312;

(b) Fences;

(c) Fire escapes in #inner courts#, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer courts#;

Fire escapes in #outer court recesses#, not more than five feet in depth;

Fire escapes in #outer court recesses#, more than five feet in depth, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

(d) Recreational or yard drying equipment;

(e) Steps.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), shall be permitted.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Accessory Off-Street Parking and Loading Regulations

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Chapter 5 - Accessory Off-Street Parking and Loading Regulations

25-00 - GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

25-01 - General Purposes

LAST AMENDED
4/22/2009

The following regulations on permitted and required accessory off-street parking spaces and accessory bicycle parking spaces are adopted in order to provide needed space off the streets for parking in connection with new residences, to reduce traffic congestion resulting from the use of streets as places for storage of automobiles, to protect the residential character of neighborhoods, to provide for a higher standard of residential development within the City and thus to promote and protect public health, safety and general welfare.

25-02 - Applicability

LAST AMENDED
4/22/2009

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#,

#community facility# #uses# or #commercial# #uses#, as set forth in the provisions of the various Sections.

25-021 - Applicability of regulations in the Manhattan Core and Long Island City area

LAST AMENDED
12/5/2024

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

25-022 - Applicability of regulations to non-profit hospital staff dwellings

LAST AMENDED
12/5/2024

In all districts, the regulations of this Chapter applicable to #community facility# #uses# shall not apply to #non-profit hospital staff dwellings#. In lieu thereof, the regulations applicable to #residences# shall apply, as follows:

(a) the regulations of an R5 District shall apply to #non-profit hospital staff dwellings# located in R1, R2 and R3 Districts;

(b) the regulations of an R6 District shall apply to #non-profit hospital staff dwellings# located in R4 and R5 Districts; and

(c) the regulations of an R10 District shall apply to #non-profit hospital staff dwellings# located in R6 through R10 Districts.

25-023 - Applicability of regulations to certain community facility uses in lower density growth management areas

LAST AMENDED
12/5/2024

(a) 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# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:

(1) 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

(2) 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#.

(b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the provisions of Section 25-624 (Special parking regulations for certain community facility

uses in lower density growth management areas) in lieu of 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 (Maneuverability standards);

(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); and

(3) the screening provisions of Section 25-65 (Screening).

In addition, where the #uses# listed in paragraphs (a)(1) and (a)(2) 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.

25-024 - Applicability of regulations in flood zones

LAST AMENDED
12/5/2024

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

25-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-11 - General Provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# off-street parking spaces may be provided for #residences#, for permitted #community facility# #uses#, for #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or for #uses# permitted by special permit, subject to the provisions set forth in the following Sections:

Section 25-12 (Maximum Size of Accessory Group Parking Facilities)

Section 25-15 (Maximum Spaces for Single-Family Detached Residences)

Section 25-16 (Maximum Spaces for Other Residences)

Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections 73-47 (Roof Parking) or 74-531 (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

25-12 - Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, no #group parking facility# #accessory# to #residences# shall contain more than 200 off-street parking spaces, and no such facility #accessory# to permitted #community facility# or #commercial# #uses# shall contain more than 150 off-street parking spaces, except as provided in Section 25-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

25-13 - Modification of Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that:

(a) access for such facility is located so as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages;

(b) such facility has separate vehicular entrances and exits thereto, located not less than 25 feet apart;

(c) such facility, if #accessory# to a permitted #community facility# or #commercial use# is located on a #street# not less than 60 feet in width; and

(d) such facility, if #accessory# to a permitted #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

25-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/15/1961

25-141 - For hospitals

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the Board of Standards and Appeals may permit #group parking facilities# #accessory# to hospitals, with more than 150 spaces, in accordance with the provisions of Section 73-46 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

25-142 - For accessory uses in large-scale residential developments

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the City Planning Commission may permit #group parking facilities# #accessory# to #uses# in #large-scale residential developments# with more than the prescribed maximum of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), in accordance with the provisions of Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities).

25-15 - Maximum Spaces for Single-Family Detached Residences

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, not more than three off-street parking spaces shall be provided for a #single-family# #detached# #residence#, except on #zoning lots# with a #lot area# of 10,000 square feet or more. For the purposes of this Section, a driveway shall not be considered as off-street parking space.

25-16 - Maximum Spaces for Other Than Single-Family Detached Residences

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for #zoning lots# occupied by #residential# #uses# other than #single-family# #residences#, no more than two off-street parking spaces #accessory# to such #residences# shall be provided for each #dwelling unit# located on the #zoning lot#.

25-17 - Modification of Maximum Spaces for Other Than Single-Family Detached Residences

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-16 (Maximum Spaces for Other Residences) may be provided if the Commissioner of Buildings determines that:

(a) such additional spaces are needed for the occupants of #residences# to which such spaces are #accessory#, in order to prevent excessive on-street parking; and

(b) such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential# frontages.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking areas to minimize adverse effects on the character of surrounding areas.

25-18 - Maximum Spaces for Permitted Community Facility or Commercial Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, on a #zoning lot# used for permitted #community facility# or #commercial# #uses#, not more than one off-street parking space shall be provided for every 400 square feet of #lot area#, except as provided in Section 25-19 (Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses).

25-19 - Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses) may be provided if the Commissioner of Buildings determines that:

(a) such additional spaces are needed for the occupants, visitors, customers, or employees of the #use# or #uses# to which such spaces are #accessory#; and

(b) such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential# frontages.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking area, to minimize adverse effects on the character of surrounding areas.

25-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES

LAST AMENDED
12/5/2024

In the districts indicated, #accessory# off-street parking spaces shall be required for #residences# in accordance with the provisions of this Section, inclusive. Separate requirements are set forth for #zoning lots# in the #Inner Transit Zone# pursuant to Section 25-21, inclusive, the #Outer Transit Zone#, pursuant to Section 25-22, inclusive, and beyond the #Greater Transit Zone#, pursuant to Section 25-23, inclusive.

25-21 - Required Parking in the Inner Transit Zone

LAST AMENDED
12/5/2024

25-211 - General provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, within the #Inner Transit Zone#, no #accessory# off-street parking spaces shall be required for #dwelling units# or #rooming units# created after December 5, 2024.

For #dwelling units# or #rooming units# in #multiple dwelling residences# created between July 20, 1950 and December 5, 2024, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# shall continue to be provided in accordance with the calculation methods set forth in Section 25-212 (Existing parking requirements in the Inner Transit Zone). The number of parking spaces required pursuant to Section 25-212 may only be reduced or eliminated pursuant to the provisions of Section 73-432 (Reduction of existing parking spaces for income-restricted housing units) or Section 75-31 (Authorization to Remove Required Parking).

For the purposes of this Section, the term "created" shall mean that, for the applicable #dwelling unit# or #rooming unit#, a temporary certificate of occupancy has been issued or, where no temporary certificate of occupancy has been issued, a final certificate of occupancy has been issued.

25-212 - Existing parking requirements in the Inner Transit Zone

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Where #accessory# off-street parking is required to be maintained for #multiple dwelling residences# pursuant to Section 25-211, the number of required #accessory# off-street parking spaces may be calculated pursuant to either paragraph (a) or (b) of this Section.

For the purposes of calculating the number of required parking spaces for any #building# containing #residences#, any fraction of a space 50 percent or greater shall be counted as an additional space, and for the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

Any #accessory# off-street parking spaces serving a #zoning lot# in excess of the number required by this Section shall be considered permitted spaces and shall not be regulated by the provisions of Section 25-20, inclusive.

(a) Previously approved applications

The number of required #accessory# off-street parking spaces shall be the number of spaces that were required at the time of the #development#, #enlargement# or #conversion#, as applicable, unless it would no longer be required pursuant to the regulations in effect prior to December 5, 2024. Such calculation may include all applicable parking reductions, waivers, geographically based modifications, or modifications for specific #uses#.

For the purpose of establishing this amount, the Department of Buildings may accept any historical evidence deemed appropriate by the Department of Buildings, such as construction documents, zoning analyses, or other documents submitted as an approved application for a building permit.

Where a #building# was subsequently #enlarged# or #converted# after its #development#, this historical evidence must include materials indicating the most-recent parking requirement in effect for all #dwelling units# on the #zoning lot# prior to December 5, 2024.

(b) Simplified reference table

As an alternative to the method set forth in paragraph (a), the number of required #accessory# off-street parking spaces shall be the number of spaces set forth in this paragraph (b).

The number of required off-street spaces shall be determined by the total number of #dwelling units# on a #zoning lot# existing prior to December 5, 2024 multiplied by the applicable parking requirement in Column A or B, as applicable. However, where the calculation results in a number of parking spaces less than or equal to the number in Column C, no parking spaces

shall be required for #residences# on the #zoning lot#.

REQUIREMENTS FOR DWELLING UNITS LOCATED WITHIN MULTIPLE DWELLINGS			
District	**Requirement**		**Waive**
	Column A	**Column B**	**Column**
	Parking requirement per standard #dwelling unit# (in percent)	Parking requirement per #dwelling unit# that is #qualifying senior housing# or an income-restricted unit in #qualifying affordable housing# (in percent)	Maximum waive
R1	100	0	0
R2	100	0	0
R3	100	0	0
R4	100	0	1
R5	85	0	1
R6	50	0	5
R7	50	0	25
R8	40	0	30

R9	40	0	40
R10	40	0	50
R11	40	0	60
R12	40	0	75

No spaces shall be required on any #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

25-22 - Required Parking in the Outer Transit Zone

LAST AMENDED
12/5/2024

25-221 - General provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, within the #Outer Transit Zone#, #accessory# off-street parking spaces shall be required for #dwelling units# created as part of a #development# or #enlargement# after December 5, 2024, in accordance with the provisions of Section 25-222. No #accessory# off-street parking spaces shall be required for #rooming units# created as part of a #development# or #enlargement# after March 22, 2016.

For #dwelling units# created pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 5, 2024, off-street parking spaces #accessory# to such #dwelling units# cannot be removed if such spaces were required by such zoning regulations at the time such #dwelling units# were created. However, such spaces can be removed if:

(a) such spaces would not be required pursuant to the applicable zoning regulations currently in effect, as well as those in effect prior to December 5, 2024; or

(b) such spaces would not be required pursuant to an amendment to the applicable zoning regulations effectuated after December 5, 2024.

For #rooming units# created pursuant to the zoning regulations in effect after July 20, 1950, and prior to March 22, 2016, the applicable zoning regulations in effect prior to March 22, 2016 shall continue to apply. For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

The number of parking spaces required pursuant to Section 25-22, inclusive, may only be reduced or eliminated pursuant to the provisions of Sections 73-432 (Reduction of existing parking spaces for income-restricted housing units), 73-433 (Reduction of existing parking spaces for qualifying senior housing) or 74-52 (Special Permit to Remove Required Parking).

For the purposes of this Section, the term “created” shall mean that, for the applicable #dwelling unit# or #rooming unit#, a temporary certificate of occupancy has been issued or, where no temporary certificate of occupancy has been issued, a final certificate of occupancy has been issued.

25-222 - Requirements for developments or enlargements in the Outer Transit Zone

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, within the #Outer Transit Zone#, for #dwelling units# created as part of a #development# or #enlargement# after December 5, 2024, the number of required #accessory# off-street parking spaces shall be determined by multiplying the number of #dwelling units# by the applicable parking requirement set forth for the applicable district in Columns A or B of the table below. However, where the calculation results in a number of parking spaces less than or equal to the number in Column C, no parking spaces shall be required for #residences# on the #zoning lot#.

REQUIREMENTS FOR DWELLING UNITS			
District	**Requirement**		**Waiver**
	Column A	**Column B**	**Column**
	Parking requirement per standard #dwelling unit# (in percent)	Parking requirement per #dwelling unit# that is an #ancillary dwelling unit#, #qualifying senior housing# or an income-restricted unit in #qualifying affordable housing# (in percent)	Maximum wa spaces)[1],
R1 R2	100	0	0

R3-1 R3A R3X R4-1 R4A R4B R5A	50	0	0[3]
R3-2 R4	35	0	5
R5	35	0	10
R5B R5D	25	0	10
R6 R7-1 R7-2	25	0	15
R7A R7B	15	0	15
R7-3 R7D R7X	15	0	25
R8	12	0	30
R9	12	0	40
R10	12	0	50
R11	12	0	60
R12	12	0	75

1 For #qualifying residential sites# in R1 through R5 Districts, #accessory# off-street parking spaces shall be waived where the number of #dwelling units# is 75 or less.

2 For #zoning lots# in R7-2, R7-3, R8, R9, R10, R11 or R12 Districts, the parking requirements shall be waived where the #lot area# is 10,000 square feet or less.

3 For #zoning lots# existing on December 5, 2024 where the #lot width# is 25 feet or less, no parking shall be required. In addition, irrespective of the #lot width# of the #zoning lot#, in R4B Districts, one #accessory# off-

street parking space may be waived.

No spaces shall be required on any #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

25-23 - Required Parking Beyond the Greater Transit Zone

LAST AMENDED
12/5/2024

25-231 - General provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, beyond the #Greater Transit Zone#, #accessory# off-street parking spaces shall be required for #dwelling units# created as part of a #development# or #enlargement# December 5, 2024, in accordance with the provisions of Section 25-232. No #accessory# off-street parking spaces shall be required for #rooming units# created as part of a #development# or #enlargement# after March 22, 2016.

For #dwelling units# created pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 5, 2024, off-street parking spaces #accessory# to such #dwelling units# cannot be removed if such spaces were required by such zoning regulations at the time such #dwelling units#

were created. However, such spaces can be removed if:

(a) such spaces would not be required pursuant to the applicable zoning regulations currently in effect, as well as those in effect prior to December 5, 2024; or

(b) such spaces would not be required pursuant to an amendment to the applicable zoning regulations effectuated after December 5, 2024.

For #rooming units# created pursuant to the zoning regulations in effect after July 20, 1950, and prior to March 22, 2016, the applicable zoning regulations in effect prior to March 22, 2016 shall continue to apply. For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

The number of parking spaces required pursuant to Section 25-23, inclusive, may only be reduced or eliminated pursuant to the provisions of Section 73-433 (Reduction of existing parking spaces for qualifying senior housing) or Section 74-52 (Special Permit to Remove Required Parking).

For the purposes of this Section, the term “created” shall mean that, for the applicable #dwelling unit# or #rooming unit#, a temporary certificate of occupancy has been issued or, where no temporary certificate of occupancy has been issued, a final certificate of occupancy has been issued.

25-232 - Requirements for developments or enlargements beyond the Greater Transit Zone

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, beyond the #Greater Transit Zone#, for #dwelling units# created as part of a #development# or #enlargement# after December 5, 2024, the number of required #accessory# off-street parking spaces shall be determined by multiplying the number of #dwelling units# by the applicable parking requirement set forth for the applicable district in Columns A or B of the table below. However, where the calculation results in a number of parking spaces less than or equal to the number in Column C, no parking spaces shall be required for #residences# on the #zoning lot#.

REQUIREMENTS FOR DWELLING UNITS					
District	**Requirement**				**Waiv**
	Column A	**Column B**			**Colum**
	Parking requirement per standard #dwelling unit# (in percent)	Parking requirement per #dwelling unit# that is an income-restricted unit in #qualifying affordable housing# (in percent)	Parking requirement per #dwelling unit# that is #qualifying senior housing# (in percent)	Parking requirement per #dwelling unit# that is an #ancillary dwelling unit# (in percent)	Maximum (in spac
R1 R2	100	50	10	0	0
R3A R3-1 R3X R4-1 R4B R4A R5A	100	50	10	0	0[5]
R3-2	50	50	10	0	1
R4	50	50	10	0	3
R5 R5B R5D	50	25	10	0	5

R6	50	25	10	0	10
R7-1 R7B	50[1]	12	10	0	10
R7A R7D R7X	50[1]	12	10	0	15
R7-2 R7-3	50[2]	12	10	0	15
R8 R9 R10 R11 R12	40[3]	12	10	0	15

1 For #zoning lots# in R7-1, R7A, R7B, R7D and R7X Districts, the parking requirement per standard #dwelling unit# shall be reduced to 30 percent where the #lot area# is 10,000 square feet or less.

2 For #zoning lots# in R7-2 and R7-3 Districts, the parking requirement per standard #dwelling unit# shall be reduced to 30 percent where the #lot area# is between 10,001 and 15,000 square feet and waived where the #lot area# is 10,000 square feet or less.

3 For #zoning lots# in R8, R9, R10, R11 and R12 Districts, the parking requirement per standard #dwelling unit# shall be reduced to 20 percent where the #lot area# is between 10,001 and 15,000 square feet and waived where the #lot area# is 10,000 square feet or less.

4 For #qualifying residential sites# in R1 through R5 Districts, #accessory# off-street parking spaces shall be waived where the number of #dwelling units# is 75 or less.

5 For #zoning lots# existing on December 5, 2024 where the #lot width# is 25 feet or less, no parking shall be required. In addition, irrespective of the #lot width# of the #zoning lot#, in R4B Districts, one #accessory# off-street parking space shall be waived.

No spaces shall be required on any #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

25-24 - Special Provisions for Certain Areas

LAST AMENDED
12/5/2024

25-241 - Special provisions for certain community districts

LAST AMENDED
12/5/2024

(a) Borough of the Bronx

Within the portion of Community District 12 in the Borough of the Bronx that is within the #Outer Transit Zone#, the parking requirements applicable to #zoning lots# located beyond the #Greater Transit Zone#, other than those for #qualifying affordable housing# or #qualifying senior housing#, shall apply.

(b) Borough of Queens

Within the portions of Community Districts 3 & 4 east of Junction Boulevard in the Borough of the Queens that is within the #Outer Transit Zone#, the parking requirements applicable to #zoning lots# located beyond the #Greater Transit Zone#, other than those for #qualifying affordable housing# or #qualifying senior housing#, shall apply.

Within the portion of Community District 14 in the Borough of the Queens that is within the #Outer Transit Zone#, the parking requirements applicable to #zoning lots# located beyond the #Greater Transit Zone#, other than those for #qualifying affordable housing# or #qualifying senior housing#, shall apply.

25-30 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

LAST AMENDED
12/15/1961

25-31 - General Provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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 #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#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

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

(a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number);

(b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 25-34 (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 25-63 (Location of Access to the Street); or

(c) for certain #zoning lots#, #developments# or #enlargements# below minimum thresholds pursuant to Section 25-36 (Waiver of Requirements for Certain Small Zoning Lots).

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

Parking Requirement Category	**Type of Requirement**
PRC – A	square feet of #floor area#
PRC – B	person-rated capacity
PRC – C	square feet of #lot area#
PRC – D	square feet of #floor area#, or number of employees

PRC – E	number of beds
PRC – F	guest rooms or suites
PRC – G	other

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Parking Requirement Category	**PRC - A**				**PRC- B**			**P**
	A1 1	**A2** 1	**A3**	**A4**	**B1**	**B2**	**B3**	
Unit of measurement	**per square feet of #floor area#** 2				**per persons-rated capacity**			**per s of #**
R1 R2	1 per 100	1 per 150	n/a	n/a	n/a	1 per 8	1 per 10 3	
R3			1 per 400					
R4 R5	1 per 200	1 per 300	1 per 500					
R6 R7-1 R7B	1 per 300	1 per 400	1 per 800			1 per 16	1 per 20 3	
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	None required	None required	None required			None required	None required	

1 For #accessory# #commercial# #uses# in #large-scale residential developments#.

2 For ambulatory diagnostic or treatment facilities listed under Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements. However, in #lower

density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements.

3 In R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities.

<table>
<tr><th rowspan="2">Parking Requirement Category</th><th colspan="2">PRC - D</th><th colspan="3">PRC - E</th><th colspan="2">PRC - F</th></tr>
<tr><th>D1</th><th>D2</th><th>E1</th><th>E2</th><th>E3 5</th><th>F1</th><th>F2</th></tr>
<tr><td>Unit of measurement</td><td colspan="2">per square feet of #floor area# or per employees</td><td colspan="3">per bed</td><td colspan="2">per guest room or suites</td></tr>
<tr><td>R1 R2</td><td rowspan="5">n/a</td><td rowspan="5">n/a</td><td rowspan="3">1 per 5 4</td><td rowspan="3">1 per 6</td><td rowspan="3">1 per 10</td><td rowspan="5">n/a</td><td rowspan="5">n/a</td></tr>
<tr><td>R3</td></tr>
<tr><td>R4 R5</td></tr>
<tr><td>R6 R7-1 R7B</td><td>1 per 8 4</td><td>1 per 12</td><td>1 per 20</td></tr>
<tr><td>R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12</td><td>1 per 10 4</td><td>None required</td><td>None required</td></tr>
</table>

4 Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

5 Independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 25-20. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 12-10.

Parking Requirement Category	PRC - G					
	Agricultural #uses#	**Outdoor racket courts**	**Outdoor skating rinks**	**Colleges, universities or seminaries**	**#Schools#**	**Libraries, museums or non-commercial art galleries**
Unit of measurement	**per square feet of #lot area# used for selling purposes**	**per court**	**per square feet of #lot area#**	**per square feet of #floor area# used for classrooms, laboratories, student centers or offices**	**per square feet of #floor area#**	**per square feet of #floor area#** 6
R1 R2	1 per 1,000	1 per 2	1 per 800	1 per 1,000	1 per 1,500	1 per 1,000
R3					None required	
R4 R5						
R6 R7-1 R7B	1 per 2,500	1 per 5	1 per 2,000	1 per 2,000		1 per 2,000
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	None required	None required	None required	None required		None required

6 Parking requirements for libraries, museums or non-commercial art galleries shall not apply to #floor area# used for storage.

Parking Requirement Category	PRC - G (continued)							
	Court houses	**Fire or Police stations**	**Prisons**	**Docks**	**Camps, overnight and day**	**Post offices** 7	**Funeral establishments**	**Riding or s**

Unit of measurement	per square feet of #floor area#	per square feet of #floor area#	per beds-rated capacity	see Section 62-43	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per squ #floo
R1 R2	n/a	1 per 500	n/a	see Section 62-43	1 per 2,000 or 1 per 3	1 per 800	n/a	1 p
R3								
R4 R5						1 per 1,200		
R6 R7-1 R7B		1 per 800				1 per 1,500		1 p
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12		None required				None required		None

7 For #accessory# #commercial# #uses# in #large-scale residential developments#.

25-311 - Special Provisions in Certain Areas

LAST AMENDED
6/6/2024

In #lower density growth management areas#, the parking requirements for child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in R1 through R5 Districts, shall be 1 per 1,000 square feet.

25-32 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 25-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES)

Section 25-31 (General Provisions)

25-33 - Waiver of Requirements for Spaces Below Minimum Number

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, except for the #uses# listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 25-31 (General Provisions) or 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to permitted non-#residential 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:

Districts	Number of Spaces

R1 R2 R3 R4 R5	10
R6 R7-1 R7B	25
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	40

25-331 - Exceptions to application of waiver provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

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, R4-1 and R4A Districts in #lower density growth management areas#. However, the waiver provisions shall apply where such #use# is located in such areas on the same #zoning lot# as a hospital, as defined in the New York State Hospital Code or a #long-term care facility#, 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, R4-1 and R4A Districts in #lower density growth management areas#. However, the waiver provisions 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#.

25-34 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

25-35 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

25-36 - Waiver of Requirements for Certain Small Zoning Lots

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the parking requirements of Section 25-31 (General Provisions) for camps, overnight or day, shall only apply to #developments# or #enlargements# with a minimum of either 10,000 square feet of #lot area# or 10 employees.

25-37 - Waiver for Mixed-Use Developments

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the non-residential parking requirements of Section 25-30 shall be waived for #uses# located within #buildings# containing #residences# on any #zoning lot#:

(a) within the #special mixed use parking area#;

(b) with a #lot area# of 10,000 square feet or less that is located within the remaining portion of the #Outer Transit Zone#; or

(c) with a #lot area# of 5,000 square feet or less that is located outside the #Greater Transit Zone#.

25-40 - RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-41 - Use of Spaces Accessory to Permitted Residential Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to #residences# shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#, except as set forth in this Section.

(a) Within individual parking spaces:

#accessory# off-street parking spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of such #residences#; and

(b) Within #group parking facilities#:

(1) in the #Inner Transit Zone#, all #accessory# off-street parking spaces may be made available for public use. Outside the #Inner Transit Zone#, #accessory# off-street parking spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of such #residences#; and

(2) up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

(i) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section 25-44, including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed; or

(ii) #car sharing vehicles#.

However, spaces designed and operated pursuant to paragraphs (a) and (b) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days of a written request to the landlord.

25-42 - Use of Spaces Accessory to Permitted Non-residential Uses

LAST AMENDED

12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented, except as set forth in this Section.

In R3-2 through R12 Districts, other than other than R4-1, R4A, R4B and R5A Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

(a) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section 25-44, including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed; or

(b) #car sharing vehicles#.

25-43 - Restrictions on Automotive Repairs and Sale of Motor Fuel

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil or automotive accessories are not permitted, except as provided in this Section in specified districts.

25-431 - Limited repairs permitted in specified districts

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, within a #completely enclosed# garage, #detached# from a #building# containing #residences# and containing not less than 150 #accessory# off-street parking spaces, minor automotive repairs (not including body work) are permitted.

25-44 - Electric Vehicle Charging

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces.

25-50 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/5/2024

25-51 - General Provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility# #uses#, to #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or to #uses# permitted by special permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 25-52 (Off-site Spaces for Residences)

Section 25-53 (Off-site Spaces for Permitted Non-residential Uses)

Section 25-54 (Joint and Shared Facilities)

Section 25-55 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-site Parking Provisions)

25-52 - Off-site Spaces for Residences

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

(a) located in a district other than a #Residence District# or a C7 District, or provided in a joint facility located in a district other than an R1 or R2 District, on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section 25-541 (Joint Facilities);

(b) not further than the maximum distance from the #zoning lot# specified in Section 25-521; and

(c) enclosed, except that such spaces may be unenclosed provided that the #zoning lot# on which such spaces are located does not contain a #residential use#.

25-521 - Maximum distance from zoning lot

LAST AMENDED
12/5/2024

R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

District	Maximum Distance from #Zoning Lot#

R3 R4 R5 R6 R7-1 R7B	600 feet
R7-2 R7-3 R7A R7D R7X R8 R9 R10 R11 R12	1,000 feet

25-53 - Off-site Spaces for Permitted Non-residential Uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section, inclusive.

25-531 - For houses of worship

LAST AMENDED
12/5/2024

R1 R2 R3 R4

In the districts indicated, parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district, provided that in such instances all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

25-532 - For permitted non-residential uses

LAST AMENDED
12/5/2024

R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an Rl, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial District# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

(a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and

(b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

25-54 - Joint and Shared Facilities

LAST AMENDED
9/9/2004

25-541 - Joint facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

(a) the number of spaces in such joint facilities shall be not less than that required by this Chapter for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#;

(b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections 25-52 (Off-Site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses), or 73-45 (Modification of Off-site Parking Provisions); and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

25-55 - Additional Regulations for Required Spaces When Provided Off Site

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 25-52 (Off-site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses) or 25-54 (Joint and Shared Facilities), the following additional regulations shall apply:

(a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and the owner's heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.

(b) Such spaces shall conform to all applicable regulations of the district in which they are located.

25-60 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

25-61 - General Provisions

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of the following Sections:

Section 25-62 (Size and Location of Spaces)

Section 25-63 (Location of Access to the Street)

Section 25-64 (Surfacing)

Section 25-65 (Screening)

Section 25-66 (Parking Lot Landscaping)

Section 25-67 (For Parking Facilities Containing Car Sharing Vehicles)

No portion of a #side lot ribbon# shall be less than eight feet wide and no portion shall be more than 10 feet wide on an #interior lot# or #through lot# and not more than 20 feet wide on a #corner lot#. If two #zoning lots# share a common #side lot ribbon# along a common #side lot line#, the width of a shared #side lot ribbon# must be at least eight feet.

Special regulations applying to #large-scale residential developments# are set forth in Article VII, Chapter 8, and to #large-scale community facility developments# in Article VII, Chapter 9.

25-62 - Size and Location of Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) Minimum maneuvering space

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, except as follows:

(1) Standard attended facilities

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.

(2) Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

(3) #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall

constitute one parking space. The term “tray” shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in #automated parking facilities# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

(4) #Single-# and #two-family# #residences#

For #accessory# off-street parking spaces serving #single-# or #two-family# #residences#, an area of less than 300 square feet may be considered as one space.

(b) Driveway access

Driveways used to access parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

(c) Minimum size for each parking space

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#, #semi-detached# or #zero lot line buildings# on a #zoning lot# where not more than four #accessory# parking spaces are provided 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).

(d) Special rules for certain areas

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 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 36-57 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, permitted 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.

25-621 - Location of parking spaces in certain districts

LAST AMENDED
12/5/2024

All #accessory# off-street parking spaces on #zoning lots# with #buildings# containing #residences# shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of Section 25-622 shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section 25-63 (Location of Access to the Street).

R1 R2 R3-1 R3A R3X R4-1 R4A R5A

(a) In the districts indicated, for #single-# and #two-family residences#, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and

#street wall# of such #buildings# and their prolongations only where such spaces are located in a driveway that accesses at least one parking space located to the side or rear of such #building# and no portion of such driveway is located in front of such #buildings#.

However, such parking spaces may also be located in a driveway directly in front of a garage, where such garage is within:

(1) a #semi-detached# #building# in an R3-1 or R4-1 District; or

(2) a #detached# #building# on a #zoning lot# with at least 35 feet of frontage along the #street# accessing such driveway, and at least 18 feet of uninterrupted curb space along such #street#.

No parking spaces of any kind shall be allowed between the #street line# and #street wall# of an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or for an #attached# #building# in an R3-1 or R4-1 District.

R3-2 R4 R5

(b) In the districts indicated, other than R4-1, R4A, R4B, R5A, R5B and R5D Districts, for #single-# and #two-family residences#, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations, provided that, for #buildings# on #zoning lots# with less than 35 feet of #street# frontage, such spaces are located in a driveway in the #side lot ribbon#, and provided that for #buildings# on #zoning lots# with at least 35 feet of #street# frontage and at least 18 feet of uninterrupted curb space along a #street#, either:

(1) no more than two parking spaces located between the #street line# and #street wall# of such #buildings# and their prolongations shall be accessed from a single curb cut, and the parking area for these spaces shall not be more than 20 feet in width measured

parallel, or within 30 degrees of being parallel, to the #street line#; or

(2) a #group parking facility# with five or more spaces is provided and is screened in accordance with the requirements of Section 25-65 (Screening), paragraphs (a) or (b), as applicable.

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(c) In all districts, as indicated, for #zoning lots# with #buildings# that are #multiple dwelling residences#, all #accessory# off-street parking spaces shall be located only within such #buildings# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of such #buildings# and their prolongations.

However, on #through lots#, such limitation shall only apply along one #street# frontage.

In addition, such limitation shall not apply on #zoning lots# occupying an entire #block#, or to #large sites#.

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

LAST AMENDED
4/14/2010

The provisions of this Section shall apply to all #zoning lots# with #buildings# containing #residences# in R1, R2, R3, R4-1 and R4A Districts within #lower density growth management areas#.

Required #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#. Non-required parking spaces may be permitted between the #street line# and the #street wall# provided they are located in a driveway that accesses required parking spaces that are located behind the #street wall# of the #building# or prolongation thereof.

For #zoning lots# with less than 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a single driveway no more than 10 feet in width.

For #zoning lots# with at least 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a driveway no more than 20 feet in width.

No more than two unenclosed required parking spaces may be located in tandem (one behind the other), except that no tandem parking shall be permitted in any #group parking facility# with more than four spaces.

25-623 - Maneuverability standards for community facility uses

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions of this Section shall apply to:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in:

(1) an increase in the total number of parking spaces #accessory# to #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards, as set forth in paragraphs (b) and (c) of Section 36-57.

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

LAST AMENDED

6/6/2024

(a) 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# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:

(1) 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#; and

(2) 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#.

(b) All #zoning lots# that meet the conditions of paragraph (a) of this Section 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 36-57 (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 36-57 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, R4-1 and R4A 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.

(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

LAST AMENDED
6/6/2024

In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, the Chairperson of the City Planning Commission may modify the amount of #accessory# off-street parking required pursuant to Section 25-31 (General Provisions), or the parking regulations of paragraphs (b)(3), (b)(4), and (b)(5) of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), for any #enlargement# of a #building# containing a #use# listed in paragraphs (a) or (b) of this Section, or a change of #use# to, or an #extension# of, such #use#, provided that the applicant submits a site plan that demonstrates to the Chairperson that the location of the existing #building# on the #zoning lot# impedes compliance with the parking requirements of Sections 25-31 and 25-624, and that the Chairperson certifies to the Department of Buildings, that the #enlargement#, #extension# or change of #use# complies with such requirements to the maximum extent feasible.

(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#; and

(b) Child care services 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, 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#.

25-626 - Calculating floor area in parking facilities with lift systems, or in automated parking facilities

LAST AMENDED
12/6/2023

For enclosed #accessory# off-street parking facilities, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section 12-10, or as otherwise modified in this Resolution, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

25-63 - Location of Access to the Street

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the entrances and exits for all #accessory# #group parking facilities# with 10 or more spaces shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base his determination on such report.

The waiver provisions of Section 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no

way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

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

LAST AMENDED
12/5/2024

All curb cuts on #zoning lots# with #buildings# containing #residences# shall comply with the provisions of this Section, except that, in #lower density growth management areas#, the provisions of Section 25-632 shall apply. The minimum width of a curb cut shall be eight feet, including splays. In addition, for #non-conforming# #buildings# in all districts, the provisions of Section 25-633 (Curb cut restrictions for certain buildings in R1 through R5 Districts) shall apply.

R2A

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

R2X R3 R4 R5

(b) In the districts indicated, except R4B and R5B Districts, as well as for #qualifying residential sites# in R1 through R5 Districts, curb cuts shall comply with the following provisions:

(1) For #zoning lots# containing #residences# where not more than two #accessory# parking spaces are provided:

(i) for #zoning lots# with less than 50 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of 10 feet, shall be permitted;

(ii) for #zoning lots# with at least 50 feet of frontage along a #street#, no more than two curb cuts shall be permitted along such #street# frontage. If one curb cut is provided, such curb cut shall have a maximum width, including splays, of 18 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be 10 feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;

(iii) wherever #accessory# parking spaces are provided in adjacent #side lot ribbons# on #zoning lots# subdivided after June 30, 1989, the curb cuts giving access to such #side lot ribbons# shall be contiguous (paired), so that only one curb cut, having a maximum width of 18 feet, including splays, shall serve both #side lot ribbons#; and

(iv) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing both on June 30, 1989, and April 14, 2010, that are less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#; or

(2) For #zoning lots# containing #residences# where more than two #accessory# parking spaces are provided:

(i) #zoning lots# with 35 feet or more of frontage along a #street# shall maintain a minimum distance of 16 feet of uninterrupted curb space along such #street#;

(ii) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to any #zoning lot# existing both on June 30, 1989 and April 14, 2010, that is less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained in front of such #zoning lot#

along the #street#;

(iii) all driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on the same or adjoining #zoning lots#, provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet. Curb cuts accessing such paired driveway shall have a minimum width of 15 feet and a maximum width, including splays, of 18 feet; and

(iv) except for paired driveways as set forth in paragraph (b)(2)(iii) of this Section, the maximum width of a curb cut accessing less than 50 parking spaces shall be 12 feet, including splays, and the maximum width of a curb cut accessing more than 50 parking spaces shall be 22 feet, including splays. However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

R4B R5B

(c) In the districts indicated, curb cuts are permitted only on #zoning lots# with at least 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#. Any such #zoning lot# may be subdivided; however, curb cuts are permitted only for a resulting subdivided #zoning lot# that has at least 40 feet of #street# frontage. For #detached#, #semi-detached# and #zero lot line buildings#, the width and location of curb cuts shall be in accordance with paragraph (b)(1), inclusive, of this Section. For #attached# #buildings# and #building segments#, and for multiple dwellings in R5B Districts, at least 34 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing on both June 30, 1989, and April 14, 2010, that are less than 76 feet wide and where at least 34 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

For #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#, curb cuts shall be prohibited.

R6 R7 R8

(d) In the districts indicated, only one curb cut, having a maximum width of 12 feet, including splays, shall be permitted on any #street# frontage of a #zoning lot#. However, where a curb cut accesses a #group parking facility# with 50 or more spaces, the maximum width of a curb cut shall be 22 feet, including splays, or alternatively, two curb cuts shall be permitted to access such #group parking facility#, each with a maximum width of 12 feet, including splays, and spaced at least 60 feet apart. For #zoning lots# subdivided after April 14, 2010, curb cuts shall only be permitted along the #street# frontage of such subdivided #zoning lot# where at least 34 feet of uninterrupted curb space is maintained, and shall comply with the width and spacing requirements of this paragraph.

However, in R6B, R7B and R8B Districts, curb cuts shall be prohibited, except on #zoning lots# occupied by a #building# with a #street wall# at least 40 feet in width or, for #zoning lots# with multiple #building segments#, only where such curb cut is in front of a #building segment# with a #street wall# at least 40 feet in width. On such #zoning lots#, curb cuts shall be permitted only on the #street# frontage that is at least 40 feet wide.

R9 R10 R11 R12

(e) In the districts indicated, no curb cuts shall be permitted on any #wide street# frontage, and only one curb cut, having a maximum width of 22 feet, including splays, shall be permitted on any #narrow street# frontage.

(f) Modification of curb cut requirements:

R2X R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(1) In the districts indicated, the location and width of curb cuts, as required by the provisions of this Section, may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Transportation for reports, and may base the determination on such reports.

R6 R7 R8 R9 R10 R11 R12

(2) In the districts indicated, the City Planning Commission may authorize modifications to the provisions of this Section, provided that the Commission finds that:

(i) the proposed modification does not adversely affect the character of the surrounding area; and

(ii) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curbside parking spaces along the #street frontage# of the #zoning lot#.

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

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all #zoning lots# with #buildings# containing #residences# within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family# #detached# #residence# with at least 60 feet of frontage along one #street# and, for such #residences# on #corner lots#, with at least 60

feet of frontage along two #streets#.

(a) For #zoning lots# with less than 33 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of 10 feet, shall be permitted.

(b) For #zoning lots# with at least 33 feet of frontage along a #street#, multiple curb cuts are permitted. The maximum width of a curb cut serving a driveway 12 feet or less in width shall be 10 feet, including splays. Driveways wider than 12 feet at any point within a #front yard# shall be accessed by a single curb cut with a minimum width of 17 feet and a maximum width, including splays, of 18 feet.

(c) The center line of each curb cut shall be coincident with the center line of the driveway that it serves.

(d) All driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on adjoining #zoning lots# provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet.

(e) All #zoning lots# with #buildings# containing #residences# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

(f) The requirements of paragraphs (d) and (e) of this Section may be waived where the Commissioner of Buildings certifies that, due to the location of driveways and curb cuts on adjacent #zoning lots#, there is no way to locate the driveways and curb cuts in compliance with this requirement of this Section, and that at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

(g) For multiple #buildings# on a single #zoning lot#, access to all parking spaces shall be provided entirely on the same #zoning lot#.

25-633 - Curb cut restrictions for certain buildings in R1 through R5 Districts

LAST AMENDED
2/2/2011

R1 R2 R3-1 R3A R3X R4-1 R4A R5A

(a) In the districts indicated, curb cuts are prohibited for #attached# #buildings# except where such #building# is bounded on one side by a #side yard# at least eight feet in width. For such #buildings#, a curb cut shall be permitted only along that portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

R1 R2 R3A R3X R4A R5A

(b) In the districts indicated, for #semi-detached# #buildings#, a curb cut shall only be permitted along that portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

25-634 - Curb cut regulations for community facilities

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, any #development# or #enlargement# containing a #community facility# #use# with an unenclosed parking area shall comply with the provisions of this Section.

Curb cuts serving one travel lane shall have a maximum width of 12 feet, excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet, excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet, excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street frontage#, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage, one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed prior to November 28, 2007, on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

25-635 - Maximum driveway grade

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the maximum grade of a driveway shall not exceed 11 percent in any #front yard#. Driveways existing on April 30, 2008, which exceed a grade of 11 percent, may be used to access parking spaces provided for #residences# constructed after April 30, 2008.

25-64 - Surfacing

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all open off-street parking spaces shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material.

25-65 - Screening

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) In all districts, as indicated, except where such districts are located in #lower density growth management areas#, all open off-street parking areas or groups of individual garages with 10 spaces or more, that are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a

roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

For community facilities located in R1, R2, R3, R4 or R5 Districts, except for any parking that is located on a roof, all such parking shall be screened pursuant to paragraph (a)(1) of this Section.

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

(b) In #lower density growth management areas#, all open parking areas with five or more spaces shall be screened from adjoining #zoning lots# 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.

The provisions of paragraphs (a) and (b) of this Section shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

25-66 - Parking Lot Landscaping

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that contain 18 or more spaces or are greater than 6,000 square feet in area, as

follows:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:

(1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived, pursuant to Section 25-33, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #community facility# #uses# or curb cuts accessing #community facility# #uses# are shown on the site plan required pursuant to Section 25-623, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

25-67 - For Parking Facilities Containing Car Sharing Vehicles

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within 20 feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(a) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility;

(b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and

(c) where such parking facility contains #accessory residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord."

25-70 - OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in residential areas within the city, and thus to promote and protect public health, safety and general welfare.

25-71 - Permitted Accessory Off-street Loading Berths

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for #residences#, for permitted #community facility# #uses#, for #commercial# #uses# permitted as #accessory# #uses# in #large-scale residential developments#, or for #uses# permitted by special permit, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions set forth in Sections 25-75 (Location of Access to the Street), 25-76 (Surfacing), and 25-77 (Screening).

25-72 - Required Accessory Off-street Loading Berths

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the following table for all #development# or #enlargement# after December 15, 1961, for the #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargement#.

After December 15, 1961, if the #use# of any #building or other structure# is #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the #enlarged# portion of such #building#.

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Loading Requirement Categories (LRC).

Loading Requirement Category	**#Use# or Use Group**
LRC – A	All #uses# listed under Use Groups IX(A), IX(B) and X
LRC – B	All #uses# listed under Use Group VI, except automotive equipment rental and leasing, automotive repair and maintenance, or gasoline stations; all #uses# listed under Use Group VIII
LRC – C	All #uses# listed under Use Groups V and VII; court houses listed under Use Group IV(A)
LRC – D	Hospitals and related facilities listed under Use Group III(B); prisons listed under Use Group IV(A)
LRC – E	Funeral establishments listed under Use Group VI

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR ENLARGEMENTS

Loading Requirement Category	**Districts**	
	R1 R2 R3 R4 R5 R6	**R7 R8 R9 R10**
LRC-A	n/a	
LRC-B 1	First 8,000 sq ft: None Next 17,000 sq ft: 1 Next 15,000 sq ft: 1 Next 20,000 sq ft: 1 Next 40,000 sq ft: 1 Each additional 150,000 sq ft: 1	First 25,000 sq ft: None Next 15,000 sq ft: 1 Next 60,000 sq ft: 1 Each additional 150,000 sq ft: 1
LRC-C	n/a	
LRC-D 2	First 10,000 sq ft: None Next 290,000 sq ft: 1 Each additional 300,000 sq ft: 1	
LRC E	n/a	

1 For #accessory# #commercial# #uses# in #large-scale residential developments#.

2 Requirements in this table are in addition to area utilized for ambulance parking.

25-73 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7 shall apply.

25-74 - Size of Required Berths

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways or entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR REQUIRED ACCESSORY OFF-STREET LOADING BERTHS (in feet)

	Length	Width	Vertical clearance
LRC-A	n/a	n/a	n/a

LRC-B[1]	37	12	14
LRC-C	n/a	n/a	n/a
LRC-D	37	12	12
LRC-E	n/a	n/a	n/a

1 For #accessory# #commercial# #uses# in #large-scale residential developments#

25-75 - Location of Access to the Street

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion.

The requirements for #accessory# off-street loading berths set forth in Section 25-72 (Required Accessory Off-street Loading Berths) shall not apply to any #building# as to which the Commissioner of Buildings certifies that there is no way to arrange the required berths to conform to the provisions of this Section.

The Commissioner of Buildings may refer such matters requiring certification to the Department of Transportation for report and may base his determination on such report.

25-76 - Surfacing

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

25-77 - Screening

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all permitted or required open off-street loading berths shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# by either:

(a) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(b) a wall or barrier or uniformly painted fence or fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

(1) shall be maintained in good condition at all times;

(2) may be interrupted by normal entrances and exits; and

(3) shall have no #signs# hung or attached thereto other than those permitted in Section 22-32 (Permitted Non-illuminated Accessory Signs).

25-80 - BICYCLE PARKING

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the provisions of this Section, inclusive, related to bicycle parking spaces shall apply to:

(a) #developments#;

(b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;

(c) #dwelling units# created by #conversions# of non-#residential# #floor area#;

(d) new #dwelling units# in #buildings# or #building segments# constructed after April 22, 2009;

(e) new enclosed #accessory# #group parking facilities# with 35 or more automobile parking spaces; and

(f) open parking areas #accessory# to #commercial# or #community facility# #uses# that contain 18 or more automobile parking spaces or are greater than 6,000 square feet in area.

In addition, the provisions of Section 25-85 (Floor Area Exemption) shall apply to all #buildings# as set forth therein.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

25-81 - Required Bicycle Parking Spaces

LAST AMENDED
4/22/2009

25-811 - Enclosed bicycle parking spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL OR COMMUNITY FACILITY USES

Type of #Use#	**Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement**
FOR RESIDENTIAL USES	
#Single-family# #detached# #residences# listed under Use Group II	None required
All other types of #residences# listed under Use Group II, except #affordable independent residences for seniors#	1 per two #dwelling units#

#Affordable independent residences for seniors# listed under Use Group II	1 per 10,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES 1	
College or #school# student dormitories or fraternity and sorority student houses listed under Use Group III(A)	1 per 2,000 square feet of #floor area#
Colleges, universities, or seminaries listed under Use Group III(B)2 (a) Classrooms, laboratories, student centers or offices (b) Theaters, auditoriums, gymnasiums or stadiums	 1 per 5,000 square feet of #floor area# 1 per 20,000 square feet of #floor area#
Libraries, museums or non-commercial art galleries listed under Use Group III(B)	1 per 20,000 square feet of #floor area#
Monasteries, convents or novitiates listed under Use Group III(A); houses of worship listed under Use Group III(B);~~,~~ rectories or parish houses listed under Use Group III(A) or III(B); all #uses# listed under Use Group I	None required
All other #uses# listed under Use Group III not otherwise listed in this table	1 per 10,000 square feet of #floor area#

1 #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group II #residential uses#

2 Up to half of required spaces may be provided as unenclosed bicycle parking spaces pursuant to the requirements of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces)

However, the bicycle parking requirements set forth in the table shall be waived for bicycle parking spaces that are #accessory# to:

(a) #buildings# or #building segments# containing 10 #dwelling units# or less;

(b) colleges, universities or seminaries where the number of required bicycle parking spaces is six or less;

(c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or

(d) all other #community facility# #uses# not otherwise listed in the table where the number of required bicycle parking spaces is three or less.

25-812 - Unenclosed bicycle parking spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, for open parking areas #accessory# to #community facility# #uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section 25-66 (Parking Lot Landscaping), unenclosed #accessory# bicycle parking spaces shall be provided as follows:

(a) One bicycle parking space shall be provided for every 10 automobile parking spaces, up to 200 automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle parking space.

(b) Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

(c) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph, (c).

25-82 - Authorization for Reduction of Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces), or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

25-83 - Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 25-84 (Off-site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall be located in an area secured by a lock or similar means, or adjoin a securely-anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the bicycle parking area, outside any locked door, with lettering at least three-quarter inches in height stating "Bicycle Parking."

For colleges, universities or seminaries, one-half of required enclosed #accessory# bicycle parking spaces may be provided as open unenclosed spaces, provided that such spaces meet the standards of paragraph (b) of Section 25-812 (Unenclosed bicycle parking spaces).

All bicycle parking spaces which are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces which are #accessory# to a #community facility# #use# shall be made available for the storage and independent access of the bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities shall be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to community facilities with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock or similar means, provided that access is through a commonly accessible area and access is made available to eligible users on an equal basis.

25-84 - Off-site Bicycle Parking Spaces

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, #accessory# bicycle parking spaces required pursuant to Section 25-811 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that such bicycle parking spaces are located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#.

A plaque shall be placed within 30 feet of a #building# entrance, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for

both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

25-85 - Floor Area Exemption

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this Section, shall be excluded from the calculation of #floor area#, provided that:

(a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces or, if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section 25-811 (Enclosed bicycle parking spaces), the number that would have been required but for the waiver, or, if spaces are not required because the #building# was constructed prior to April 22, 2009, the number that would be required if such #building# were newly constructed; and

(b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this Section, for the #uses# listed in the table, the amount of space that may be excluded from the calculation of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table.

MAXIMUM BICYCLE PARKING SPACES EXCLUDED FROM FLOOR AREA

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
#Affordable independent residences for seniors# listed under Use Group II	1 per 2,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES	
Philanthropic or non-profit institutions with sleeping accommodations listed under Use Group III(A)	1 per 2,000 square feet of #floor area#
Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals, listed under Use Group III(B)	1 per 5,000 square feet of #floor area#

However, in no event shall this Section apply to #single-# or #two-family residences# and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site pursuant to Section 25-84 (Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory# #group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory# #group parking facility# does not count as #floor area#.

25-86 - Waiver or Reduction of Spaces for Subsidized Housing

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In all districts, as indicated, except in the Special Southern Hunters Point District, the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

(a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income-restricted pursuant to the provisions of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, or pursuant to the terms of a grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph;

(b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory# #group parking facility#;

(c) if permitted automobile parking spaces are provided, the required bicycle spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking spaces or removing three or fewer permitted automobile parking spaces;

(d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and

(e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Urban Design Regulations

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Chapter 6 - Special Urban Design Regulations

26-00 - APPLICABILITY OF THIS CHAPTER

LAST AMENDED
12/5/2024

The regulations of this Chapter shall apply:

(a) To #sky exposure plane buildings# #developed# in R9 and R10 Districts, as set forth in Section 26-10 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS). However, the provisions of Section 26-10 shall not apply within any Special Purpose District;

(b) in R3, R4 and R5 Districts, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS), except where such #zoning lots#:

(1) consist entirely of #single-family detached residences#;

(2) are accessed by #private roads# that existed on February 6, 2002; or

(3) are located within #lower density growth management areas#, in which case the provisions of paragraph (c) of this Section shall apply;

(c) in #lower density growth management areas#, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS);

(d) to #developments#, #enlargements# or #conversions# in all districts, as applicable, as set forth in Section 26-40 (STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS); and

(e) to all #energy infrastructure equipment# and #accessory# mechanical equipment not located within a #completely enclosed building#, as set forth in Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

26-10 - SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS

LAST AMENDED
2/2/2011

For applicable #buildings# in R9 and R10 Districts, an application to the Department of Buildings for a permit respecting any #development# shall include a plan and an elevation, drawn to a scale of at least one-sixteenth inch to a foot, of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #arcades#, #street wall# articulation, #street# trees, sidewalk paving and such other necessary information as may be required by the Commissioner of Buildings.

26-11 - General Purposes

LAST AMENDED
2/2/2011

The urban design guidelines are established to strengthen, at street level, the relationship of developments with existing buildings and to improve the quality of the streetscape by:

(a) maintaining the visual continuity of developments at street level; and

(b) enhancing the visual character of the neighborhood.

26-12 - General Purposes of Sections 26-13 through 26-15

LAST AMENDED
12/5/2024

In harmony with the general purposes and intent of this Resolution and the general purposes of Section 26-11, the regulations of Sections 26-13 through 26-15, inclusive, are intended to:

(a) guide the location of arcades to assure horizontal continuity of developments with existing building arcades and to maintain visual continuity at street level;

(b) require transparency and/or articulation of front walls to improve the visual quality of the street; and

(c) improve the quality of the street environment.

26-13 - Definitions

LAST AMENDED
12/5/2024

For the purposes of Sections 26-10 through 26-15, inclusive, the following definitions shall apply:

Contiguous block

A "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the #development#.

Contiguous lot

A "contiguous lot" is a #zoning lot# that shares a common #side lot line# with the #zoning lot# of the #development#.

Development

In addition to the definition of #development# set forth in Section 12-10 (DEFINITIONS), "development" shall also include an #enlargement# involving an increase in #lot coverage#.

26-14 - Horizontal Continuity

LAST AMENDED
2/2/2011

Horizontal continuity regulations set forth in this Section are intended to relate #developments# with existing #buildings#, at #street# level, in order to maintain visual and functional continuity relating to the following aspects.

26-141 - Arcades

LAST AMENDED
10/17/2007

#Arcades# shall be bonused only where the #zoning lot# of a #development# occupies:

(a) the entire #street line# of a #block# and when the #arcade# extends the full length of such #street# frontage; or

(b) a portion of the #street line# of a #block# and the contiguous #zoning lot# contains an #arcade# extending the full length of the #street# frontage, and no walls are existing where the two #arcades# abut; or where the contiguous #zoning lot# is vacant. Such #arcade# shall be located at the same elevation as the existing #arcade#.

#Arcades# may be interrupted by a bonusable #open space# such as a #publicly accessible open area#.

26-142 - Street wall articulation

LAST AMENDED
2/2/2011

When any #building# wall of a #development# that is five feet or more in height adjoins a sidewalk, a #public plaza# or an #arcade#, at least 25 percent of the total surface area of such walls between #curb level# and 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#.

Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such #building# wall, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall if less than 12 feet in height, shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

26-15 - Streetscape Modifications

LAST AMENDED
12/5/2024

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Chapter. Such modifications will be allowed when the Commission finds that such modifications will enhance the design quality of the #development#.

26-20 - SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS

LAST AMENDED
2/2/2011

To provide for the orderly development of #residences# that are distant from #streets#, site planning requirements are established in Sections 26-20 through 26-27, inclusive. The regulations of this Section are intended to:

(a) optimize vehicular access within and among #zoning lots# containing #private roads#;

(b) regulate the size of and distance between curb cuts to minimize undue conflict between pedestrian and vehicular movement;

(c) provide for sidewalks to facilitate social interaction and enhance pedestrian safety; and

(d) provide for tree planting along #private roads# in order to enhance the visual and environmental character of the neighborhood.

26-21 - Requirements for Private Roads

LAST AMENDED
2/2/2011

#Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops. The minimum width of a #private road# shall be 38 feet from curb to curb along its entire length or, where at least three #accessory# parking spaces are provided for every two #dwelling units# and no such spaces are located within the bed of a #private road#, the minimum width shall be 34 feet. The entrance to any #group parking facility# may be narrower than such minimum widths for a distance not to exceed 20 feet, and a #private road# may contain a landscaped median provided the paved width of such #private road# meets the minimum width required exclusive of such medians. The City Planning Commission may modify the required width of a #private road#, pursuant to Section 26-26 (Modification and Waiver Provisions).

26-22 - Requirements for Sidewalks, Street Trees and Planting

LAST AMENDED
12/5/2024

A minimum four-foot-wide paved sidewalk shall be provided adjacent to and along the entire length of the required planting strips. However, no sidewalk shall be required along that side of a #private road# that does not have a #building# wall facing it.

A minimum three-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb.

The #street# tree and planting requirements of Section 23-61, inclusive, shall apply.

26-23 - Yards

LAST AMENDED
12/5/2024

For the purposes of this Section, a #private road# shall be considered to be a #street#, and a line seven feet from and parallel to the required curb of the #private road# shall be considered to be a #street line#, and the applicable #yard# regulations of Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), inclusive, shall be applied accordingly. However, no #yard# shall be required along that side of a #private road#, or portion thereof, that does not have a #building# wall facing it.

26-24 - Requirements for Curbs and Curb Cuts

LAST AMENDED
12/5/2024

Curbs shall be provided along each side of the entire length of a #private road#.

A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#.

26-25 - Parking Location and Curb Cuts Accessing Driveways

LAST AMENDED
12/5/2024

For the purposes of this Section, a #private road# shall be considered to be a #street#, and the applicable parking location and curb cut provisions of Section 25-62, inclusive, and Section 25-63, inclusive, shall be applied accordingly.

26-26 - Modification and Waiver Provisions

LAST AMENDED
2/2/2011

(a) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, provided that:

(1) such modifications or waivers will enhance the design quality of the #zoning lot#;

(2) any decrease in the required width of the paved road bed is in conjunction with a superior parking plan that would not be feasible with a wider road bed; and

(3) any decrease in the required width of the paved road bed will result in the preservation of existing natural features or a superior landscaping plan that would not be feasible with a wider road bed.

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet.

(b) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, for #zoning lots# within the #Special South Richmond Development District#, that:

(1) contain #designated open space# and a portion of the #waterfront esplanade#, where such #zoning lots#:

(i) have been granted an authorization pursuant to Section 107-65 (Modifications of Existing Topography) within one year prior to February 6, 2002; or

(ii) are conditioned upon a restrictive declaration that has received a minor modification by the City Planning Commission; or

(2) are located wholly or partially within Area M and have filed an application for an authorization pursuant to Section 107-69 (Residential Uses in Area M) within one year prior to February 6, 2002; or

(3) have been granted authorizations pursuant to Section 107-64 (Removal of Trees) and 107-65 and are located on a #zoning lot# where a change in the City Map has been approved within three years prior to February 6, 2002, and where certified copies of the alteration map for such change in the City Map have not yet been filed in accordance with Section 198, subsection (c), of the New York City Charter, as of February 6, 2002.

In order to authorize such modifications or waivers pursuant to this paragraph, (b), the Commission shall find that such #zoning lots# will be #developed# pursuant to a good site plan, and that adequate access to all #dwelling units#, adequate parking spaces located outside of the roadbed of the #private road#, adequate spacing of all curb cuts and adequate landscaping will be provided.

26-27 - Waiver of Bulk Regulations Within Unimproved Streets

LAST AMENDED
2/2/2011

In R3, R4 and R5 Districts, and in C1 and C2 Districts mapped within R3, R4 and R5 Districts, and in C3 Districts, the City Planning Commission may authorize the waiver of #bulk# regulations for:

(a) #zoning lots# with #private roads# that access at least 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law; and

(b) #zoning lots# with #private roads# that access fewer than 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law and where such #zoning lot# has received an authorization pursuant to paragraph (a) of Section 26-26;

The Commission may authorize the waiver of #bulk# regulations affected by such #streets# where #buildings# would be #non-complying# absent such waiver, provided the Board of Standards and Appeals has prescribed conditions pursuant to Section 35 of the General City Law which require the #buildings# or portions thereof to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution. Such waivers shall only be as necessary to address #non-compliance# resulting from the location of the #buildings# within and outside the unimproved #streets#.

The Commission shall find that the #private roads# are adequate to serve present and future transportation needs and that, through the grant of such waivers, the #development# complies to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped, and that the #private road# system results in a good site plan.

26-30 - SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS

LAST AMENDED
2/2/2011

For all #zoning lots# with #buildings# accessed by #private roads# in #lower density growth management areas#, the provisions of Sections 26-20 through 26-27, inclusive, shall apply. In addition, such regulations are supplemented or superseded in accordance with the provisions of this Section.

26-31 - Entrances, Parking Location and Curb Cuts

LAST AMENDED
12/5/2024

The entrances and exits of all #private roads# shall be located not less than 50 feet from the intersection of any two #street lines#.

No #accessory# off-street parking spaces shall be located between the required curbs of a #private road#, except where such spaces:

(a) are perpendicular to the roadbed;

(b) are located on only one side of a #private road# or portion of a #private road#, so that no such spaces are located on opposite sides of the road bed or within 20 feet of being opposite to one another; and

(c) are within rows of not more than 10 adjacent spaces. Such rows shall be separated one from another by a planting strip at least 18 feet deep and eight feet wide, within which a tree of at least three-inch caliper is planted.

26-32 - Lighting, Signage and Crosswalks

LAST AMENDED
12/5/2024

All #private roads# shall provide street lighting, street signage and crosswalks to minimum Department of Transportation standards for public #streets#.

26-33 - Screening

LAST AMENDED
12/5/2024

All #private roads# shall be screened from adjoining #zoning lots# by a landscaped strip at least eight feet wide, and all open off-street parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide. Such landscaped strips shall be 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.

26-34 - Modification and Waiver Provisions

LAST AMENDED
12/5/2024

Except in the Borough of Staten Island, the City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-30 through 26-33, inclusive, provided that the depth of a #rear yard# shall not be less than 15 feet and the depth of a #front yard# shall not be less than five feet. In order to authorize such modifications or waivers, the Commission shall find that:

(a) such modifications result in a site plan that provides sufficient open areas for the residents;

(b) any reduction in open areas shall be permitted only where the Commission finds that a good site plan has been provided that includes a superior landscaping plan; and

(c) such modifications will not impair the essential character of the surrounding area.

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

26-40 - STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS

LAST AMENDED
4/30/2008

26-41 - Street Tree Planting

LAST AMENDED
12/6/2023

In accordance with applicability requirements of underlying district regulations, one #street# tree, pre-existing or newly planted, shall be provided for every 25 feet of #street# frontage of the #zoning lot#. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree.

(a) Design criteria

#Street# trees shall be planted along the entire length of along the curb of the #street# adjacent to the #zoning lot#, within:

(1) tree beds or connected tree beds designed in compliance with standards set forth by the Department of Parks and Recreation; or

(2) rain gardens designed in compliance with standards set forth by the Department of Environmental Protection.

For #zoning lots# with over 100 feet of #street# frontage, wherever two required #street# tree beds will be separated by less than 25 feet, such tree beds shall be combined and designed as a single continuous tree bed.

The species and caliper of all #street# trees shall be determined by the Department of Parks and Recreation, and all such trees shall be planted in accordance with the #street# tree planting standards of the Department of Parks and Recreation.

(b) Alternate compliance

Where such tree planting would be infeasible adjacent to the #zoning lot#, such trees may be provided in an alternate manner, or waived, using any combination of provisions, as appropriate, set forth in this paragraph (b).

(1) Rain gardens

Where the Department of Parks and Recreation determines that such tree planting would be infeasible, such required #street# tree may be substituted for a rain garden designed in compliance with standards set forth by the Department of Environmental Protection.

(2) Planters

Where the Department of Parks and Recreation or Department of Transportation determines that below-grade infrastructure causes one or more tree planting location to be infeasible, such tree may be provided in permanent planters designed in compliance with standards set forth by the Department of Transportation.

(3) Off-site locations

Where the Department of Parks and Recreation determines that such tree planting would be infeasible, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, one or more #street# trees may be planted in an alternative off-site location, to be selected by the Department of Parks and Recreation, except that if the Department of Parks and Recreation determines that no alternative location is available, or if no alternative location is provided within 30 days of an application for a Department of Parks and Recreation permit, such off-site tree shall be waived. Off-site trees shall be planted at alternative locations within:

(i) an existing empty #street# tree pit or planting strip; or

(ii) an unpaved area owned by the City of New York.

All such alternative locations shall be within the Community District or one-half mile of such #zoning lot#.

(4) Payment option

Where the Department of Parks and Recreation determines that such tree planting would be infeasible, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, in lieu of planting an off-site tree in an available alternative location, or in the event that planting adjacent to the #zoning lot# cannot be completed due to the season, funds equivalent to the cost of planting such tree, as established by rule of the Department of Parks and Recreation, may be deposited in an account of the City of New York. Such funds shall be dedicated to the planting of #street# trees by the City at an alternative location or, in the case of an off-season deposit, in front of the #zoning lot# at the next appropriate planting season.

26-42 - Planting Strips

LAST AMENDED
4/30/2012

In accordance with applicability requirements of underlying district regulations, the owner of the #development#, #enlargement# or #converted building# shall provide and maintain a planting strip. #Street# trees required pursuant to Section 26-41 shall be planted within such planting strip. In addition to such #street# trees, such strip shall be fully planted with grass or groundcover, except as provided in Section 26-421. Such planting strip shall be located adjacent to, and extend along, the entire length of the curb of the #street#. However, in the event that both adjoining properties have planting strips adjacent to the #front lot line#, such planting strip may be located along the #front lot line#. The width of such planting strip shall be the greatest width feasible given the required minimum paved width of the sidewalk on #street# segments upon which the #building# fronts, except that no planting strip less than six inches in width shall be required.

26-421 - Modifications of planting strip requirements

LAST AMENDED
4/30/2012

Driveways are permitted to traverse planting strips. Planting strips may be interrupted by utilities and paved areas required for bus stops.

On #zoning lots# containing #schools#, permeable pavers or permeable pavement may be substituted for grass or ground cover, provided that, beneath such permeable pavers or pavement, there is structural soil or aggregate containing at least 25 percent pore space, or other kind of engineered system that absorbs stormwater, as acceptable to the Department of Transportation. Any area improved with permeable pavers or pavement pursuant to this paragraph shall be no less than three feet in width except where necessary for compliance with the Americans with Disabilities Act.

26-50 - SPECIAL SCREENING AND ENCLOSURE PROVISIONS

LAST AMENDED
12/5/2024

26-51 - Special at-grade Screening and Enclosure Regulations

LAST AMENDED
12/5/2024

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment shall be subject to the following provisions when not located on a #building# rooftop or within a #completely

enclosed building#, whether or not such equipment is located within a required #open space#, #yard#, or #court#:

(a) all generators and cogeneration equipment utilizing fossil fuels which are #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;

(b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line# and, where located between a #street wall# or prolongation thereof, and the #street line#, such equipment is within three feet of a #street wall#;

(c) where the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;

(d) where any equipment is located in a #front yard#, or is located between the #street wall, or prolongation thereof, and a #street line#, the entire width of such portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(e) where #energy infrastructure equipment# is located within 15 feet of a #zoning lot line#, the equipment shall be fully screened from adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by:

(1) a wall or barrier or uniformly painted fence at least as tall as the equipment it is screening, but need not exceed 15 feet in height. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open; and

(2) a strip at least four feet wide and densely planted with vegetation that, at the time of planting are at least half as tall in height as the screen required by paragraph (1), and are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

(f) However, no screening shall be required for:

(1) equipment with a depth limited to 18 inches from an exterior wall;

(2) solar energy systems; and

(3) wind energy systems.

Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no signs hung or attached thereto.

26-52 - Special Rooftop Screening and Enclosure Regulations

LAST AMENDED
12/5/2024

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located on roofs, other than solar energy systems, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is penetrating a maximum height limit or a #sky exposure plane#.

However, no screening shall be required for:

(a) equipment with a depth limited to 18 inches from an exterior wall;

(b) solar energy systems;

(c) wind energy systems; and

(d) #accessory# mechanical equipment installed on the rooftop of a #building# existing on December 5, 2024, where the height of the equipment does not exceed the height of the rooftop parapet, or a height of six feet as measured from the roof level.

All such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Additional Regulations and Administration in Residence Districts

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 7 - Additional Regulations and Administration in Residence Districts

27-00 - APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/5/2024

27-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The regulations of this Chapter shall apply:

(a) to the provision of affordable housing, as set forth in 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING); and

(b) to anti-harassment areas, as set forth in 27-20 (ANTI-HARASSMENT).

27-10 - ADMINISTRATION OF AFFORDABLE HOUSING

LAST AMENDED
12/5/2024

27-11 - Definitions

LAST AMENDED
12/5/2024

For the purposes of this Section, inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

27-111 - General definitions

LAST AMENDED
12/5/2024

The following definitions shall apply throughout Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive:

Affordable floor area

(a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in an #MIH site# or #UAP site#, other than any #super's unit#, are #affordable housing units#, all of the #residential# #floor area# or #community facility# #floor area# for a #supportive housing project#, in such #UAP site# or #MIH site# is "affordable floor area."

(b) Where one or more of the #dwelling units# or #rooming units# in an #MIH site# or #UAP site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #MIH site# or #UAP site# is the sum of:

(1) all of the #residential# #floor area# of the #affordable housing units# in such #MIH site# or #UAP site#; plus

(2) a figure determined by multiplying the #residential# #floor area# of the #eligible common areas# in such #MIH site# or #UAP site# by a fraction, the numerator of which is all of the #residential# #floor area# of the #affordable housing units# in such #MIH site# or #UAP site# and the denominator of which is the sum of the #residential# #floor area# of the #affordable housing units# in such #MIH site# or #UAP site# plus the #residential# #floor area# of the #dwelling units# or #rooming units# in such #MIH site# or #UAP site#, other than any #super's unit#, that are not #affordable housing units#.

Affordable housing

"Affordable housing" consists of:

(a) #affordable housing units#; and

(b) #eligible common areas#.

Affordable housing application

An "affordable housing application" is an application submitted to #HPD# that specifies how #affordable housing# will be provided on an #MIH site# or a #UAP site#, in compliance with the provisions of Section 27-00 (APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS), inclusive.

Affordable housing fund

With respect to the requirements of paragraph (a)(3)(v) of Section 27-131, the "affordable housing fund" is a fund administered by #HPD#, all contributions to which shall be used for development, acquisition, rehabilitation, or preservation of affordable housing, or other affordable housing purposes as set forth in the #guidelines#. Each contribution into such fund shall be reserved for use within the borough in which the #MIH development# making such contribution is located and, for a minimum of 10 years, shall be reserved for use in the same Community District in which the #MIH development# making such contribution is located. #HPD# shall issue a public report on the use of such fund no less frequently than annually.

Further provisions for the use of such funds may be set forth in the #guidelines#.

Affordable housing regulatory agreement

An "affordable housing regulatory agreement" is a legally binding agreement between the owner of a #building# and a Federal, State, or local agency or instrumentality with respect to a #development#, #enlargement#, or #conversion# from non-#residential# to #residential# #use#, which:

(a) requires all of the #dwelling units#, #rooming units#, or #supportive housing units# in such #building# to be income-restricted and occupied by an eligible household as established by such agreement for a period of no less than 30 years;

(b) for a rental #building#, restricts an amount of #floor area# that would otherwise be required for the #MIH development#, #UAP development# or #qualifying residential site# subject to affordability requirements for the life of such #building#, or, for a #homeownership# #building#, requires such building to be owned by a housing development fund corporation established pursuant to Article XI of the Private Housing Finance Law for the life of such building; and

(c) is entered into in connection with #public funding#.

HPD may impose additional requirements for #buildings# subject to an #affordable housing regulatory agreement# in the #guidelines#.

Affordable housing unit

An "affordable housing unit" is:

(a) a #dwelling unit#, other than a #super's unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law, or a #rooming unit#, other than a #super's unit#, that is used for either Class A or Class B occupancy as defined in the Multiple Dwelling Law, and that is or will be restricted, pursuant to an #affordable housing regulatory agreement# or #restrictive declaration#, to occupancy by:

(1) for a #UAP site#:

(i) #households# having an income less than or equal to a weighted average of 60 percent of the #income index# at #initial occupancy#:

(a) with no more than three #income bands#;

(b) no #income band# exceeding 100 percent of the #income index#; and

(c) for #UAP sites# with 10,000 square feet or more of #affordable floor area#, at least 20 percent of such #affordable floor area# at an #income band# of no more than 40 percent of the #income index#.

However, with regard to #preservation affordable housing#, a #grandfathered tenant# shall also be permitted to occupy such #affordable housing unit#; or

(ii) #households# as specified in an #affordable housing regulatory agreement# executed after December 5, 2024; or

(2) for an #MIH site#, #qualifying households#;

(b) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 27-113, pursuant to an #affordable housing regulatory agreement# or a #restrictive declaration#, must be #dwelling units#.

Capital element

"Capital elements" are, with respect to any #UAP site#, the electrical, plumbing, heating and ventilation systems in such #UAP site#, any air conditioning system in such #UAP site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #UAP site# and any other portions of such #UAP site# specified in the #guidelines#.

Completion notice

A "completion notice" is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #MIH site# or #UAP site# is complete and stating the #affordable floor area# of such #affordable housing#.

Eligible common area

An #eligible common area# includes any #residential# #floor area# that is located within a #super's unit#, and any #residential# #floor area# in such #MIH site# or #UAP site# that is not located within any other #dwelling unit# or #rooming unit#, but shall not include any #residential# #floor area# for which a user fee is charged to residents of #affordable housing units#.

Grandfathered tenant

A "grandfathered tenant" is any #household# that:

(a) occupied an #affordable housing unit# in #preservation affordable housing# on the #restrictive declaration date#, pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and

(b) has not been certified to have an annual income below the #income band# applicable to such #affordable housing unit#; or

(c) in #homeownership preservation affordable housing#, has been certified to have an annual income below the #income band# applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

In #Mandatory Inclusionary Housing areas#, #grandfathered tenants# may include tenants of #buildings# on an #MIH site# that have been or will be demolished, as set forth in the #guidelines#.

Guidelines

The “guidelines” are the #guidelines# adopted by #HPD#, pursuant to paragraph (k) of Section 27-16 (Requirements for MIH Sites or UAP Sites).

Household

Prior to #initial occupancy# of an #affordable housing unit#, a “household” is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a #household# is, collectively, all of the persons occupying such #affordable housing unit#.

HPD

“HPD” is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

Income band

An “income band” is a percentage of the #income index# that is the maximum income for occupants of #affordable housing units# at #initial occupancy#. #Income bands# shall all be multiples of 10 percent of the #income index#, except for an #income band# at 135 percent of the #income index# provided pursuant to paragraph (a)(3)(iv) of Section 27-131.

Income index

The “income index” is 200 percent of the Very Low-Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for #household# size. #HPD# shall adjust

such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

Initial occupancy

"Initial occupancy" is:

(a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or

(b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# on the #restrictive declaration date#, #initial occupancy# is the #restrictive declaration date#.

Mandatory Inclusionary Housing area

A "Mandatory Inclusionary Housing area" is a specified area in which the Mandatory Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section 27-10, inclusive. The locations of #Mandatory Inclusionary Housing areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

MIH development

An “MIH development” is a #development#, #enlargement# or #conversion# that complies with the provisions of paragraphs (a)(3)(i) through (a)(3)(vi) or (a)(5) of Section 27-131 (Mandatory Inclusionary Housing), provides #affordable housing# as specified in an #affordable housing regulatory agreement# executed after December 5, 2024, or provides #affordable housing# or a contribution to the #affordable housing fund# as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

MIH site

An “MIH site” is a #building# containing #affordable floor area# that satisfies either the special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# in paragraphs (a)(3)(i) through (a)(3)(vi) or (a)(5) of Section 27-131 (Mandatory Inclusionary Housing), provides #affordable housing# as specified in an #affordable housing regulatory agreement# executed after December 5, 2024, or provides #affordable housing# or a contribution to the #affordable housing fund# as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

Any temporary or final certificate of occupancy issued after December 5, 2024, for an #MIH site# shall state that such #building# or portion thereof contains #affordable housing#, and shall state that such certificate of occupancy may be amended or superseded to reflect that the #residential units# in the #building# or portion thereof that are #affordable housing units# be used other than as #affordable housing units# only in accordance with the provisions of this Zoning Resolution.

MIH zoning lot

An “MIH zoning lot” is a #zoning lot# that contains an #MIH development#.

New construction affordable housing

“New construction affordable housing” is #affordable housing# that:

(a) is located in a #building# or portion thereof that did not exist on a date which is 60 months prior to the #restrictive declaration date#;

(b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #restrictive declaration date#; and

(c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

Permit notice

For #UAP developments#, a #permit notice# is a notice from #HPD# to the Department of Buildings stating that building permits may be issued for such #UAP development#. Such #permit notice# shall state the amount of #affordable floor area# provided on a #UAP site#.

For #MIH developments#, a #permit notice# is a notice from #HPD# to the Department of Buildings stating that building permits may be issued for any #development#, #enlargement# or #conversion# subject to the special #floor area# requirements of paragraph (a) of Section 27-131 (Mandatory Inclusionary Housing), provides #affordable housing# as specified in an #affordable housing regulatory agreement# executed after December 5, 2024, or provides #affordable housing# a contribution to the #affordable housing fund# as modified by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

Such #permit notice# shall state the amount of #affordable floor area# provided on an #MIH site# or the amount of #floor area# for which a contribution to the #affordable housing fund# has been made.

Preservation affordable housing

"Preservation affordable housing" is #affordable housing# that:

(a) is a #UAP site# that existed and was legally permitted to be occupied on the #restrictive declaration date#, except as permitted in the #guidelines#; and

(b) complies with the provisions of paragraph (e) of Section 27-161 (Additional requirements for rental affordable housing) or paragraph (c) of Section 27-162 (Additional requirements for homeownership affordable housing), as applicable.

Public funding

"Public funding" is any grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits, except as may be otherwise provided in the #guidelines#. #Public funding# shall not include the receipt of rent subsidies pursuant to any rental assistance program administered by any Federal, State, or local agency or instrumentality or any as-of-right exemption or abatement of real property taxes, except as may be otherwise provided in the #guidelines#.

Qualifying household

A "qualifying household" is a #household# that satisfies:

(a) the applicable #income band# requirements of paragraphs (a)(3)(i) through (a)(3)(iv) of Section 27-131 (Mandatory Inclusionary Housing);

(b) income requirements as specified in an #affordable housing regulatory agreement# executed after December 5, 2024; or

(c) the applicable #income band# requirements as provided by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

Regulatory period

With respect to any #UAP site#, the #regulatory period# is the entire period of time during which #affordable floor area# on such #UAP site# provides #affordable housing# for a #UAP development#, is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use.

With respect to any #MIH site#, the #regulatory period# is the entire period of time during which #affordable floor area# on such #MIH site# satisfies the requirements of the special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# in Section 27-131 (Mandatory Inclusionary Housing) for an #MIH development# or any modification of such provisions by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements), is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use.

Restrictive declaration

A “restrictive declaration” is a restrictive declaration approved by #HPD#, or is any other document as provided in the #guidelines#, that requires compliance with all applicable provisions of an #affordable

housing application#, Section 27-00, inclusive, other applicable provisions of this Resolution, and the #guidelines#.

Restrictive declaration date

The "restrictive declaration date" is, with respect to any #affordable housing#, the date of execution of the applicable #restrictive declaration#. If a #restrictive declaration# is amended at any time, the #restrictive declaration date# is the original date of execution of such #restrictive declaration#, without regard to the date of any amendment.

Super's unit

A "super's unit" is, in any #MIH site# or #UAP site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

UAP development

A "UAP development" ("Universal Affordability Preference development") is a #development# or #enlargement# outside of a #Mandatory Inclusionary Housing area# that provides #affordable housing# or a #supportive housing project# that satisfies the requirements of this Chapter.

The #residential# #floor area ratio# in a #UAP development# may exceed that for standard #residences# set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) only by the amount of #affordable housing# provided, either on the #UAP zoning lot# or, for #UAP developments# within a #UAP Offsite Option Area#, on a #UAP site# pursuant to paragraph (a) of Section 27-16 (Requirements for MIH Sites or UAP Sites).

However, #UAP developments# within a #UAP Offsite Option Area# may exceed the #floor area ratios# for standard #residences# set forth in Section 23-22 by utilizing #affordable housing# provided

on a #generating site#, as such term was defined prior to December 5, 2024, at the rate set forth in Section 23-154, as such Section existed prior to December 5, 2024, provided that such #generating site# has vested pursuant to the provisions of Section 27-132.

UAP Offsite Option Area

A "UAP offsite option area" ("Universal Affordability Preference offsite option area") is a former Inclusionary Housing Designated Area or R10 District outside of a former Inclusionary Housing Designated Area within which the limited UAP offsite option is applicable, pursuant to the regulations set forth for such areas in Section 27-00, inclusive. The locations of former Inclusionary Housing Designated Areas are identified in APPENDIX F of this Resolution.

UAP site

A "UAP site" ("Universal Affordability Preference site") is a #building# that contains #affordable housing# or a #supportive housing project# for a #UAP development#

Any temporary or final certificate of occupancy issued after December 5, 2024, for a #UAP site# shall state that such #building# or portion thereof contains #affordable housing#, and shall state that such certificate of occupancy may be amended or superseded to reflect that the #residential units# in the #building# or portion thereof that are #affordable housing units# be used other than as #affordable housing units# only in accordance with the provisions of this Zoning Resolution.

UAP zoning lot

A "UAP zoning lot" ("Universal Affordability Preference zoning lot") is a #zoning lot# that contains a #UAP development# and utilizes the #floor area# regulations of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) or the height and setback regulations of Section 23-432 (Height and setback requirements) applicable to #qualifying affordable housing#.

27-112 - Definitions applying to rental affordable housing

LAST AMENDED
12/5/2024

The following definitions shall apply to rental #affordable housing#:

Legal regulated rent

A "legal regulated rent" is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 27-161 (Additional requirements for rental affordable housing).

Maximum monthly rent

The "maximum monthly rent" for an #affordable housing unit# is a rent that is affordable to an occupant in the #income band# applicable to such #affordable housing unit#, as set forth in the #guidelines# or #restrictive declaration#.

Monthly rent

The "monthly rent" is the monthly amount charged, pursuant to paragraph (b) of Section 27-161 (Additional requirements for rental affordable housing), to a tenant in an #affordable housing unit#.

Rent stabilization

“Rent stabilization” is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, #rent stabilization# shall be defined as set forth in the #guidelines#.

Rent-up

“Rent-up” is the first rental of vacant #affordable housing units# on or after the #restrictive declaration date#, except that, where one or more #affordable housing units# in #preservation affordable housing# were occupied by #grandfathered tenants# on the #restrictive declaration date#, #rent-up# shall have the same meaning as #restrictive declaration date#.

Rent-up date

The “rent-up date” is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# were occupied by #grandfathered tenants# on the #restrictive declaration date#, the #rent-up date# is the #restrictive declaration date#.

Supportive housing project

A #supportive housing project# is a #building# or a portion thereof that is a non-profit institution with sleeping accommodations, as specified in Section 22-13 (Use Group III – Community Facilities), inclusive, restricted to use as #affordable housing# for persons with special needs pursuant to a regulatory agreement with a Federal, State, or local agency or instrumentality.

Supportive housing unit

A “supportive housing unit” is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

27-113 - Definitions applying to homeownership affordable housing

LAST AMENDED
12/5/2024

Eligible buyer

An “eligible buyer” is a #household# that qualifies to buy a specific #homeownership# #affordable housing unit#. Such a #household# shall, except as otherwise provided in the #guidelines#:

(a) be, at the time of application for an initial sale or resale of an #affordable housing unit#, a #household# that satisfies the #income band# applicable to such unit; and

(b) meet such additional eligibility requirements as may be specified in the #guidelines#.

Homeowner

A “homeowner” is a person or persons who:

(a) owns a condominium #homeownership# #affordable housing unit# and occupies such condominium #homeownership# #affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#; or

(b) owns shares in a #cooperative corporation#, holds a proprietary lease for a #homeownership# #affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership# #affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

Homeownership

"Homeownership" is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a cooperative corporation pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized subletter pursuant to the #guidelines#.

27-12 - General Provisions

LAST AMENDED
12/5/2024

MIH and UAP are established to promote the creation and preservation of affordable housing for residents with varied incomes citywide and to enhance neighborhood economic diversity and thus to promote the general welfare. Requirements for affordable housing are set forth in Section 27-00, inclusive.

Wherever the provisions of Section 27-00, inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

27-13 - Applicability

LAST AMENDED

27-131 - Mandatory Inclusionary Housing

LAST AMENDED
12/5/2024

Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

(a) For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

(1) #Affordable housing# requirement

Except where permitted by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements), or as provided in paragraph (a)(4) of this Section, no #residential# #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall be permitted unless #affordable housing#, as defined in Section 27-111 (General definitions) is provided or a contribution is made to the #affordable housing fund#, as defined in Section 27-111, pursuant to the provisions set forth in paragraphs (a)(3)(i) through (a)(3)(v) and paragraph (a)(5) of this Section, inclusive.

(2) Maximum #floor area ratio#

For any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that is subject to the provisions of paragraph (a)(4) of this Section, the maximum #floor area ratio# for the applicable district outside of #Mandatory

Inclusionary Housing areas# shall apply.

(3) Options for compliance with affordable housing requirement

Options for compliance with the #affordable housing# requirement of paragraph (a)(1) of this Section are set forth in the following paragraphs (a)(3)(i) through (a)(3)(v). These options shall be applicable within #Mandatory Inclusionary Housing areas# as indicated in APPENDIX F of this Resolution. Option 4 shall only be made applicable in combination with Option 1, Option 2, or Option 3. Regardless of whether every option specified in this paragraph (a)(3), inclusive, is included in a land use application for applicability to a proposed #Mandatory Inclusionary Housing area# or as a term or condition of a special permit pursuant to this Resolution, all affordability options available under the provisions of this paragraph (a)(3), inclusive, shall be part of the subject matter of each such application throughout the land use review process. Option 4 shall not be applicable within the #Manhattan Core#. A #development#, #enlargement# or #conversion# from non-#residential# to #residential use# shall comply with either Option 1, Option 2, Option 3, Option 4, or the Affordable Housing Fund Option, as applicable, or shall be subject to an #affordable housing regulatory agreement#.

When a #building# containing #residences# is #enlarged#, the following shall be considered part of the #enlargement# for the purposes of this paragraph (a)(3), inclusive: #residential# #floor area# that is reconstructed, or #residential# #floor area# that is located within a #dwelling unit# where the layout has been changed.

(i) Option 1

For #MIH developments# utilizing Option 1, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 25 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 60 percent of the #income index#, and there shall be no more than three #income bands#. At least 10 percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 40 percent of the #income index#, and no #income band# shall exceed 130 percent of the #income index#.

(ii) Option 2

For #MIH developments# utilizing Option 2, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 80 percent of the #income index#, and there shall be no more than three #income bands#. No #income band# shall exceed 130 percent of the #income index#.

(iii) Option 3

For #MIH developments# utilizing Option 3, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 20 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 40 percent of the #income index#, and there shall be no more than three

#income bands#. No #income band# shall exceed 130 percent of the #income index#. No #public funding# shall be utilized for such #MIH development# except where #HPD# determines that such #public funding# is necessary to support a significant amount of affordable housing that is in addition to the #affordable floor area# satisfying the requirements of this Section.

(iv) Option 4

For #MIH developments# utilizing Option 4, an amount of #affordable floor area# for #qualifying households# shall be provided that is equal to at least 30 percent of the #residential# #floor area# within such #MIH development#. The weighted average of all #income bands# for #affordable housing units# shall not exceed 115 percent of the #income index#, and there shall be no more than four #income bands#. No #income band# shall exceed 135 percent of the #income index#. At least five percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 70 percent of the #income index# and, in addition, at least five percent of the #residential# #floor area# within such #MIH development# shall be affordable within an #income band# at 90 percent of the #income index#. Such #MIH development# may not utilize #public funding#.

Option 4 shall expire within a #Mandatory Inclusionary Housing area# 10 years after the effective date of the amendment establishing or renewing such option in a #Mandatory Inclusionary Housing area#, as indicated in APPENDIX F of this Resolution. However, Option 4 shall apply to an #MIH development# that has filed an #affordable housing application# for such option prior to expiration of such option, provided that the #MIH development# complies with all provisions

of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), inclusive. For the purposes of applying the provisions of Section 11-33, the effective date of applicable amendment shall be six months after the date of the expiration of the Option 4 in such #Mandatory Inclusionary Housing area#.

Option 4 shall not be permitted to be utilized for any #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# within the #Manhattan Core#.

(v) Affordable Housing Fund option

A #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that increases the number of #dwelling units# by no more than 25, and increases #residential# #floor area# on the #zoning lot# by less than 25,000 square feet, may satisfy the requirements of this Section by making a contribution to the #affordable housing fund#. The amount of such contribution shall approximate, using the best available data, the cost of providing the #affordable floor area# in the same Community District as the #MIH development#. A schedule setting forth the contribution amount for each affected Community District shall be established by #HPD# and shall be updated on an annual basis, as set forth in the #guidelines#.

(vi) Affordable Housing Regulatory Agreement option

A #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that is restricted pursuant to an #affordable housing regulatory agreement# may satisfy the requirements of this this Section.

(4) Exceptions

The requirements of this Section shall not apply to:

(i) a single #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# of not more than 10 #dwelling units# and not more than 12,500 square feet of #residential# #floor area# on a #zoning lot# that existed on the date of establishment of the applicable #Mandatory Inclusionary Housing area#;

(ii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# containing no #residences# other than #affordable independent residences for seniors#; or

(iii) a #development#, #enlargement#, or #conversion# from non-#residential# to #residential use# that is granted a full waiver of the requirements set forth in paragraph (a)(3), inclusive, of this Section by special permit of the Board of Standards and Appeals pursuant to Section 73-623 (Reduction or modification of Mandatory Inclusionary Housing requirements).

(5) Additional requirements where #affordable housing# is provided off-site

When #affordable floor area# is provided on an #MIH site# that is not an #MIH zoning lot# pursuant to paragraph (a) of Section 27-16 (Requirements for MIH Sites or UAP Sites), the amount of #affordable floor area# required pursuant to paragraphs (a)(3)(i) through (a)(3)(iv) of this Section shall be increased by an amount equal to five percent of the #residential# #floor area# within such #MIH development#, multiplied by the percentage of the #affordable floor area# that is provided on an #MIH site# that is not an #MIH zoning lot#. Such additional #affordable floor area# shall be provided

for #qualifying households# at income levels that comply with the average #income bands# specified in paragraphs (a)(3)(i) through (a)(3)(iv) of this Section, as applicable to the #MIH development#.

27-132 - Affordable housing plans approved prior to December 5, 2024

LAST AMENDED
12/5/2024

All terms in this Section shall be as defined by Section 23-911 prior to December 5, 2024.

Any #generating site# that, as of December 5, 2024, is subject to a #regulatory agreement#, shall continue to be subject to the Inclusionary Housing Program as set forth in Sections 23-154 and 23-90, as such Sections existed prior to December 5, 2024.

Any #generating site# for which (i) on or before December 5, 2024, an application for #new construction affordable housing# has been filed with the Department of Buildings, (ii) on or before December 5, 2025, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #new construction affordable housing# with the applicable rules existing prior to December 5, 2024, and (iii) on or before December 5, 2026, a #regulatory agreement# has been executed and recorded against such #generating site#, shall continue to be subject to the Inclusionary Housing Program as set forth in Sections 23-154 and 23-90, as such Sections existed prior to December 5, 2024.

Any #generating site# for which (i) on or before December 5, 2024, an application for #preservation affordable housing# has been filed with #HPD#, and (ii) on or before December 5, 2025, a #regulatory agreement# for #preservation affordable housing# has been executed and recorded against such #generating site#, shall continue to be subject to the Inclusionary Housing Program as set forth in

Sections 23-154 and 23-90, as such Sections existed prior to December 5, 2024.

Properties being #developed# pursuant to a special permit for a #large-scale general development# or a #large-scale residential development# pursuant to Article VII, Chapter 4 that has been certified by the City Planning Commission on or before December 5, 2024, and #generating sites# that generate #floor area compensation# for a #large-scale general development# meeting the criteria of this paragraph, may continue to be subject to the provisions of the Inclusionary Housing Program in effect prior to December 5, 2024.

Parcels declared, prior to December 5, 2024, as properties to be developed as a single parcel pursuant to Section 62-362 prior to December 5, 2024 may continue to be subject to the provisions of the Inclusionary Housing Program set forth in Sections 62-352 and 62-354 in effect prior to December 5, 2024.

27-133 - Mandatory Inclusionary Housing areas

LAST AMENDED
12/5/2024

The Mandatory Inclusionary Housing Program shall apply in #Mandatory Inclusionary Housing areas#.

The Mandatory Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Mandatory Inclusionary Housing areas# within the special purpose district.

Additionally, the Mandatory Inclusionary Housing Program shall apply as a condition of City Planning Commission approval of special permits as set forth in Section 74-06 (Additional Considerations for Special Permit Use and Bulk Modifications), in special purpose districts as set forth

in Section 27-134 (Special permit approval in special purpose districts) and in waterfront areas as set forth in Section 62-831 (General provisions).

#Mandatory Inclusionary Housing areas#, with the applicable income mix options for each #Mandatory Inclusionary Housing area#, are listed in APPENDIX F of this Resolution.

27-134 - Special permit approval in special purpose districts

LAST AMENDED
12/5/2024

Where a special purpose district includes a provision to grant modification of #use# or #bulk# by special permit of the City Planning Commission, and an application for such special permit would allow a significant increase in permitted #residential# #floor area# where the special #floor area# requirements in #Mandatory Inclusionary Housing areas# are not otherwise applicable, the Commission, in establishing the appropriate terms and conditions for the granting of such special permit, may apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 27-12 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, or where the area affected by the special permit is eligible to receive transferred development rights pursuant to the Hudson River Park Act, as amended, the Commission may modify the requirements of Section 27-131 (Mandatory Inclusionary Housing).

27-14 - Methods of Providing Affordable Housing

(a) For #UAP developments#, #affordable housing# shall be either #new construction affordable housing#, #preservation affordable housing# or a #conversion# from non-#residential# to #residential use#. For #MIH developments#, #affordable housing# shall be either #new construction affordable housing# or a #conversion# from non-#residential# to #residential use#. #Conversions# shall comply with the requirements of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, applicable to #new construction affordable housing#.

(b) When determining whether #affordable housing# is #new construction affordable housing# or #preservation affordable housing#, or when making a determination as to which #building# constitutes a #UAP site#, #HPD# may separately consider each #building# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.

(c) The amount of #affordable floor area# in any #MIH site# or #UAP site# shall be determined based upon plans for such #MIH site# or #UAP site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential uses#. However, for #UAP sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the #guidelines#.

(d) The amount of qualifying #floor area# for any #income band# in an #MIH site# or #UAP site# shall be determined by the same method as the calculation of #affordable floor area#.

(e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

(f) An #MIH site# that is part of an #MIH zoning lot#, or a #UAP site# that is part of a #UAP zoning lot#, in which at least two-thirds of the #dwelling units# are #affordable housing units# shall be either a #building# that:

(1) shares a common #street# entrance with another #building# on the #zoning lot# in which less than one-third of the #dwelling units# are #affordable housing units#; or

(2) is independent, from grade at the #street wall line# to the sky, of any other #building# on the #zoning lot# in which less than one-third of the #dwelling units# are #affordable housing units#, and such #building# shall have its primary entrance on a #street# frontage that has primary entrances for other #residential buildings#.

(3) #HPD# may waive the requirements of this paragraph (f) if it determines that the #buildings# on the #zoning lot# are otherwise located in a manner that does not stigmatize occupants of #affordable housing units#.

(g) #HPD# shall have the right, in its sole discretion, to deny any #affordable housing application# proposing #preservation affordable housing#, and shall have the right, in its sole discretion, to deny any #affordable housing application# that includes #homeownership affordable housing#, #qualifying senior housing#, or a #supportive housing project#, and instead require that such #MIH site# or #UAP site# be developed with rental #affordable housing#. Pursuant to paragraph (k) of Section 27-16 (Requirements for MIH Sites or UAP Sites), #HPD# may adopt #guidelines# for the implementation of this paragraph (g).

27-15 - MIH Zoning Lots and UAP Zoning Lots

LAST AMENDED
12/5/2024

27-151 - Additional requirements for MIH developments and UAP developments

LAST AMENDED
12/5/2024

(a) #MIH development# or #UAP development# building permits#

(1) HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #restrictive declaration date#. The Department of Buildings may thereafter issue building permits to an #MIH development# or a #UAP development# based on the #affordable housing# or, in the case of an #MIH development#, contribution to the #affordable housing fund# described in such #permit notice#.

(2) If #HPD# does not receive confirmation that the #restrictive declaration# has been recorded within 45 days after the later of the #restrictive declaration date# or the date upon which #HPD# authorizes the recording of the #restrictive declaration#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #restrictive declaration# has been recorded or any applicable alternate procedure has been completed. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked,

the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #MIH development# or #UAP development#.

(b) #MIH development# or #UAP development# certificates of occupancy

(1) The Department of Buildings shall not issue a permanent certificate of occupancy for any #MIH development# or #UAP development# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that satisfies the requirements of this Chapter. However, where any #story# of an #MIH development# or #UAP development# contains one or more #affordable housing units#, the Department of Buildings may issue a temporary certificate of occupancy for such #story# if such temporary certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary certificate of occupancy for the standard #residential floor area# in a #UAP development# or the granting of a temporary or permanent certificate of occupancy for a #super's unit#.

(2) #HPD# shall not issue a #completion notice# with respect to any portion of any #MIH site# or #UAP site# unless:

(i) the Department of Buildings has issued temporary certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or

(ii) where a #UAP site# contains #affordable housing# that had a valid certificate of occupancy on the #restrictive declaration date# and no new temporary or

permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #restrictive declaration# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #restrictive declaration#.

(c) #UAP developments# and #MIH developments# that are restricted pursuant to an #affordable housing regulatory agreement# shall not be required to comply with this Section.

27-16 - Requirements for MIH Sites or UAP Sites

LAST AMENDED
12/5/2024

#Affordable housing# in an #MIH site# or #UAP site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#, except that #affordable housing# restricted pursuant to an #affordable housing regulatory agreement# shall only be required to comply with paragraphs (a) and (j) of this Section.

(a) Location of #MIH site# or #UAP site# and #MIH zoning lot# or #UAP zoning lot#

Where an #MIH site# or #UAP site# is not located within the #MIH zoning lot# or the #UAP zoning lot#, as applicable:

(1) the #MIH site# or #UAP site# and the #MIH zoning lot# or #UAP development#, as applicable, shall be located within the same Community District; or

(2) the #MIH site# or #UAP site# and the #MIH zoning lot# or #UAP zoning lot#, as applicable, shall be located in adjacent Community Districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#.

Outside of #UAP offsite option areas#, a #UAP site# must be located within the #UAP zoning lot#.

(b) Distribution of #affordable housing units#

In #new construction affordable housing#, where one or more of the #dwelling units# or #rooming units# in an #MIH site# or #UAP site#, other than any #super's unit#, are not #affordable housing units#:

(1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #MIH site# or #UAP site#, or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and

(2) not more than two-thirds of the #dwelling units# and #rooming units# on any #story# of such #MIH site# or #UAP site# shall be #affordable housing units#, unless not less than two-thirds of the #dwelling units# and #rooming units# on each #residential story# of such #MIH site# or #UAP site# are #affordable housing units#. #HPD# may waive such requirement for any #new construction affordable housing# that is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#.

Where one or more of the #dwelling units# or #rooming units#, other than any #super's unit#, are not #affordable housing units#, the #affordable housing units# shall share a common primary entrance with the other #dwelling units# or #rooming units#. However, if an #MIH site# or #UAP site# contains both #homeownership# and rental housing and no #affordable housing units# are #homeownership# housing, the distribution requirements above shall only apply to #residential stories# containing rental housing. In addition, the distribution requirements above shall not apply if all #affordable housing units# are rental #affordable housing# and all other #dwelling units# are #homeownership# housing, and shall not apply to any #affordable housing units# that are also #supportive housing units# or #affordable independent residences for seniors#.

In addition, #HPD# may waive these requirements for #affordable floor area# created in an #MIH site# or #UAP site# through #enlargement#, as specified in the #guidelines#.

#HPD# may disapprove any #building# configuration that would frustrate the intent and purpose of this Section by segregating #affordable housing units# or stigmatizing residents of such #affordable housing units#.

(c) Bedroom mix of #affordable housing units#

(1) In #new construction affordable housing#, where one or more of the #dwelling units# in an #MIH site# or #UAP site#, other than any #super's unit#, are not #affordable housing units#, either:

(i) the #dwelling units# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units#, other than any #super's unit#, that are not #affordable housing units#; or

(ii) not less than 50 percent of the #dwelling units# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# that are #affordable housing units# shall contain one or more bedrooms.

However, such bedroom mix requirements shall not apply to #affordable independent residences for seniors#. #HPD# may also waive such bedroom mix requirements for any #new construction affordable housing# that is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for #affordable floor area# created in an #MIH site# or #UAP site# through #enlargement#, as specified in the #guidelines#.

(2) Where all of the #dwelling units# in an #MIH site# or #UAP site#, other than any #super's unit#, in #new construction affordable housing# are #affordable housing units#, the bedroom mix shall be as set forth in the #guidelines#.

(3) #Supportive housing units# shall contain such configuration as #HPD# shall require.

(4) For purposes of this paragraph (c), fractions equal to or greater than one-half resulting from any calculation shall be considered to be one #dwelling unit#.

(d) Size of #affordable housing units#

(1) In #new construction affordable housing#, the average size of #affordable housing units# of a particular bedroom count shall be not less than the average size of #dwelling units# that are not #affordable housing units# with the same number of bedrooms, or

the minimum size specified below for a #dwelling unit# of a particular bedroom count, whichever is less:

(i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#;

(ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#;

(iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or

(iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

However, these unit size requirements shall not apply to #affordable independent residences for seniors#.

#HPD# may specify the method of measuring #floor area# within #affordable housing units# in the #guidelines#, compliant with Department of Buildings practice; and

(2) Where all of the #dwelling units# in an #MIH site# or #UAP site#, other than any #super's unit#, in #new construction affordable housing# are #affordable housing units#, such #affordable housing units# shall comply with the size requirements as set forth in the #guidelines#.

(3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) Records

For a period of time specified in the #guidelines#, the owner of the #affordable housing units# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#, and shall make such records available for inspection and audit by #HPD# upon request.

(f) #Restrictive declaration#

(1) The #restrictive declaration# shall require compliance with and shall incorporate by reference the #affordable housing application# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.

(2) The #restrictive declaration# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# such documentation shall include, but shall not be limited to, plans meeting the requirements of paragraph (c) of Section 27-14 (Methods of Providing Affordable Housing).

(3) The #restrictive declaration# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #MIH site# or #UAP site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing application# for the entire #regulatory period#.

(4) Where applicable in accordance with paragraph (b) (Monthly rent) of Section 27-161 (Additional requirements for rental affordable housing), the #restrictive declaration# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing standards

Upon the date that #HPD# issues the #completion notice#, the #MIH site# or #UAP site# shall be free of violations of record issued by any City or State agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may otherwise be provided in the #guidelines#.

(h) Insurance

The #affordable housing# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#.

(i) Duration of obligations

The obligation to provide and maintain a specified amount of #affordable housing# on an #MIH site# or #UAP site# shall run with the #zoning lot# containing such #MIH site# or #UAP site# for not less than the #regulatory period#.

(j) One #MIH site# or #UAP site# may satisfy requirements for multiple #MIH zoning lots# or #UAP zoning lots#, as applicable

Any #MIH site# or #UAP site# may contain #affordable housing# that satisfies the requirements of this Chapter, for more than one #MIH development# or #UAP development#, as applicable, provided that no #affordable floor area# shall be counted more than once in satisfying the requirements of such #MIH developments# or #UAP developments#, or for the purposes of utilizing #floor area# provisions applicable to #qualifying affordable housing# in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts).

(k) #Guidelines#

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of Section 27-00, inclusive.

27-161 - Additional requirements for rental affordable housing

LAST AMENDED
12/5/2024

The additional requirements of this Section shall apply to rental #affordable housing# for the entire #regulatory period#, except that rental #affordable housing# restricted pursuant to an #affordable housing regulatory agreement# shall not be required to comply with this Section.

(a) Tenant selection

(1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #households# that satisfy the #income bands# applicable to such unit.

(2) A tenant may, with the prior approval of #HPD#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #restrictive declaration#.

(3) A #household# may rent an #affordable housing unit# that is restricted to occupancy by #households# of higher #income bands#, provided that the #household# is able to utilize

rent subsidies pursuant to a rental assistance program administered by any Federal, State, or local agency or instrumentality to afford the applicable #monthly rent#.

(4) #Affordable housing units# shall be marketed and leased in accordance with the #guidelines#.

(b) Monthly rent

(1) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy.

However, any #affordable housing unit# of #preservation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #restrictive declaration date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #restrictive declaration date# and shall thereafter be subject to #rent stabilization# as provided herein.

The #restrictive declaration# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #restrictive declaration# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #restrictive declaration date#.

(2) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#. However, the #restrictive declaration# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #restrictive declaration date#.

However, #HPD# may adopt #guidelines# to permit the #monthly rent# to exceed the #maximum monthly rent#, provided that the #monthly rent#, less rent subsidies pursuant to a rental assistance program administered by any Federal, State, or local agency or instrumentality, does not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#.

(3) Each year after #rent-up#, in the month specified in the #restrictive declaration# or the #guidelines#, the owner of the #affordable housing units# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.

(4) For any #affordable housing unit# subject to #rent stabilization#, the applicable #restrictive declaration# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to:

(i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount;

(ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts;

(iii) the nature of the tenant; or

(iv) any other reason.

(5) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.

(6) Unless alternative provisions are established in the #restrictive declaration# or #guidelines#, the #restrictive declaration# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

(1) Each #affordable housing unit# shall be leased to and occupied by #households# of the applicable #income band# for the entire #regulatory period#, except as may be otherwise set forth in the #guidelines# with respect to internal transfers.

(2) The owner of the #affordable housing units# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #household# that qualifies at the #income band# applicable to such unit, except as may be otherwise set forth in the #guidelines# with respect to internal transfers.

(3) Each year after #rent-up#, in the month specified in the #restrictive declaration# or the #guidelines#, the owner of the #affordable housing units# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(d) #Affordable housing application

(1) #An #affordable housing application# shall include the building plans, state the number, bedroom mix and #income band# applicable to the #affordable housing units# to be #developed#, #converted#, or preserved, and include such additional information as #HPD# deems necessary to ensure the satisfaction of the requirements of Section 27-10, inclusive.

(2) A copy of any #affordable housing application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(e) Special requirements for rental #preservation affordable housing#

The additional requirements of this paragraph, (e), shall apply to rental #preservation affordable housing#:

(1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #UAP site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #households# within the applicable #income band# for the entire #regulatory period#;

(2) on the #restrictive declaration date#, the average of the #legal regulated rents# for all #affordable housing units# in the #UAP site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of 60 percent of the income index divided by 12;

(3) on the #restrictive declaration date#, #HPD# shall have determined that the condition of the #UAP site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing application# and the #restrictive declaration#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(4) on the #restrictive declaration date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #restrictive declaration date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #restrictive declaration date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #UAP site#, even though such increases may be permitted by other laws;

(6) proceeds from sales of offsite #affordable floor area# must be approved by #HPD# as set forth in the #guidelines# or #restrictive declaration#; and

(7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

27-162 - Additional requirements for homeownership affordable housing

LAST AMENDED
12/5/2024

The additional requirements of this Section shall apply to #homeownership affordable housing# for the entire #regulatory period#, except that #homeownership affordable housing# restricted pursuant to an #affordable housing regulatory agreement# shall not be required to comply with this Section.

(a) #Affordable housing application

(1) #An #affordable housing application# shall:

(i) include the building plans;

(ii) state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, #converted#, or preserved and the #income band# applicable to each #homeownership affordable housing unit#; and

(iii) include such additional information as #HPD# deems necessary to ensure the satisfaction of the requirements of Section 27-10, inclusive.

(2) A copy of any #affordable housing application# shall be delivered, concurrently with its submission to #HPD#, to the affected Community Board.

(b) #Homeownership affordable housing units# shall only be occupied by #eligible buyers#, and #HPD# shall establish the initial and resale prices based on the incomes of #households# in accordance with the #guidelines#. #Homeownership affordable housing# on an #MIH site# or #UAP site# shall comply with the additional requirements set forth in the #guidelines# for the entire #regulatory period#.

(c) Special requirements for #homeownership preservation affordable housing#

The additional requirements in this paragraph (g) shall apply to #homeownership preservation affordable housing#:

(1) on the #restrictive declaration date#, the #UAP site# shall be an existing #building# containing #residences#;

(2) on the #restrictive declaration date#, the average of the #legal regulated rents#, as such term is defined in Section 27-112 (Definitions applying to rental affordable housing), for all #homeownership affordable housing units# in the #UAP site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of 60 percent of the #income index# divided by 12;

(3) where #grandfathered tenants# continue in residence subsequent to the #restrictive declaration date#, any #affordable housing unit# that is occupied by a #grandfathered

tenant# shall be operated subject to the restrictions of Section 27-161 (Additional requirements for rental affordable housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;

(4) on the #restrictive declaration date#, #HPD# shall have determined that the condition of the #UAP site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing application# and the # restrictive declaration #, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(5) on the #restrictive declaration date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #restrictive declaration date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #restrictive declaration date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(6) proceeds from sales of offsite #affordable floor area# must be approved by #HPD# as set forth in the #guidelines# or #restrictive declaration; and

(7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

27-20 - ANTI-HARASSMENT

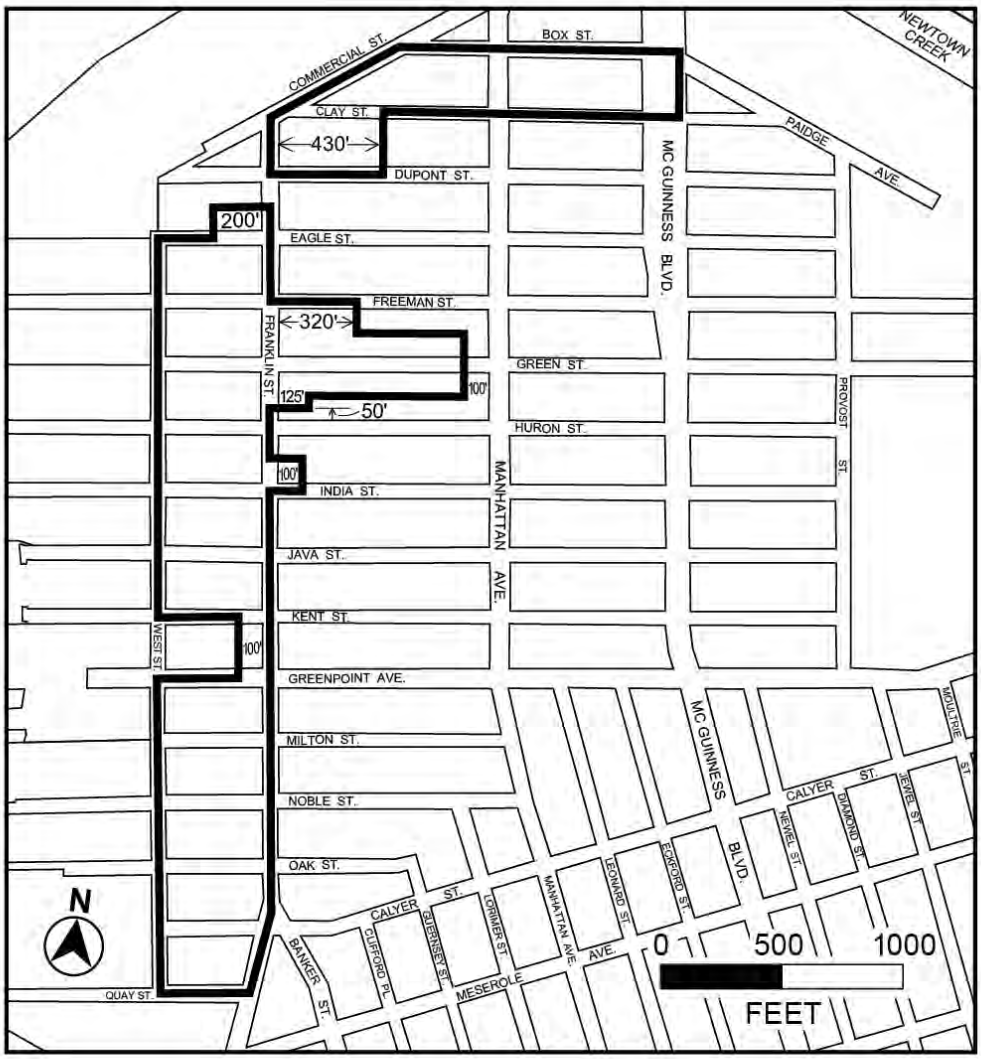
LAST AMENDED
12/5/2024

Within the Greenpoint-Williamsburg #anti-harassment areas# in Community District 1, Borough of Brooklyn, as shown in the diagrams in this Section, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (HARASSMENT) shall apply as modified in this Section.

For the purposes of this Section, the following definitions in paragraph (a) of Section 93-90, shall be modified:

Anti-harassment area

"Anti-harassment area" shall mean the Greenpoint-Williamsburg #anti-harassment areas# as shown in the diagrams:



Anti-harassment area



Greenpoint-Williamsburg Anti-Harassment Areas

Referral date

"Referral date" shall mean October 4, 2004.

In addition, paragraph (d)(3) of Section 93-90 is modified as follows:

(3) No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to the provisions of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING) or 62-361 (Special floor area regulations); or

(ii) increase the maximum height of a #building# or the height above which the gross area per #residential# #story# of a #building# is limited pursuant to the provisions of paragraphs (b)(2) and (d) of Section 62-363 (Special height and setback regulations); or

(iii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article III - Commercial District Regulations

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Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Statement of Legislative Intent

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Statement of Legislative Intent

31-00 - GENERAL PURPOSES OF COMMERCIAL DISTRICTS

LAST AMENDED
2/26/1967

The Commercial Districts established in this Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to provide sufficient space, in appropriate locations in proximity to residential areas, for local retail development catering to the regular shopping needs of the occupants of nearby residences, with due allowance for the need for a choice of sites;

(b) to provide appropriate space and, in particular, sufficient depth from a street, to satisfy the needs of modern local retail development, including the need for off-street parking spaces in areas to which a large proportion of shoppers come by automobile, and to encourage the natural tendency of local retail development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;

(c) to protect both local retail development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;

(d) to protect both local retail development and nearby residences against congestion, particularly in areas where the established pattern is predominantly residential but includes local retail uses on the lower floors, by regulating the intensity of local retail development, by restricting

those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;

(e) to provide sufficient and appropriate space and, in particular, sufficient depth from the street, to meet the needs of the city's expected future economy for modern commercial floor space in central, major or secondary commercial centers, including the need for off-street parking space in areas where a large proportion of customers come by automobile, with due allowance for the need for a choice of sites, and to encourage the natural tendency of commercial development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;

(f) to protect commercial development in central, major or secondary commercial centers, as far as is possible and appropriate in each area, against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;

(g) to protect commercial development in central, major or secondary commercial centers against congestion, as far as possible, by limiting the bulk of buildings in relation to the land around them and to one another, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;

(h) to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, with due allowance for the need for a choice of sites;

(i) to provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms, within proper standards;

(j) to protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings; and

(k) to promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to strengthen

the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

31-10 - PURPOSES OF SPECIFIC COMMERCIAL DISTRICTS

LAST AMENDED
12/15/1961

31-11 - C1 Local Commercial Districts

LAST AMENDED
6/6/2024

These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. These districts also provide for a wide range of other essential local services and limited amusement and recreation as well as small-scale production uses. Since these districts provide amenities in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped.

31-12 - C2 Local Commercial Districts

LAST AMENDED
6/6/2024

These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. These districts also provide for a wide range of other essential local services and limited amusement and recreation as well as small-scale production uses. Since these districts provide amenities in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped.

31-13 - C3 Waterfront Recreation Districts

LAST AMENDED
6/6/2024

These districts are designed to provide for the growing recreational activities of pleasure boating and fishing by permitting rental, servicing and storage of boats in appropriate waterfront areas, normally adjacent to residential development.

31-14 - C4 General Commercial Districts

LAST AMENDED
6/6/2024

These districts comprise the City's major and secondary shopping and business centers, which provide for shopping needs and services over a wide area, and which have a substantial number of large stores generating considerable traffic. These districts are also designed to provide for the wide range of office, amusement and recreation, service, production and related uses normally found in major and secondary shopping centers but to exclude non-retail uses which generate a large volume of trucking.

31-15 - C5 General Central Commercial Districts

LAST AMENDED
6/6/2024

These districts are designed to provide for office buildings and the great variety of large retail stores and related activities in the central business district and regional commercial centers. These districts are also designed to provide for the wide range of amusement and recreation, service, production and related uses normally found in the central business district and regional commercial centers but to exclude non-retail uses which generate a large volume of trucking. Special signage regulations are designed to reflect the character of this area.

31-16 - C6 General Central Commercial Districts

LAST AMENDED
6/6/2024

These districts are designed to provide for the wide range of retail, office, amusement and recreation, service, production and related uses normally found in the central business district and regional commercial centers but to exclude non-retail uses which generate a large volume of trucking.

31-17 - C7 General Commercial Districts

LAST AMENDED
6/6/2024

This district is designed to provide for a wide range of retail, service, office, open and enclosed amusement and recreation, production and related uses, but not residential uses.

31-18 - C8 General Service Districts

LAST AMENDED
6/6/2024

These districts are designed to provide for necessary services for a wider area than is served by the Local Commercial Districts. Since these service establishments often involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, they are incompatible with both residential and retail uses. New residential development is excluded from these districts.

31-20 - SPECIAL MIDTOWN DISTRICT

LAST AMENDED
5/13/1982

The regulations regarding C5P, C5-2.5, C5-3.5, C6-4.5, C6-6.5 and C6-7.5 Districts and any other underlying districts within the Special Midtown District are set forth in Article VIII, Chapter 1 (Special Midtown District).

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Use Regulations

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Chapter 2 - Use Regulations

32-00 - GENERAL PROVISIONS

LAST AMENDED
12/5/2024

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purpose of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII, VIII, IX and X, are permitted in #Commercial Districts# subject to the provisions of the following Sections:

(a) Sections 32-11 (Use Group I – Agriculture and Open Uses) through 32-20 (Use Group X – Production Uses), inclusive, establish general #use# allowances in Use Groups I through X, including each #use# listed separately therein, by #Commercial District#, and additional provisions for certain #uses# where applicable.

(b) Section 32-30 (STREETSCAPE REGULATIONS), inclusive, sets forth streetscape regulations on designated street frontages.

(c) Section 32-40 (SUPPLEMENTARY USE REGULATIONS), inclusive, sets forth supplementary #use# regulations and special provisions applying along district boundaries, including:

(1) enclosure within #buildings#, as set forth in Section 32-41, inclusive;

(2) location within #buildings#, as set forth in Section 32-42, inclusive; and

(3) limitations on business entrances, show windows or #signs#, as set forth in Section 32-43, inclusive.

(d) Section 32-60 (SIGN REGULATIONS), inclusive, sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (GENERAL PROVISIONS), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

32-01 - Special Provisions for Adult Establishments

LAST AMENDED
9/9/2004

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

(a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.

(b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#

or new #joint living-work quarters for artists# on #commercial# or #manufacturing# #uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

(c) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a previously established #adult establishment#.

(d) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no more than one #adult establishment# permitted under this Section shall be established on a #zoning lot#.

(e) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, #adult establishments# shall not exceed, in total, 10,000 square feet of #floor area# and #cellar# space not used for enclosed storage or mechanical equipment.

(f) #Adult establishments# which were established on October 25, 1995, and conform to all provisions of the Zoning Resolution relating to #adult establishments# other than the provisions of all or any combination of paragraphs (c), (d), and (e) of this Section, shall not be subject to the provisions of Section 52-77 (Termination of Adult Establishments).

For purposes of this Section, an #adult establishment# shall be established upon the date of a permit issued by the Department of Buildings therefor, or, in the case of an #adult establishment# in existence prior to August 8, 2001, as determined by the Department of Buildings, subject to rules as the Department of Buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.

32-10 - USE ALLOWANCES

LAST AMENDED
6/6/2024

The provisions of Sections 32-11 (Use Group I – Agriculture and Open Uses) through 32-20 (Use Group X – Production Uses), inclusive, establish #use# allowances by Use Group. A brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group, followed by Use Group tables showing #use# allowances by zoning district. For each #use# and zoning district, the tables contain up to two levels of symbology in a particular cell:

(a) The top level will always contain a symbol and denotes where #uses# are:

(1) permitted as-of-right (“ ”);

(2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“ ”);

(3) allowed by special permit (“ ”) of the Board of Standards and Appeals or the City Planning Commission; or

(4) not permitted in the district (“–”).

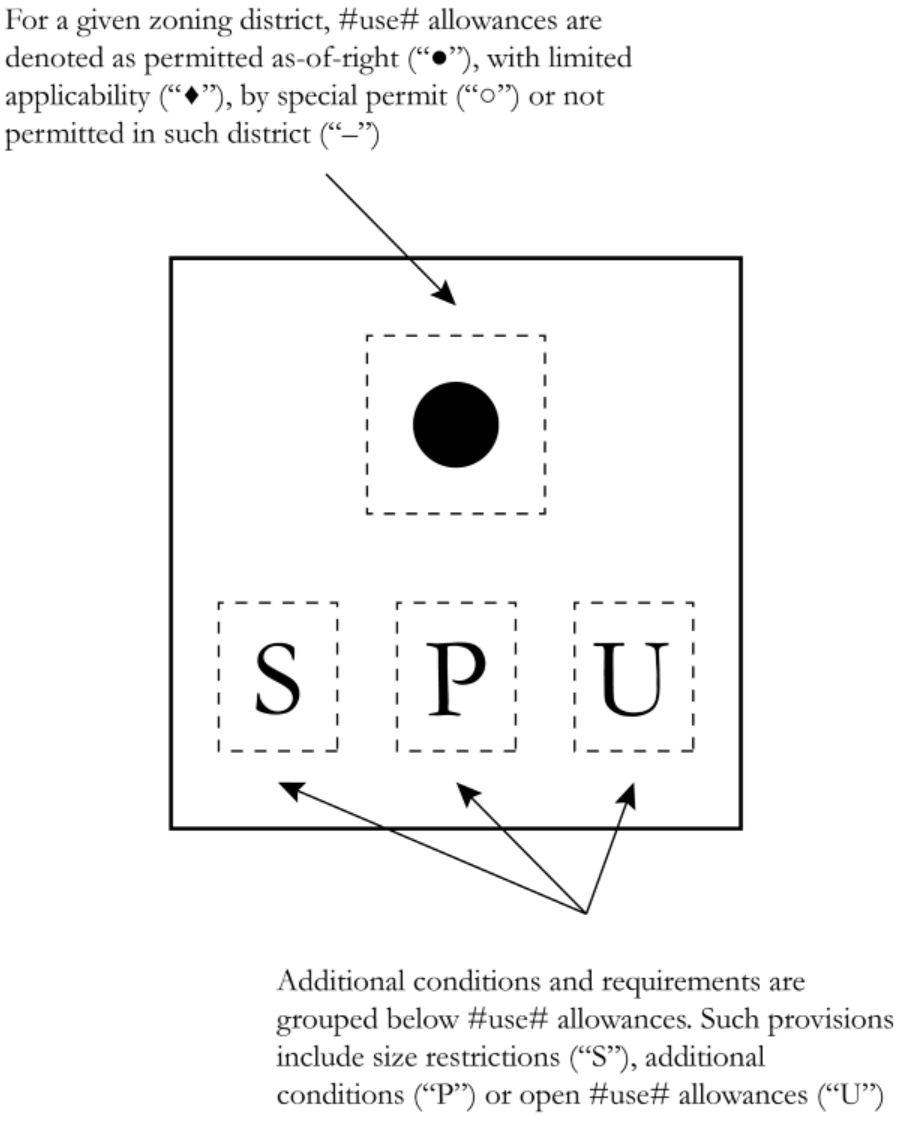
(b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:

(1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities;

(2) additional conditions (“P”), including environmental standards or other measures other than size restrictions or open #use# regulations; or

(3) open #use# allowances ("U"), including exemptions from enclosure rules and additional open #use# regulations. Such allowances may be supplemented or superseded by the provisions of Section 32-40 (SUPPLEMENTARY USE REGULATIONS), inclusive.

Such notations are illustrated in the following diagram:



Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions or open #use# allowances. However, all #uses#, where

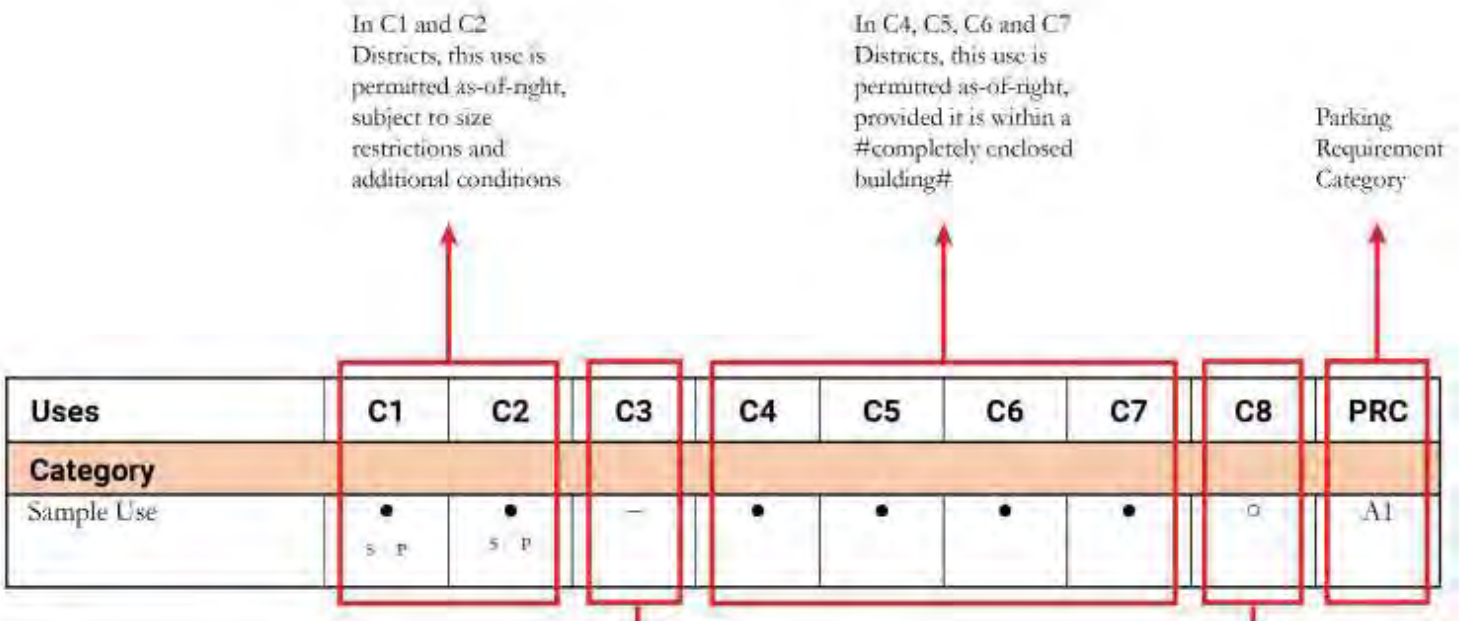
applicable, are subject to the provisions of Section 32-40, inclusive.

Use Group tables, except in Section 32-12 (Use Group II – Residences), also show the parking requirement category, denoted as "PRC", for the applicable #use#, where applicable. PRC letters A through G refer to the classification of #commercial uses# to determine required accessory off-street parking spaces as set forth in the table in Section 36-21 (General Provisions). Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as "N/A", no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions, additional conditions, or permission for unenclosed #uses#. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #use#:

ILLUSTRATIVE EXAMPLE



32-11 - Use Group I – Agriculture and Open Uses

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group I consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-111 (Use Group I – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 32-112 (Use Group I – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group table;

(c) Section 32-113 (Use Group I – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;

(d) Section 32-114 (Use Group I – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group table;

(e) Section 32-115 (Use Group I – uses permitted by special permit) for #uses# only permitted by special permit by the Board of Standards and Appeals, as denoted with " " in the Use Group table; and

(f) Section 32-116 (Use Group I – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

32-111 - Use Group I – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group I and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES). Where permitted as-of-right in a #Commercial District#, all #uses# listed as "Open Uses" in the table shall be unenclosed, except for ancillary #buildings or other structures#.

USE GROUP I – AGRICULTURE AND OPEN USES									
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PR**
Agriculture									
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	? S P U	? S P U	? P U	? P U	? P U	? P U	? P U	? P U	G
Open Uses									
Cemeteries	?	?	?	?	?	?	?	?	N/A

Golf courses	?	?	?	?	?	?	?	?	*
Outdoor racket courts	? P	? P	? P	? P	? P	? P	? P	? P	G
Outdoor skating rinks	? P	? P	? P	? P	? P	? P	?	?	G
#Public parks# or playgrounds or private parks	?	?	?	?	?	?	?	?	N/A
Sand, gravel, or clay pits	?	?	?	?	?	?	?	?	N/A

32-112 - Use Group I – uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an "S" in Section 32-111 (Use Group I – general use allowances), the following provisions shall apply:

Agricultural #uses# located in #buildings# other than greenhouses shall be limited to 3,000 square feet of #floor area# per establishment in C1 Districts that are #select commercial overlays# and 10,000 square feet of #floor area# per establishment in C2 Districts that are #select commercial overlays#.

32-113 - Use Group I – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 32-111 (Use Group I – general use allowances), the following limitations shall apply:

(a) Agricultural #uses#, including greenhouses, nurseries, or truck gardens, are permitted in all #Commercial Districts# provided that:

(1) no offensive odors or dust are created, and that there is no sale of products which are not produced on the same #zoning lot#; and

(2) in C1 or C2 Districts, enclosed agricultural #uses# not located in greenhouses shall be limited to those that do not require a New York State Adult-Use Cultivator or Adult-Use Conditional Cultivator license, or their successors, as applicable.

(b) Outdoor racket courts or skating rinks are permitted in all #Commercial Districts# provided that all lighting shall be directed away from nearby #residences#.

32-114 - Use Group I – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 32-111 (Use Group I – general use allowances), a #use# may be open or enclosed without restriction.

32-115 - Use Group I – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with “ ” in Section 32-111 (Use Group I – general use allowances), the provisions of this Section shall apply. Sand, gravel or clay pits may only be permitted in all #Commercial Districts#, by special permit of the Board of Standards and Appeals, in accordance with Section 73-112 (Sand, gravel or clay pits).

32-116 - Use Group I – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section 32-111 (Use Group I – general use allowances), the provisions of this Section shall apply. For golf courses, the portion of such facility used for golf course club houses shall be classified as PRC B3. All other portions of a golf course shall not be subject to any parking requirements.

32-12 - Use Group II – Residences

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group II consists of #residences# of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-121 (Use Group II – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 32-122 (Use Group II – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with " " in the Use Group table; and

(c) Section 32-123 (Use Group II – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table.

32-121 - Use Group II – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group II and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

USE GROUP II – RESIDENTIAL USES
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions U = Open use allowances**

Uses		C1	C2	C3	C4	C5	C6	C7	C8
Residential Uses									
#Single-family residence#	#Detached#	?	?	?	? P	?	?	–	–
	Other types	?	?	?	? P	?	?	–	–
#Two-family residence#	#Detached#	?	?	?	? P	?	?	–	–
	Other types	?	?	?	? P	?	?	–	–
All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#		?	?	?	? P	?	?	–	–

32-122 - Use Group II – uses permitted with limited applicability

LAST AMENDED
6/6/2024

For #uses# denoted with “ ” in Section 32-121 (Use Group II – general use allowances), the provisions of this Section shall apply. In C3A Districts, only #single-# or #two-family detached# or #zero lot line residences# shall be permitted.

32-123 - Use Group II – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a "P" in Section 32-121 (Use Group II – general use allowances), the provisions of this Section shall apply. In C4 Districts, all #residential uses# shall be permitted except that in #lower density growth management areas# within the Borough of Staten Island, no #residences# shall be allowed on the following #zoning lots# in C4-1 Districts where such zoning district occupies at least four acres within a #block#, except by special permit of the City Planning Commission in accordance with Section 74-121 (Residential use in C4-1 Districts in Staten Island).

32-13 - Use Group III – Community Facilities

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group III consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-131 (Use Group III – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 32-132 (Use Group III – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with a "S" in the Use Group tables;

(c) Section 32-133 (Use Group III – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables;

(d) Section 32-134 (Use Group III – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “ ” in the Use Group tables; and

(e) Section 32-135 (Use Group III – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “*” in the Use Group tables.

32-131 - Use Group III – general use allowances

LAST AMENDED
12/5/2024

The following tables include #uses# classified as Use Group III and set forth their allowances by #Commercial District#. Such #uses# are categorized as #community facilities# with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section 32-10 (USE ALLOWANCES).

A. Community Facilities with Sleeping Accommodations

USE GROUP III(A) – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS

? = Permitted ? **= Permitted with limitations** **? = Special permit required**
– = Not permitted
S = Size restriction **P = Additional conditions** **U = Open use allowances**

Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Educational Institutions									
College or school student dormitories and fraternity or sorority student houses	?	?	?	?	?	?	?	–	E2
Faith-based Institutions and Facilities									
Monasteries, convents or novitiates	?	?	?	?	?	?	?	? P	N/A
Rectories or parish houses with sleeping accommodations	?	?	?	?	?	?	?	?	N/A
Seminaries with sleeping accommodations	?	?	?	?	?	?	?	?	*
Health Institutions and Facilities									
#Long-term care facilities#	? P	? P	? P	? P	? P	? P	? P	–	E3
#Non-profit hospital staff dwellings #	? P	? P	? P	? P	? P	? P	? P	? P	*
Other Institutions and Facilities									
Community centers or settlement houses with sleeping accommodations	?	?	?	?	?	?	?	?	B3

Non-commercial clubs with sleeping accommodations	? P	? P	? P	? P	? P	? P	? P	? P	B3
Philanthropic or non-profit institutions with sleeping accommodations	? S	? S	? S	? S	? S	? S	? S	–	E3

B. Community Facilities without Sleeping Accommodations

USE GROUP III(B) – COMMUNITY FACILITIES WITHOUT SLEEPING ACCOMMODATIONS

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions U = Open use allowances

Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PRC**
Educational Institutions									
Colleges or universities, including professional schools but excluding business colleges or trade schools	?	?	?	?	?	?	?	–	*
#Schools#	?	?	?	?	?	?	?	?	G
Faith-based Institutions and Facilities									
Houses of worship	?	?	?	?	?	?	?	?	N/A
Parish houses without sleeping accommodations	?	?	?	?	?	?	?	?	N/A

Seminaries without sleeping accommodations	?	?	?	?	?	?	?	?	*
Health Institutions and Facilities									
Ambulatory diagnostic or treatment health care facilities	? P	? P	? P	? P	? P	? P	? P	? P	A3
Non-profit or voluntary hospitals and related facilities, except animal hospitals	?	?	?	?	?	?	?	?	E1
Proprietary hospitals and related facilities, except animal hospitals	?	?	?	?	?	?	?	?	E1
Other Institutions and Facilities									
Community centers or settlement houses without sleeping accommodations	?	?	?	?	?	?	?	?	B3
Libraries	?	?	?	?	?	?	?	–	G
Museums	?	?	?	?	?	?	?	–	G
Non-commercial art galleries	?	?	?	?	?	?	?	?	G
Non-commercial clubs without sleeping accommodations	? P	? P	? P	? P	? P	? P	? P	? P	B3
Non-commercial recreation centers	?	?	?	?	?	?	?	?	B3

Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities	? S	? S	? S	? S	? S	? S	? S	? S	B3
Welfare centers	?	?	?	?	?	?	?	?	B3

32-132 - Use Group III – uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an "S" in Section 32-131 (Use Group III – general use allowances), the provisions of this Section shall apply. For any philanthropic or non-profit institutions, with or without sleeping accommodations, in all #Commercial Districts#, the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, except that in #Commercial Districts# mapped within, or with a #residential equivalent# of R8 through R12 Districts, 25,000 square feet, whichever is greater.

32-133 - Use Group III – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a "P" in Section 32-131 (Use Group III – general use allowances), the following provisions shall apply:

(a) Monasteries, convents or novitiates in C8 Districts, used only for living purposes, are permitted provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face.

(b) #Long-term care facilities# in C1 through C7 Districts are permitted except that in the #high-risk flood zone#, as defined in Section 64-11 (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within such areas.

(c) #Non-profit hospital staff dwellings# in all #Commercial Districts# shall be located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto. However, in C1 through C7 Districts, such separate #zoning lot# may also include those that would be contiguous but for its separation by a #street# or a #street# intersection. Such conditions may be further modified by special permit of the City Planning Commission, in accordance with Section 74-132 (Non-profit hospital staff dwelling).

(d) Ambulatory diagnostic or treatment health care facilities in all #Commercial Districts# shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee 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 or ophthalmic dispensing.

(e) Non-commercial clubs as classified in this Use Group, in all #Commercial Districts#, shall not include:

(1) clubs, the chief activity of which is a service predominantly carried on as a business;

(2) non-commercial outdoor swimming pool clubs; or

(3) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#.

32-134 - Use Group III – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with “ ” in Section 32-131 (Use Group III – general use allowances), the provisions of this Section shall apply. #Schools# may be permitted in C8 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-133 (Schools).

32-135 - Use Group III – additional provisions for parking requirement category

LAST AMENDED
12/5/2024

For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 32-131 (Use Group III – general use allowances), the following provisions shall apply:

(a) #Non-profit hospital staff dwellings# shall be subject to parking requirements applicable to #residences#, in accordance with Section 36-024 (Applicability of regulations to non-profit hospital staff dwellings).

(b) For colleges, universities or seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

32-14 - Use Group IV – Public Service Facilities and Infrastructure

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group IV consists of #uses# that provide public services, including public safety buildings, and infrastructure. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-141 (Use Group IV – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 32-142 (Use Group IV – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group tables;

(c) Section 32-143 (Use Group IV – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables;

(d) Section 32-144 (Use Group IV – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group tables; and

(e) Section 32-145 (Use Group IV – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group tables.

32-141 - Use Group IV – general use allowances

LAST AMENDED
12/5/2024

The following tables include #uses# classified as Use Group IV and set forth their allowances by #Commercial District#. Such #uses# are categorized as public service facilities, utility infrastructure, or renewable energy and green infrastructure, as provided in paragraphs A, B and C of this Section. Notations found in the tables are further described in Section 32-10 (USE ALLOWANCES).

A. Public Service Facilities

USE GROUP IV(A) – PUBLIC SERVICE FACILITIES									
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PR**
Public Service Buildings									
Court houses	?	?	–	?	?	?	?	?	A4
Fire or police stations	?	?	–	?	?	?	?	?	A4
Other Facilities									
Prisons	–	–	–	?	?	?	?	?	G

B. Infrastructure

USE GROUP IV(B) –INFRASTRUCTURE									
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PRC**
Communication Infrastructure									
Radio or television towers, non-#accessory#	?	?	?	?	?	?	?	?	N/A

Telephone exchanges or other communications equipment structures	? P	? P	–	? P	? P	? P	? P	? P	N/A
Electric and Gas Infrastructure									
Electric power or steam generating plants	–	–	–	–	–	–	–	–	D2
Electric utility substations	? S U	? S U	?	? S U	? S U	? S U	? S U	? S U	N/A
Gas utility substations	? S U	? S U	–	? S U	? S U	? S U	? S U	? S U	N/A
Public utility stations for oil or gas metering or regulating	?	?	–	?	?	?	?	?	N/A
Terminal facilities at river crossings for access to electric, gas, or steam lines	?	?	–	?	?	?	?	?	N/A
Sewage, Storm Water and Waste Infrastructure									
Composting	–	–	–	–	–	–	–	–	D2
Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles	–	–	–	–	–	–	–	–	D2
Incineration or reduction of garbage, offal or dead animals	–	–	–	–	–	–	–	–	D1

Radioactive waste disposal services involving the handling or storage of radioactive waste	–	–	–	–	–	–	–	–	D1
Sewage disposal plants	?	?	?	?	?	?	?	?	D1
Water or sewage pumping stations	?	?	–	?	?	?	?	?	N/A
Transportation Infrastructure									
Airports	–	–	–	–	–	–	–	–	N/A
Boat launching facilities for non-commercial pleasure boats	? U	? U	? U	? U	? U	? U	? U	? U	N/A
Bus stations	?	?	–	?	?	?	?	?	N/A
Docks	? S P U	? S P U	? S P U	? S P U	? S P U	? S P U	? S P U	? S P U	G
Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	–	–	–	–	–	–	–	–	D2
Heliports	–	–	?	?	?	?	?	?	N/A
Mooring facilities for non-commercial pleasure boats	? U	? U	? U	? U	? U	? U	? U	? U	N/A

Public transit or railroad electric substations	?	?	?	?	?	?	?	?	D2
Public transit yards, including #accessory# motor fuel pumps	–	–	–	–	–	–	–	? P U	D2
#Railroad right-of-way#	? U	? U	? U	? U	? U	? U	? U	? U	N/A
Railroad passenger stations	?	?	?	?	?	?	?	?	N/A
Seaplane bases	?	?	?	?	?	?	?	?	N/A
Truck weighing stations	–	–	–	–	–	–	–	–	D2

C. Renewable Energy and Green Infrastructure

USE GROUP IV(C) – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE									
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PRC**
Renewable Energy and Green Infrastructure									
#Energy infrastructure equipment#	? P U	? P U	? P U	? P U	? P U	? P U	? P U	? U	N/A

Public bicycle and micromobility parking	? U	? U	? U	? U	? U	? U	? U	? U	N/A
Recycling, or organic material, receiving	? S	? S	? S	? S	? S	? S	? S	? S	N/A

32-142 - Use Group IV – uses subject to size limitations

LAST AMENDED
12/5/2024

For #uses# denoted with an "S" in Section 32-141 (Use Group IV – general use allowances), the following provisions shall apply:

(a) Electric or gas utility substations in C1 or C2 Districts, or C4 through C8 Districts, are limited to a site of not more than 10,000 square feet. However, electric utility substations on a site in excess of 10,000 square feet may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-143 (Electric or gas utility substations) or by special permit of the City Planning Commission, in accordance with Section 74-142 (Electric utility substations).

(b) The following capacity limitations shall apply to docks:

(1) In C1 through C3 Districts, docks for ferries shall be limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour except that such limitation on operational passenger load may be modified by authorization by the City Planning Commission in accordance with Section 62-821 (Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels). In C4

through C8 Districts, docks for ferries shall be permitted without restriction on passenger load.

(2) Docks for water taxis shall be limited to a vessel capacity up to 99 passengers.

(3) Docks for sightseeing, excursion or sport fishing vessels shall be limited to the following aggregate dock capacities per #zoning lot#, whereby "dock capacity" is the U.S. Coast Guard-certified capacity of the largest vessel using a dock and "aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot#:

(i) 200 in C1, C2 and C3 Districts;

(ii) 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2 and C8-3 Districts; and

(iii) 2,500 in C4-4A, C4-5, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6, C7 and C8-4 Districts.

(c) In all #Commercial Districts#, recycling, or organic material, receiving, shall be limited to 5,000 square feet per establishment.

32-143 - Use Group IV – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 32-141 (Use Group IV – general use allowances), the following provisions shall apply:

(a) For telephone exchanges or other communications equipment structures in C1 or C2 Districts, or C4 through C8 Districts, and not existing on December 15, 1961, the height above #curb level# shall not exceed that attributable to #commercial buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.

(b) Docks in all #Commercial Districts# shall be limited to ferries, water taxis, sightseeing, excursion or sport fishing vessels, and non-commercial pleasure boats, except that:

(1) In C6 Districts, docks for passenger ocean vessels may be permitted by special permit by the City Planning Commission, in accordance with Section 62-833 (Docks for passenger ocean vessels in C6 Districts).

(2) In all #Commercial Districts#, docks for #gambling vessels# may be permitted by special permit by the City Planning Commission, in accordance with Section 62-838 (Docks for gambling vessels).

(3) In Community District 1 in the Borough of Brooklyn, docks for ferries and water taxis shall be allowed provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

(c) Public transit yards in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

(d) #Energy infrastructure equipment# in all #Commercial Districts#, except in C8 Districts, are subject to the screening and enclosure provisions of Section 37-20 (SCREENING AND ENCLOSURE PROVISIONS).

32-144 - Use Group IV – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 32-141 (Use Group IV – general use allowances), a #use# may be open or enclosed without restriction.

32-145 - Use Group IV – uses only permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with " " in Section 32-141 (Use Group IV – general use allowances), the provisions of this Section shall apply.

(a) The following #uses# may be permitted by special permit of the Board of Standards and Appeals:

(1) Radio or television towers may be permitted in all #Commercial Districts#, in accordance with Section 73-141 (Radio or television towers).

(2) Electric utility substations on a site no greater than 40,000 square feet may be permitted in C3 Districts, in accordance with Section 73-143 (Electric or gas utility substations).

(3) Public transit or railroad electric substations on a site no greater than 40,000 square feet may be permitted in all #Commercial Districts#, in accordance with Section 73-146 (Public transit or railroad electric substations).

(b) The following #uses# may be permitted by special permit of the City Planning Commission:

(1) Electric utility substations on a site greater than 40,000 square feet may be permitted in C3 Districts, in accordance with Section 74-142 (Electric utility substations).

(2) Sewage disposal plants may be permitted in all #Commercial Districts#, in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).

(3) Bus stations may be permitted in C1 or C2 Districts, or C4 through C8 Districts, in accordance with Section 74-145 (Bus stations).

(4) Heliports may be permitted in C3 through C8 Districts, in accordance with Section 74-146 (Heliports).

(5) Public transit or railroad electric substations on a site greater than 40,000 square feet may be permitted in all #Commercial Districts#, in accordance with Section 74-147 (Public transit or railroad electric substations).

(6) Railroad passenger stations may be permitted in all #Commercial Districts#, in accordance with Section 74-148 (Railroad passenger stations).

(7) Seaplane bases may be permitted in all #Commercial Districts#, in accordance with Section 74-149 (Seaplane bases).

32-15 - Use Group V – Transient Accommodations

LAST AMENDED
6/6/2024

Use Group V consists of #uses# for transient occupancy of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-151 (Use Group V – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 32-152 (Use Group V – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with a " " in the Use Group table;

(c) Section 32-153 (Use Group V – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;

(d) Section 32-154 (Use Group V – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group table;

(e) Section 32-155 (Use Group V – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals, as denoted with a " " in the Use Group table; and

(f) Section 32-156 (Use Group V – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with an "*" in the Use Group table.

32-151 - Use Group V – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group V and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

USE GROUP V – TRANSIENT ACCOMMODATIONS									
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions U = Open use allowances**									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PR**
Transient Accommodations									
#Motels#	? P	? P	–	? P	? P	? P	? P	? P	F
Overnight camps	?	?	?	?	?	?	?	? U	G

#Tourist cabins#	? P	? P	–	? P	? P	? P	? P	? P	F
#Transient hotels#	? P	? P	–	? P	? P	? P	? P	? P	*

32-152 - Use Group V – uses permitted with limited applicability

LAST AMENDED
6/6/2024

For #uses# denoted with a “ ” in Section 32-151 (Use Group V – general use allowances), the provisions of this Section shall apply. In C1 or C2 Districts that are #select commercial overlays#, #motels#, #tourist cabins# or #transient hotels#, as permitted pursuant to the provisions of Section 32-153 (Use Group V – uses subject to additional conditions), shall be located on a #zoning lot# in whole or in part within a 1,000-foot radius of the entrance or exit of a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#.

32-153 - Use Group V – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 32-151 (Use Group V – general use allowances), the provisions of this Section shall apply. For the purposes of this Section, #transient hotels# shall also include #motels#, and #tourist cabins#.

In all #Commercial Districts#, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section 74-152 (In Commercial Districts) shall be applicable to:

(1) the #development# of a #transient hotel#;

(2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 9, 2021, did not contain such #use#; or

(3) an #enlargement# or #extension# of a #transient hotel# that existed prior to December 9, 2021, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

Notwithstanding the above, the provisions of this Section shall not apply to the following:

(1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;

(2) where an application for a project containing a #transient hotel#, including an application for an extension of time to complete construction, has been filed at the Board of Standards and Appeals before December 9, 2021 and such application has been approved after January 1, 2018, provided that:

(i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in an application or in environmental review documents; and

(ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction); or

(3) where an application for a project containing a #transient hotel# has been certified by the City Planning Commission before December 9, 2021, and has been approved by the Commission after January 1, 2018, provided that:

(i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in a land use application or in environmental review documents; and

(ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more

than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332. For such applications where a special permit for a #transient hotel# has been certified by the Commission pursuant to a #Special Purpose District#, such application may continue pursuant to the regulations and term of years proposed or in effect at the time such special permit was certified by the Commission.

(c) Existing hotels

(1) Any #transient hotel# existing on December 9, 2021, shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use# other than a #transient hotel#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-152 or other applicable section of this Resolution.

(2) The provisions of paragraph (c)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021, to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021, and December 9, 2027.

(3) In the event a casualty damages or destroys a #transient hotel# that was in such #use# as of December 9, 2021, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(d) Vesting regulations

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, the following provisions shall apply.

(1) If, on or before May 12, 2021, an application for a #development#, #enlargement# or #conversion# to a #transient hotel# has been filed with the Department of Buildings, and if, on or before December 9, 2022, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued.

(2) However, in the case of an application for a #development#, #enlargement# or #conversion# to a #transient hotel# that has been filed with the Department of Buildings prior to January 1, 2018, and has not received a permit contingent on zoning approval on or before December 9, 2022, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, the provisions of this paragraph shall apply. For such applications, if, on or before December 9, 2022 a permit contingent on zoning approval was lawfully issued by the Department of Buildings, such construction may be started or continued.

(3) In the case of an application filed after December 9, 2021, for a #development# containing a #transient hotel# on a #zoning lot# located in the Theater Subdistrict of the #Special Midtown District# that as of December 9, 2021, has a #lot area# of 20,000 square feet or more; and for which at least 10,000 square feet of such #lot area# is clear of #buildings# or is occupied by #buildings# which are substantially vacant, or any combination thereof, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, if on or before December 9, 2023, the Department of Buildings has

approved an application for a foundation or a new #building#, based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. For the purposes of this paragraph, "substantially vacant" shall mean that at least 90 percent of the #floor area# of a #building# is unoccupied.

All such applications may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased by more than 20 percent of the final approved application, or for a proposed #enlargement#, by more than 20 percent of the proposed new #floor area# of the final approved application.

In the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate, provided that in the case of a #development# containing a #transient hotel# on a #zoning lot# that has a #lot area# of 20,000 square feet or more and is located in the Theater Subdistrict of the #Special Midtown District#, having vested status under the provisions of paragraph (d)(1) or (d)(3) of this Section, such period for issuance of a temporary or final certificate of occupancy shall be until December 9, 2031. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332.

32-154 - Use Group V – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 32-151 (Use Group V – general use allowances), a #use# may be open or enclosed without restriction.

32-155 - Use Group V – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with a “ ” in Section 32-151 (Use Group V – general use allowances), the provisions of this Section shall apply. In C1 through C7 Districts, overnight camps may only be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-151 (Overnight camps).

32-156 - Use Group V – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section 32-151 (Use Group V – general use allowances), the provisions of this Section shall apply. For #transient hotels#, #floor area# used for sleeping accommodations shall be classified as PRC F2. #Floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls or radio or television studios shall be classified as PRC B1.

32-16 - Use Group VI – Retail and Services

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VI consists of #uses# where goods or services are conveyed directly to consumers. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-161 (Use Group VI – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 32-162 (Use Group VI – uses subject to size limitations) for size limitations that apply to certain #uses#, as denoted with an "S" in the Use Group tables;

(c) Section 32-163 (Use Group VI – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables;

(d) Section 32-164 (Use Group VI – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group tables;

(e) Section 32-165 (Use Group VI – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals, as denoted with " " in the Use Group tables; and

(f) Section 32-166 (Use Group VI – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with an "*" in the Use Group tables.

The provisions of Sections 32-162, 32-163 and 32-164, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-161 (Retail and service uses), or by special permit of the City Planning Commission, in accordance with Section 74-161 (Retail and service uses).

32-161 - Use Group VI – general use allowances

LAST AMENDED
6/6/2024

The following tables include #uses# classified as Use Group VI and sets forth their allowances by #Commercial District#. Notations found in the tables are further described in Section 32-10 (USE ALLOWANCES).

The following tables are organized by retail trade establishments and general service establishments. Included in the retail trade establishment table, for reference purposes only, are the three-digit subsector categories from the retail trade sector (sectors 44-45) of the 2022 North American Industry Classification System (NAICS). Included in the general service establishments table, for reference purposes only, are the three-digit subsector categories from the relevant transportation and warehousing sector (48-49), information sector (51), finance and insurance sector (52), real estate and rental and leasing sector (53), professional, scientific, and technical services (54), management of companies and enterprises (55), administrative and support and waste management and remediation services sector (56), educational services (61), accommodation and food services sector (72) and other services sector (81) of the 2022 NAICS.

For each #use# under the three-digit subsector categories in retail and general service establishments, the four-digit industry groups, five-digit NAICS industry or six-digit U.S. detail code is referenced. However, where such four-digit, five-digit or six-digit categories are not referenced after a #use#, the specified #use# is not a specific NAICS industry sector category or includes a group of existing categories.

USE GROUP VI – RETAIL TRADE ESTABLISHMENTS

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions U = Open use allowances

Uses (NAICS Code)		C1	C2	C3	C4	C5	C6
Motor Vehicle and Parts Dealer (441)							
Automobile dealers (4411)		–	? P	–	? P	? P	? P
Other motor vehicle dealers (4412)	Boat dealers (441222)	–	? P	? P U	? P	? P	? P
	All other motor vehicle dealers (in 4412)	–	? P	–	? P	? P	? P
Automotive parts, accessories and tire retailers (4413)		?	?	–	?	?	?
Building Material and Garden Equipment and Supplies Dealer (444)							
Building material and supplies dealers (4441)	Lumber yards, retail (in 444180)	–	? S	–	?	?	?
	All other building material and supplies dealers (in 4441)	? S	? S	–	?	?	?
Lawn and garden equipment and supplies retailers (4442)		? U	? U	–	? U	? U	? U

Food and Beverage Retailers (445)							
Grocery and convenience retailers (4451)		?	?	–	?	?	?
Specialty food retailers (4452)		?	?	?	?	?	?
Beer, wine and liquor retailers (4453)		?	?	–	?	?	?
Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)							
Furniture and home furnishing retailers (4491)		? S	? S	–	?	?	?
Electronics and appliance retailers (4492)		? S	? S	–	?	?	?
General Merchandise Retailers (455)							
Department stores (4551)		? S	? S	–	?	?	?
Warehouse clubs, supercenters, and other general merchandise retailers (4552)		? S	? S	–	?	?	?
Health and Personal Care Retailers (456)							
Health and personal care retailers (4561)		?	?	–	?	?	?
Gasoline Stations and Fuel Dealers (457)							
Gasoline stations (4571)	#Automotive service stations#	–	?	–	?	?	?

Electric vehicle charging and battery swapping		? U	? U	? U	? U	? U	? U	? U
Boat fuel sales		–	? P U	? P U	? P U	? P U	? P U	? P
Fuel dealers (4572)			–	–	–	–	–	–
Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)								
Clothing and clothing accessories retailers (4581)			? S	? S	–	?	?	?
Shoe retailers (4582)			?	?	–	?	?	?
Jewelry, luggage, and leather goods retailers (4583)			?	?	–	?	?	?
Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)								
Sporting goods, hobby, and musical instrument retailers (4591)	Sporting goods retailers (45911)		?	?	?	?	?	?
	All other hobby and musical instrument retailers (in 4591)		?	?	–	?	?	?
Book retailers and news dealers (4592)	Book retailers		?	?	–	?	?	?
	News dealers		? U	? U	–	? U	? U	? U

Florists (4593)	? U	? U	–	? U	? U	? U
Office supplies, stationery, and gift retailers (4594)	?	?	–	?	?	?
Used merchandise retailers (4595)	?	?	–	?	?	?
Miscellaneous retailers (4599)	?	?	–	?	?	?

USE GROUP VI – SERVICE ESTABLISHMENTS						
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances						
Uses (NAICS Code)	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**
Postal Service (491) / Couriers and Messengers (492)						
Postal service (4911)	?	?	–	?	?	?
Couriers and express delivery services (4921)	?	?	–	?	?	?
Local messengers and local delivery (4922)	?	?	–	?	?	?
Telecommunications (517)						

Wired and wireless telecommunications (5171)	?	?	–	?	?	?
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)						
Computing infrastructure providers, data processing, web hosting, and related services (5182)	? S	?	–	?	?	?
Credit Intermediation and Related Activities (522)						
Savings, loan and other financial services (5221, 5222 and 5223)	?	?	–	?	?	?
Securities, Commodity Contracts, and Other Financial Investments and Related Activities (523)						
Securities, commodity contracts, and other financial investments and related activities (5231, 5232 and 5239)	?	?	–	?	?	?
Insurance Carriers and Related Activities (524)						
Insurance carriers and related activities (5241 and 5242)	?	?	–	?	?	?
Funds, Trusts and Other Financial Vehicles (525)						
Funds, trusts and other financial vehicles (5251 and 5259)	?	?	–	?	?	?
Real Estate (531)						
Real estate (5311, 5312, and 5313)	?	?	–	?	?	?

Rental and Leasing Services (532)							
Automotive equipment rental and leasing (5321)		? S	?	–	?	?	?
Consumer goods rental (5322)	Consumer electronics and appliances rental (53221)	? S	? S	–	?	?	?
	Recreational goods rental (532284)	? S	? S	? U	?	?	?
	All other consumer goods rental (in 5322)	? S	? S	–	?	?	?
General rental centers (5323)		? S	? S	–	?	?	?
Commercial and industrial machinery and equipment rental and leasing (5324)		? S	? S	–	?	?	?
Professional, Scientific, and Technical Services (541)							
Veterinary services (54194)		? P	? P	–	? P	? P	? P
All other professional, scientific, and technical services (in 541)		?	?	–	?	?	?
Management of Companies and Enterprises (551)							
Management of companies and enterprises (5511)		?	?	–	?	?	?
Administrative and Support Services (561)							
Travel and reservation services (5615)		?	?	–	?	?	?

Services to buildings and dwellings (5617)	Carpet and upholstery cleaning services (56174)	–	–	–	–	–	–
	All other services to buildings and dwellings (in 5617)	?	?	–	?	?	?
All other administrative and support services (in 561)		?	?	–	?	?	?
Educational Services (611)							
Business schools and computer and management training (6114)		?	?	–	?	?	?
Technical and trade schools (6115)		? P	? P	–	? P	? P	? P
All other schools and instruction (6116 and 6117)		?	?	–	?	?	?
Food Services and Drinking Places (722)							
Special food services (7223)		? S	?	?	?	?	?
Eating or drinking establishments (7224 and 7225)		? S U	? S U	? S U	? P U	? P U	? P U
Repair and Maintenance (811)							
Automotive repair and maintenance (8111)	#Heavy motor vehicle repair and maintenance shops#	–	–	–	–	–	–

#Light motor vehicle repair and maintenance shops#	–	?	–	?	?	?	?
Car washes (811192)	–	–	–	–	–	–	–
Electronic and precision equipment repair and maintenance (8112)		? S	?	–	?	?	?
Commercial and industrial machinery and equipment repair and maintenance (8113)		–	–	–	–	–	–
Personal and household goods repair and maintenance (8114)	Bicycle repair	?	?	?	?	?	?
	Recreational boat repair	? P U	? P U	? P U	? P U	? P U	? P U
	Home and garden equipment and appliance repair and maintenance (81141)	–	–	–	–	–	–
	All other personal and household goods repair and maintenance (in 8114)	?	?	–	?	?	?
Personal and Laundry Services (812)							
Personal care services (8121)	#Health and fitness establishments#	? P U	? P U	? P U	? P U	? P U	? P U

All other personal care services (in 8121)	?	?	–	?	?	?	?
Death care services (8122)	Funeral homes and funeral services (81221)	?	?	–	?	?	?
	Crematoriums	–	–	–	–	–	–
Dry cleaning and laundry services (8123)	Personal laundry services	?	?	–	?	?	?
	Personal dry cleaning services	? S P	? S P	–	? S P	? S P	? S P
	Industrial dry cleaning and laundry services	–	–	–	–	–	–
Other personal services (8129)	Pet care services (81291)	? P	? P	–	? P	? P	? P
	All other personal services (in 8129)	?	?	–	?	?	?

32-162 - Use Group VI - uses subject to size limitations

LAST AMENDED

6/6/2024

For #uses# denoted with an “S” in Section 32-161 (Use Group VI – general use allowances), a limit of 10,000 square feet of #floor area# per establishment shall apply except that:

(a) fuel dealers in C8 Districts shall be limited to 5,000 square feet of #floor area# per establishment;

(b) eating or drinking establishments in C1 through C3 Districts, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, shall be limited to a capacity of 200 persons or fewer. However, an establishment with a capacity of more than 200 persons may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-162 (Eating or drinking establishments);

(c) computing infrastructure providers, data processing, web hosting, and related services in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment;

(d) automotive equipment rental and leasing, general rental centers or commercial and industrial machinery and equipment rental and leasing in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment and in C1 Districts that are not #select commercial overlays#, shall be limited to 10,000 square feet per establishment;

(e) special food services in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment;

(f) electronic and precision equipment repair and maintenance in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment; and

(g) personal dry cleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to 2,500 square feet of #floor area# per establishment.

32-163 - Use Group VI – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 32-161 (Use Group VI – general use allowances), the following conditions shall apply:

(a) Service Limitations

(1) Automobile dealers and all other motor vehicle dealers in C2 Districts, or C4 through C7 Districts, shall not include repair services or preparation of vehicles for delivery.

(2) The following provisions shall apply to boat dealers and recreational boat repair services:

(i) In C2 through C7 Districts, boat dealers shall be restricted to boats less than 100 feet in length. Additionally, in C2 Districts, or C4 through C7 Districts, such establishment shall not include repair services or preparation of vehicles for delivery.

(ii) In all #Commercial Districts#, recreational boat repair services shall be restricted to boats less than 100 feet in length.

(3) Veterinary service or pet care service establishments in C1 or C2 Districts, or C4 through C7 Districts, shall not include overnight boarding or accommodations.

(b) Location and Other Building Requirements

(1) Boat fuel sales establishments in C2 through C7 District shall be restricted to location within 10 feet of a boat dock berth.

(2) For veterinary services in C1 or C2 Districts, or C4 through C7 Districts, where such #building# contains a #residential use#, no access shall be from an entrance serving the #residential# portion.

(3) Eating or drinking establishments in C4 through C6 Districts, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and a capacity of more than 200 persons, except those that are located within hotels, shall be subject to the following conditions:

(i) In C4 Districts, such establishment shall be a minimum of 100 feet from a #Residence District# boundary, except that within 100 feet from a #Residence District# boundary, such establishment is permitted only by special permit of the Board of Standards and Appeals, in accordance with Section 73-162 (Eating or drinking establishments);

(ii) In C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, the entrance to such establishment shall be a minimum of 100 feet from the nearest #Residence District# boundary;

(iii) In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, eating or drinking establishments providing entertainment with cover charge or specified showtime and a capacity of more than 200 persons

are permitted only by special permit of the Board of Standards and Appeals, in accordance with Section 73-162; and

(iv) In C4, C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, a minimum of four square feet of waiting area within the zoning lot shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

(4) For car washes in C8 Districts, reservoir space for not less than 10 automobiles per washing lane shall be provided on the #zoning lot#.

(c) Environmental Conditions

(1) Technical and trade schools in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to establishments not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare or other objectionable effects.

(2) For #health and fitness establishments# in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#. Where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, such #use# shall be required to have an acoustical engineer verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection. Such

high-intensity #uses# shall meet the following standards for noise and vibration:

(i) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and

(ii) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

(3) Personal dry cleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to solvents with a flash point of not less than 138.2 degrees Fahrenheit, and total aggregate dry load capacity of machines shall not exceed 60 pounds.

(4) The following #uses# in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive:

#Automotive service stations#

Car wash

Carpet upholstery cleaning services

Commercial and industrial machinery and equipment repair and maintenance

Crematorium

Fuel dealers

#Heavy motor vehicle repair and maintenance shops#

Home and garden equipment and appliance repair and maintenance

Industrial dry cleaning and laundry services

#Light motor vehicle repair and maintenance shops#

Personal dry cleaning services

Technical and trade school

Veterinary services.

32-164 - Use Group VI – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 32-161 (Use Group VI – general use allowances), a #use# may be open or enclosed without restriction except that:

(a) for the following #uses# in C8 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet:

Automotive equipment rental and leasing;

Building material and supplies dealers;

Commercial and industrial machinery and equipment rental and leasing; and

Recreational goods rental;

(b) boat dealers in C3 Districts may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary;

(c) for lawn and garden equipment and supplies retailers or florists in C1 or C2 Districts, or C4 through C6 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet. In C7 or C8 Districts, such #use# may be open or enclosed without restriction;

(d) for eating or drinking establishments, such open #use# shall be limited to outdoor table service;

(e) recreational boat repair in all #Commercial Districts# may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary; and

(f) #health and fitness establishments# in all #Commercial Districts# may be unenclosed except in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#.

32-165 - Use Group VI - uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with “ ” in Section 32-161 (Use Group VI – general use allowances), the following provisions shall apply:

(a) #Automotive service stations# may be permitted in C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-163 (Automotive service stations).

(b) #Light motor vehicle repair and maintenance shops# may be permitted in C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-164 (Light motor vehicle repair and maintenance shops).

However, notwithstanding the above, #light motor vehicle repair and maintenance shops# existing prior to June 6, 2024, shall be considered a conforming #use# and thereafter may be continued, structurally altered, #extended# or #enlarged# subject to the applicable #bulk# regulations for the district. However, in no event shall the additional #floor area# associated with an #enlarged# or #extended# portion exceed 50 percent of the #floor area# of such #light motor vehicle repair and maintenance shop# as it existed on June 6, 2024.

32-166 - Use Group VI – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 32-161 (Use Group VI – general use allowances), the following provisions shall apply:

(a) Grocery and convenience retailers or specialty food retailers with 2,500 square feet or more of #floor area# per establishment shall be classified as PRC A1. Such retailers with less than 2,500

square feet of #floor area# shall be classified as PRC A2.

(b) Eating or drinking establishments, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and has a capacity of more than 200 persons, shall be classified as PRC B1. All other eating or drinking establishments shall be classified as PRC A2.

32-17 - Use Group VII – Offices and Laboratories

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VII consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. The provisions regulating #uses# classified in this Use Group, are set forth as follows:

(a) Section 32-171 (Use Group VII – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 32-172 (Use Group VII – use permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with a “ ” in the Use Group table; and

(c) Section 32-173 (Use Group VII – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

32-171 - Use Group VII – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group VII and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

USE GROUP VII – OFFICES AND LABORATORIES									
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PRC**
Laboratories									
Laboratories	? P	? P	–	? P	? P	? P	? P	? P	A3
Offices									
Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental	?	?	–	?	?	?	?	?	A3

32-172 - Use Group VII – uses permitted with limited applicability

LAST AMENDED
6/6/2024

For #uses# denoted with a “ ” in Section 32-171 (Use Group VII – general use allowances), the provisions of this Section shall apply.

In C1 Districts outside of the Borough of Manhattan that are #select commercial overlays#, laboratories shall not be permitted.

32-173 - Use Group VII – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section 32-171 (Use Group VII – general use allowances), the provisions of this Section shall apply. In C1 or C2 Districts, as well as in C4 through C8 District, laboratories shall be limited to those that comply with the standards set forth in Section 427 of the New York City Building Code, or its successor. However, other laboratories may be permitted by special permit of the City Planning Commission, as set forth in Section 74-171 (Laboratories).

32-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VIII consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-181 (Use Group VIII – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 32-182 (Use Group VIII – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group table;

(c) Section 32-183 (Use Group VIII – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;

(d) Section 32-184 (Use Group VIII – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group table;

(e) Section 32-185 (Use Group VIII – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group table; and

(f) Section 32-186 (Use Group VIII – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

The provisions of Sections 32-182, 32-183 and 32-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

32-181 - Use Group VIII – general use allowances

LAST AMENDED

6/6/2024

The following table includes #uses# classified as Use Group VIII and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

USE GROUP VIII – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES									
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PR**
Amusement and Recreation Facilities									
#Amusement or recreation facilities#	? S P	? S P	?	?	?	?	? U	? U	*
#Select entertainment facilities#	? S	? S	?	?	?	?	? U	? U	*
#Outdoor amusement parks#	–	–	–	–	–	–	? S U	? S U	C
Art Galleries and Studios									
Art galleries	?	?	–	?	?	?	?	?	A

Art, music, dancing or theatrical studios	?	?	–	?	?	?	?	?	A2
Production or entertainment studios	? S	? S	–	?	?	?	?	?	B1
Entertainment and Sporting Venues									
Arenas or auditoriums	–	–	–	? S	? S	? S	? S	? S	B1
Drive-in theaters	–	–	–	–	–	–	?	?	N/A
Racetracks	–	–	–	–	–	–	–	?	B1
Stadiums	–	–	–	? S U	? S U	? S U	? S U	? S U	B1
Theaters	? P	? P	–	? P	? P	? P	?	? P	B1
Other Assembly Spaces									
Banquet, function or reception halls	?	?	–	?	?	?	?	?	B1
Gaming facilities	–	–	–	? P	? P	? P	? P	? P	B1
Historical exhibits	?	?	–	?	?	?	?	?	B1
Meeting halls	?	?	–	?	?	?	?	?	B1
Non-commercial clubs	?	?	?	?	?	?	?	?	B1

Observation decks	? U	? U	–	? U	? U	? U	? U	? U	B
Outdoor day camps	?	?	?	?	?	?	?	? U	G
Publicly accessible spaces	? U	? U	–	? U	? U	? U	? U	? U	N/
Riding academies or stables	?	?	?	?	?	?	?	? P U	A
Trade expositions	–	–	–	? S	? S	? S	? S	? S	B

32-182 - Use Group VIII – uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an “S” in Section 32-181 (Use Group VIII – general use allowances), the specific size limitations shall be as follows:

(a) #Amusement or recreation facilities# in C1 Districts that are #select commercial overlays# shall be limited to 3,000 square feet of #floor area# per establishment, in C1-5, C2-1, C2-2 and C2-3 Districts shall be limited to 5,000 square feet per establishment, and in other C1 or C2 Districts shall be limited to 10,000 square feet of #floor area# per establishment;

(b) #Select entertainment facilities# in C1 Districts that are #select commercial overlays# shall be limited to 3,000 square feet of #floor area# per establishment and in other C1 Districts and in C2 Districts shall be limited to 10,000 square feet of #floor area# per establishment;

(c) Production or entertainment studios in C1 or C2 Districts are limited to 10,000 square feet of #floor area# per establishment.

(d) #Outdoor amusement parks# in C7 or C8 Districts are limited to 10,000 square feet of #lot area#, except as permitted by special permit by the Board of Standards and Appeals, in accordance with Section 73-183 (Outdoor Amusement Parks).

(e) Arenas, auditoriums or stadiums in C4 through C8 Districts are limited to a maximum capacity of 2,500 seats and trade expositions are limited to a rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings. Such facilities may exceed a capacity of 2,500 seats or 2,500 persons by special permit of the City Planning Commission, in accordance with Section 74-182 (Arenas, auditoriums, stadiums or trade expositions).

32-183 - Use Group VIII – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a "P" in Section 32-181 (Use Group VIII – general use allowances), the following provisions shall apply:

(a) #Amusement or recreation facilities# located in #mixed buildings# in C1 or C2 Districts that are #select commercial overlays# shall be subject to the provisions of Section 42-41 (Performance Standards Regulations), inclusive, for an M1 District adjoining a #Residence District#;

(b) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025 pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023, and operating under a gaming license issued by the Gaming Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming area and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

(c) Motion picture theaters, in a new or existing #building# in C1 or C2 Districts that are not #select commercial overlays#, C4-5, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6 and C8-4 Districts, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.

(d) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

32-184 - Use Group VIII – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 32-181 (Use Group VIII – general use allowances), a #use# may be open or enclosed without restriction except that stables in C8 Districts shall be enclosed.

32-185 - Use Group VIII – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with " " in Section 32-181 (Use Group VIII – general use allowances), the provisions of this Section shall apply.

(a) The following #uses# may be permitted by special permit of the Board of Standards and Appeals:

(1) Waterfront-oriented #amusement or recreation facilities# may be permitted in C3 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-182 (Outdoor Recreation and Amusement Facilities).

(2) Outdoor day camps may be permitted in C1 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-184 (Outdoor day camps).

(3) Riding academies or stables may be permitted in C1 through C7 Districts, by special permit of the Board of Standards and Appeals in accordance with Section 73-185 (Riding academies or stables).

(b) The following #uses# may be permitted by special permit of the City Planning Commission:

(1) Drive-in theaters may be permitted in C7 or C8 Districts by special permit of the City Planning Commission, in accordance with Section 74-183 (Drive-in theaters).

(2) Racetracks may be permitted in C8 Districts by special permit of the City Planning Commission, in accordance with Section 74-184 (Racetracks).

32-186 - Use Group VIII – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 32-181 (Use Group VIII – general use allowances), the following provisions shall apply. #Amusement or recreation facilities# or #select entertainment facilities# that are enclosed shall be classified as PRC B1. Such #uses# that are unenclosed shall be classified as PRC C.

32-19 - Use Group IX – Storage

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group IX consists of #uses# that provide storage for materials, goods, and vehicles. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-191 (Use Group IX – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 32-192 (Use Group IX – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “ ” in the Use Group tables;

(c) Section 32-193 (Use Group IX – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group tables;

(d) Section 32-194 (Use Group IX – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;

(e) Section 32-195 (Use Group IX – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables;

(f) Section 32-196 (Use Group IX – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “ ” in the Use Group tables; and

(g) Section 32-197 (Use Group IX – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “*” in the Use Group tables.

32-191 - Use Group IX – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group IX and sets forth their allowances by #Commercial District#. Such #uses# are categorized as general storage, specialized storage, or vehicle storage, as provided in paragraphs A, B and C of this Section. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

A. General Storage

USE GROUP IX(A) – GENERAL STORAGE									
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted **S = Size restriction P = Additional conditions U = Open use allowances**									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PR**
General Storage									
Building materials or contractors' yard	–	–	–	–	–	–	–	? S U	D
Depositories for storage of office records, microfilm or computer tapes, or for data processing	–	–	–	? S	? S	? S	? S	?	D
Micro-distribution facility	? S	? S	–	? S	? S	? S	? S	–	D
Moving or storage offices	–	–	–	–	–	–	–	?	D

#Self-service storage facility#	–	–	–	–	–	–	–	?	D
Trucking terminals or motor freight stations	–	–	–	–	–	–	–	? S U	D
Warehouses	–	–	–	–	–	–	–	?	D
Wholesale establishments	? S P	? S P	–	? S P	? S P	? S P	? S P	? P	*

B. Specialized Storage

USE GROUP IX(B) – SPECIALIZED STORAGE									
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PR**
Specialized Storage									
Coal or gas storage	–	–	–	–	–	–	–	–	D
Explosives storage, when not prohibited by other ordinances	–	–	–	–	–	–	–	–	D
Grain storage	–	–	–	–	–	–	–	–	D

Junk or salvage yards, including auto wrecking or similar establishments	–	–	–	–	–	–	–	–	D
Lumber yard	–	–	–	–	–	–	–	–	D
Manure, peat or topsoil storage	–	–	–	–	–	–	–	–	D
Petroleum or petroleum products, storage or handling	–	–	–	–	–	–	–	–	D
Refrigerating plants	–	–	–	–	–	–	–	–	D
Scrap metal, junk, paper or rags storage, sorting, or baling	–	–	–	–	–	–	–	–	D

C. Vehicle Storage

USE GROUP IX(C) – VEHICLE STORAGE									
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
Uses	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PR**
Vehicle Storage									
Boat storage	? P U	? P U	? P U	? P U	? P U	? P U	? P U	? P U	A
Commercial or public vehicle storage, including #accessory# motor fuel pumps	–	–	–	–	–	–	–	? U	D

Dead storage of motor vehicles	–	–	–	–	–	–	–	? U	N/
#Public parking garages# or #public parking lots#	? P U	? P U	–	? P U	? P U	? P U	? P U	? P U	N/

32-192 - Use Group IX – uses permitted with limited applicability

LAST AMENDED
12/5/2024

For #uses# denoted with " " in Section 32-191 (Use Group IX – general use allowances), the provisions of this Section shall apply.

(a) In C1 or C2 Districts located outside of the Borough of Manhattan that are #select commercial overlays#, micro-distribution facilities shall not be permitted as-of-right. The Board of Standards and Appeals may permit micro-distribution facilities with a size limit of 5,000 square feet of #floor area# per establishment pursuant to Section 73-191 (Micro-distribution facilities).

(b) For #public parking garages# and #public parking lots# the following provisions shall apply:

(1) In the #Manhattan Core#, such #uses are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6;

(2) In C1 or C2 Districts that are #select commercial overlays#, C4-1, C4-2, C4-3, C4-4, C4-5D, C7 outside the #Greater Transit Zone#, C8-1, C8-2 or C8-3 Districts, #public parking garages# and #public parking lots# with a capacity of up to 150 spaces are

permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces pursuant to Section 74-194 (Public parking garages or public parking lots outside high density areas); and

(3) In C1 or C2 Districts that are not #select commercial overlays#, C4-5, C4-5A, C4-5X, C4-6, C4-7, C4-8, C4-9, C4-11, C4-12, C5, C6, C7 inside the #Greater Transit Zone# or C8-4 Districts, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section 74-195 (Public parking garages or public parking lots in high density central areas).

32-193 - Use Group IX – uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an "S" in Section 32-191 (Use Group IX – general use allowances), the following provisions shall apply:

(a) Building materials or contractors' yards in C8 Districts shall be limited to 10,000 square feet of #lot area# per establishment.

(b) Depositories for storage of office records, microfilm or computer tapes, or for data processing, in C4 through C7 Districts, shall be limited to 5,000 square feet of #floor area# per establishment on the ground floor, and without limitation above the ground floor.

(c) For micro-distribution facilities, the following size limitations shall apply:

(1) In C1 or C2 Districts, such #use# shall be limited to 2,500 square feet of #floor area# per establishment.

(2) In C4 through C7 Districts, such #use# shall be limited to 5,000 square feet of #floor area# per establishment on the ground floor and 10,000 square feet above the ground floor.

However, such size limit shall not apply to #floor area# allocated to the parking of commercial vehicles associated with such micro-distribution facilities in an #accessory# off-street parking facility or #public parking garage# on the same #zoning lot# utilizing the provisions of Section 36-46 (Restrictions on Use of Accessory Parking Spaces and Spaces in Public Parking Garages), provided that such parking areas are not used for storage.

Such size limit may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-191 (Micro-distribution facilities), or by special permit of the City Planning Commission, in accordance with Section 74-191 (Micro-distribution facilities).

(d) Trucking terminals or motor freight stations in C8 Districts are limited to 20,000 square feet of #lot area# per establishment, except that establishments with a #lot area# in excess of 20,000 square feet may be permitted by special permit by the City Planning Commission pursuant to Section 74-193 (Trucking terminals or motor freight stations).

(e) For wholesale establishments, the following size limitations shall apply:

(1) In C1 or C2 Districts, such #use# shall be limited to 2,500 square feet of #floor area# per establishment.

(2) In C4 through C7 Districts, such #use# shall be limited to 5,000 square feet of #floor area# per establishment except that such limitation shall not apply to establishments above the ground floor where storage is restricted to samples.

32-194 - Use Group IX – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 32-191 (Use Group IX – general use allowances), the following provisions shall apply:

(a) Wholesale establishment in C1 or C2 Districts, or C4 through C8 Districts, shall not include produce or meat markets.

(b) Boat storage in all #Commercial Districts# shall be restricted to boats less than 100 feet in length.

(c) #Public parking garages# and #public parking lots# in all applicable districts, shall be subject to the provisions set forth in Section 36-026 (Applicability of regulations to public parking garages and public parking lots).

32-195 - Use Group IX – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 32-191 (Use Group IX – general use allowances), a #use# may be open or enclosed without restriction except that:

(a) boat storage in all #Commercial Districts# may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary;

(b) building materials or contractors' yards in C8 Districts may be open or enclosed provided that not more than 5,000 square feet of such #lot area# is used for open storage; and

(c) #public parking garages#, in all applicable districts, may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

32-196 - Use Group IX – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with " " in Section 32-191 (Use Group IX – general use allowances), the provisions of this Section shall apply. #Public parking garages# may be permitted in C5 or C6 Districts by special permit by the City Planning Commission in accordance with Section 74-195 (Public parking garages or public parking lots in high density central areas). In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

32-197 - Use Group IX – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 32-191 (Use Group IX – general use allowances), the provisions of this Section shall apply. Wholesale establishments in C1 or C2 Districts, or C4 through C7 Districts, shall be classified as PRC A3. In C8 Districts, such #use# shall be classified as PRC A4.

32-20 - Use Group X – Production Uses

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group X consists of #uses# engaged in the mechanical, physical, or chemical transformation of materials into new goods. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 32-201 (Use Group X – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 32-202 (Use Group X – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group table;

(c) Section 32-203 (Use Group X – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table; and

(d) Section 32-204 (Use Group X – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

The provisions of Sections 32-202 and 32-203, except as otherwise specified in such Sections, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-211 (Production uses), or by special permit of the City Planning Commission, in accordance with Section 74-211 (Production uses).

32-201 - Use Group X - general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group X and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

Included in the #use# table, for reference purposes only, are the three-digit subsector categories from the manufacturing sector (sectors 31-33) of the 2022 North American Industry Classification System (NAICS). For each #use# under the three-digit subsector categories in manufacturing, the four-digit industry group, five-digit NAICS industry or six-digit U.S. detail code is referenced. However, where such four-digit, five-digit or six-digit categories are not referenced after a #use#, the specified #use# is not a specific NAICS industry sector category or includes a group of existing categories.

USE GROUP X – PRODUCTION **? = Permitted ? = Permitted with limitations ? = Special permit required** **– = Not permitted** **S = Size restriction P = Additional conditions U = Open use allowances**					
Uses (NAICS Code)	**C1**	**C2**	**C3**	**C4**	**C5**

Food Manufacturing (311)						
Animal food manufacturing (3111)		–	–	–	–	–
Sugar and confectionary product manufacturing (3113)	Sugar manufacturing (31131)	–	–	–	–	–
	All other sugar and confectionary product manufacturing (in 3113)	? S P	? S P	–	? S P	? S
Animal slaughtering and processing (3116)		–	–	–	–	–
Seafood product preparation and packaging (3117)		–	–	–	–	–
All other food manufacturing (in 311)		? S P	? S P	–	? S P	? S
Beverage and Tobacco Product Manufacturing (312)						
Beverage manufacturing (3121)	Distilleries (31214)	–	–	–	–	–
	All other beverage manufacturing (in 3121)	? S P	? S P	–	? S P	? S
Tobacco manufacturing (3122)		? S P	? S P	–	? S P	? S
Textile & Textile Product Mills (313 - 314)						
Textile mills (313)		? S P	? S P	–	? S P	? S
Textile product mills (314)		? S P	? S P	–	? S P	? S
Apparel Manufacturing (315)						

Apparel manufacturing (315)		? S P	? S P	–	? S P	? S
Leather and Allied Product Manufacturing (316)						
Leather and hide tanning and finishing (3161)		–	–	–	–	–
Footwear manufacturing (3162)		? S P	? S P	–	? S P	? S
Other leather and allied product manufacturing (3169)		? S P	? S P	–	? S P	? S
Wood Product Manufacturing (321)						
Sawmills and wood preservation (3211)		–	–	–	–	–
Veneer, plywood, and engineered wood product manufacturing (3212)		–	–	–	–	–
Other wood product manufacturing (3219)		? S P	? S P	–	? S P	? S
Paper Manufacturing (322)						
Pulp, paper, and paperboard mills (3221)		–	–	–	–	–
Converted paper product manufacturing (3222)	Stationery product manufacturing (32223)	? S P	? S P	–	? S P	? S
	All other converted paper product manufacturing (in 3222)	–	? S P	–	? S P	? S
Printing and Related Support Activities (323)						

Printing and related support activities (3231)		? S P	? S P	–	? S P	? S
Petroleum and Coal Products Manufacturing (324)						
Petroleum and coal products manufacturing (3241)		–	–	–	–	–
Chemical Manufacturing (325)						
Pharmaceutical and medicine manufacturing (3254)		–	? S P	–	? S P	? S
Soap, cleaning compound, and toilet preparation manufacturing (3256)	Soap and other detergent manufacturing (325611)	? S P	? S P	–	? S P	? S
	All other soap, cleaning compound and toilet preparation manufacturing (in 3256)	–	? S P	–	? S P	? S
All other chemical manufacturing (in 325)		–	–	–	–	–
Plastics and Rubber Products Manufacturing (326)						
Plastics and rubber products manufacturing (326)		–	–	–	–	–
Nonmetallic Mineral Product Manufacturing (327)						
Clay product and refractory manufacturing (3271)	Clay building material and refractories manufacturing (32712)	–	–	–	–	–
	All other clay product and refractory manufacturing (in 3271)	? S P	? S P	–	? S P	? S

Glass and glass product manufacturing (3272)	Flat glass manufacturing (327211)	–	–	–	–	–
	Other pressed and blown glass and glassware manufacturing (327212)	–	–	–	–	–
	All other glass and glass product manufacturing (in 3272)	? S P	? S P	–	? S P	? S
All other nonmetallic mineral product manufacturing (in 327)		–	–	–	–	–
Primary Metal Manufacturing and Fabricated Metal Product Manufacturing (331 - 332)						
Primary metal manufacturing (331)		–	–	–	–	–
Fabricated metal product manufacturing (332)	Cutlery and Handtool manufacturing (3322)	? S P	? S P	–	? S P	? S
	All other fabricated metal product manufacturing (in 332)	–	? S P	–	? S P	? S
Machinery Manufacturing (333)						
Agriculture, construction, and mining machinery manufacturing (3331)		–	–	–	–	–
All other machinery manufacturing (in 333)		–	? S P	–	? S P	? S
Computer and Electronic Product Manufacturing (334)						

Computer and peripheral equipment manufacturing (334)		? S P	? S P	–	? S P	? S
Electrical Equipment, Appliance, and Component Manufacturing (335)						
Electric lighting equipment manufacturing (3351)		? S P	? S P	–	? S P	? S
Household appliance manufacturing (3352)	Small electrical appliance manufacturing (33521)	? S P	? S P	–	? S P	? S
	Major household appliance manufacturing (33522)	–	–	–	–	–
All other electrical equipment and component manufacturing (in 335)		–	–	–	–	–
Transportation Equipment Manufacturing (336)						
Transportation equipment manufacturing (336)		–	–	–	–	–
Furniture and Related Product Manufacturing (337)						
Furniture and related product manufacturing (337)		? S P	? S P	–	? S P	? S
Miscellaneous Manufacturing (339)						
Medical equipment and supplies manufacturing (3391)		? S P	? S P	–	? S P	? S
Other miscellaneous manufacturing (3399)		? S P	? S P	–	? S P	? S

32-202 - Use Group X - uses subject to size limitations

LAST AMENDED

6/6/2024

For #uses# denoted with a “S” in Section 32-201 (Use Group X – general use allowances), the specific size limitations shall be as follows:

(a) All permitted #uses# in C1 Districts that are #select commercial overlays# shall not exceed 3,000 square feet of #floor area# per establishment.

(b) All permitted #uses# in C1 Districts that are not #select commercial overlays# or C2 Districts shall not exceed 5,000 square feet of #floor area# per establishment.

(c) All permitted #uses# in C4 through C7 Districts shall not exceed 10,000 square feet of #floor area# per establishment on the ground floor and without limitation on overall #floor area# above the ground floor.

32-203 - Use Group X - additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section 32-201 (Use Group X – general use allowances), the limitations in this Section shall apply.

(a) Permitted #uses# in all #Commercial Districts# shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive. However, beverage manufacturing establishments shall not be subject to the provisions of Section 42-47

(Performance Standards Regulating Fire and Explosive Hazards).

(b) In addition to the requirements of paragraph (a) of this Section, in C1 or C2 Districts, or C4 through C7 Districts, all permitted #uses# shall meet the following requirements:

(1) Such #use# does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and

(2) Such #use# is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

32-204 - Use Group X – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

In C1 or C2 Districts, or C4 through C8 Districts, all permitted #uses# are classified in parking requirement category B except that #uses# located above the ground floor shall be classified in parking requirement category C.

32-30 - STREETSCAPE REGULATIONS

LAST AMENDED
6/6/2024

The provisions of Section 32-30, inclusive, set forth streetscape regulations on designated #street# frontages. Such provisions shall apply as follows:

(a) The provisions of Sections 32-31, 32-32 and 32-33, inclusive, apply to #developments# or #ground floor level# #enlargements# of #buildings# along #Tier A#, #Tier B# and #Tier C street frontages#, respectively.

(b) The provisions of Section 32-34 apply to changes of #use# to existing #buildings# along #Tier A#, #Tier B# and #Tier C street frontages#.

(c) The provisions of Section 32-35 set forth special streetscape rules for certain areas.

For #zoning lots# with multiple #street# frontages, each frontage shall be considered separately as a #Tier A#, #Tier B# or #Tier C# frontage, as applicable.

Special Purpose Districts or other provisions of this Resolution may modify or supplement the provisions of this Section, inclusive.

The Board of Standards and Appeals may permit modifications to the provisions of this Section, inclusive, pursuant to Section 73-32.

For #ground floor levels# of #buildings# that are designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission the Chairperson of the City Planning Commission shall modify the provisions of this Section, by certification, to the extent necessary to facilitate the #ground floor level# design of a #building# that has received a Certificate of Appropriateness from the Landmarks Preservation Commission.

32-301 - Definitions

LAST AMENDED
12/5/2024

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS), except where explicitly stated otherwise in individual provisions in this Chapter.

Blank wall

A "blank wall" shall be a #street wall#, or portions thereof, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level#.

Ground floor level

The "ground floor level" shall refer to a #building's# lowest #story# where the level of the finished floor is located within five feet of the adjoining sidewalk.

Minimum qualifying depth

The "minimum qualifying depth" shall refer to the minimum depth to which #ground floor level# #use# or parking wrap regulations apply. Such restrictions shall apply to a minimum depth of 30 feet, as measured perpendicular to the #ground floor level# #street wall# facing the applicable #street# frontage. However, within such depth, vertical circulation cores and associated egress paths, as well as structural or other building infrastructure elements associated with upper #stories# of the #building#, shall be permitted obstructions.

Tier A street frontage

A “Tier A street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#, that is not a #Tier B# or #Tier C street frontage#.

Tier B street frontage

A “Tier B street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in the #special streetscape area# that is located within C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#.

Tier C street frontage

A “Tier C street frontage” shall be that portion of the #ground floor level# #street# frontage of a #zoning lot# along a #street# specifically designated as such in a Special Purpose District or other streetscape provision of this Resolution.

Impeded access frontage

An “impeded access frontage” shall refer to #zoning lot# frontages along a #transportation-infrastructure-adjacent frontage# where direct vehicular or pedestrian access to areas beyond such infrastructure is inaccessible from all #streets# bounding the #block# containing the subject #zoning lot#.

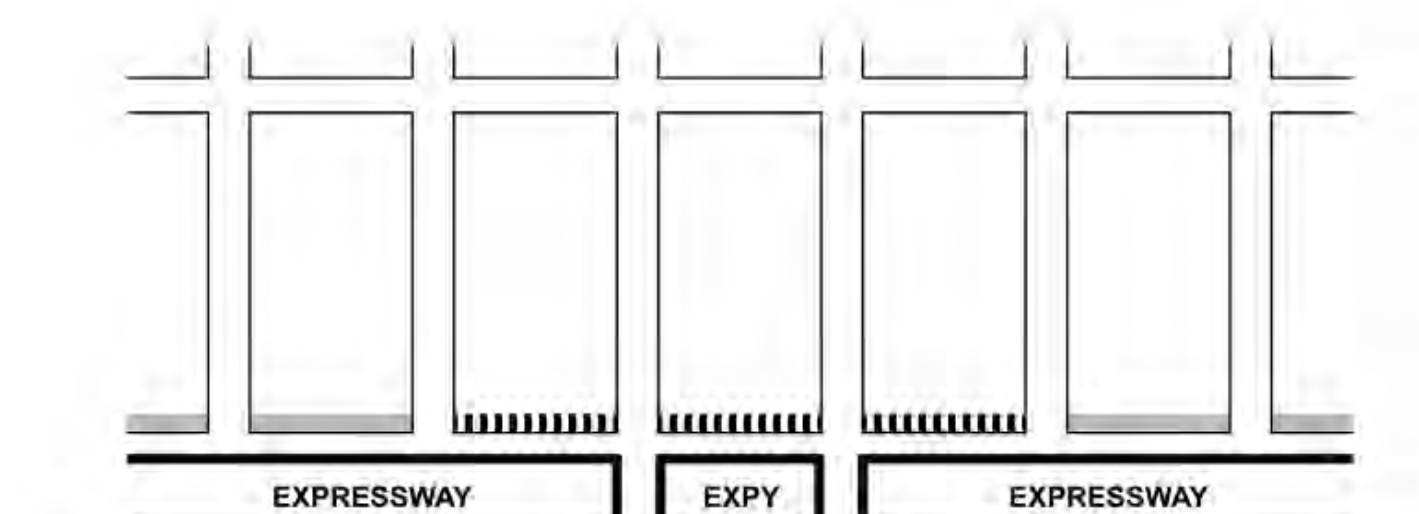


DIAGRAM ILLUSTRATING IMPEDED ACCESS FRONTAGE

32-302 - Exceptions

LAST AMENDED
12/5/2024

The provisions of Section 32-30, inclusive, shall not apply to:

(a) #zoning lot# frontages along the same #street# frontage as a ramp accessing a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to adjoining land, provided that:

(1) a portion of such #zoning lot# frontage is within 1,000 feet of such ramp, as measured along the #street#; and

(2) there are no entrances to a #mass transit station#, as defined in Section 66-11, within such 1,000-foot measurement; or

(b) #zoning lots# with a #lot area# greater than five acres and located entirely outside the #special streetscape area#.

32-303 - Applicability for zoning lots with multiple buildings

LAST AMENDED
6/6/2024

For #zoning lots# with existing #buildings# to remain:

(a) only the portion of the #zoning lot# containing a #development# or #ground floor level# #enlargement# shall be considered for the purposes of applying the regulations of Sections 32-31, 32-32 and 32-33, inclusive; and

(b) only the portion of the #zoning lot# frontage associated with the #building# containing the alteration or change of #use# shall be considered for the purposes of determining the applicable regulations of Section 32-34.

32-31 - Regulations for Tier A Street Frontages

LAST AMENDED
6/6/2024

The provisions of this Section, inclusive, shall apply to the #ground floor level# #street# frontage of a #building# along a #Tier A street frontage#. Such provisions include #ground floor level#:

(a) #blank wall# restrictions, as set forth in Section 32-311; and

(b) parking restrictions, as set forth in Section 32-312.

32-311 - Blank wall provisions

LAST AMENDED
6/6/2024

Along the #Tier A street frontage# of a #ground floor level#, for any #blank walls#, at least 70 percent of the surface area of such #blank wall# shall be mitigated with wall treatment, in the form of permitted #signs#, subject to the provisions of Section 32-60, murals or other visual artwork, or living plant material. Any portion of a mural or other artwork that incorporates addresses, text or logos related to the #building# or tenants therein, shall be considered a #sign#.

32-312 - Ground floor level parking restrictions

LAST AMENDED
6/6/2024

Along the #Tier A street frontage# of a #ground floor level#, the following shall apply:

(a) Parking wrap or screening provisions

Portions of a #ground floor level# allocated to #accessory# off-street parking facilities or #public parking garages#, except for permitted entrances and exits, shall be either wrapped by #floor area# that is allocated to non-parking #uses#, to the #minimum qualifying depth#, or shall be screened such that:

(1) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;

(2) opaque materials shall be located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and

(3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, subject to the provisions of Section 32-60, murals or other visual artwork, decorative screening or latticework, or living plant material. Any portion of a murals or other artwork that incorporates addresses, text or logos related to the #building# or tenants therein, shall be considered a #sign#.

(b) Limitations on open parking

No open parking associated with #accessory# off-street parking facilities or #public parking lots# shall be permitted between the #street line# and the #street wall# of the #building# or its prolongations.

Open parking beyond the prolongation of a #street wall# shall be screened from any #Tier A street frontage# by a strip at least four feet wide, densely planted with vegetation which may be expected to form a year-round screen at least three feet high within three years. For #zoning lots# with multiple #Tier A street frontages#, these provisions need only apply along one frontage.

32-32 - Regulations for Tier B Street Frontages

LAST AMENDED
6/6/2024

The provisions of this Section, inclusive, shall apply to the #ground floor level# #street# frontage of a #building# along a #Tier B street frontage#. Such provisions include #ground floor level#:

(a) #use# and transparency requirements, as set forth in Section 32-321;

(b) alternative regulations, for certain #block# frontages, as set forth in Section 32-322; and

(c) curb cut restrictions for all frontages, as set forth in Section 32-323.

32-321 - Ground floor level use and transparency requirements

LAST AMENDED
6/6/2024

Along the #Tier B street frontage# of a #ground floor level#, #use# modifications are set forth in paragraph (a) of this Section and transparency requirements are set forth in paragraph (b).

(a) #Ground floor level# #uses#

On the portion of a #ground floor level# facing a #Tier B street frontage#, within the #minimum qualifying depth#, the underlying #use# regulations are modified as follows:

(1) #dwelling units# shall not be permitted;

(2) #uses# listed under Use Group III(A) shall not be permitted;

(3) #uses# listed under Use Group IV shall be limited to those listed under Public Service Buildings, and Renewable Energy and Green Infrastructure;

(4) guest rooms or suites associated with Transient Accommodations listed under Use Group V shall not be permitted;

(5) #uses# listed under Use Group VII shall be limited in size to 5,000 square feet per establishment;

(6) the maximum #street wall# width of ancillary #residential uses# or lobbies accessing #uses# not permitted on the #ground floor level# shall be limited to 50 percent of the #ground floor level# #street# frontages, or 50 feet, whichever is greater;

(7) off-street parking spaces or loading berths, shall not be permitted, except that:

(i) entrances and exits to parking and loading facilities located beyond the #minimum qualifying depth# shall be permitted, subject to any applicable curb cut regulations of this Section, inclusive, or this Resolution;

(ii) for #buildings# along a #Tier B street frontage#, and no frontage along another #street# where a loading berth is permitted, loading berths with a maximum #street wall# width of 50 feet shall be permitted; and

(iii) for #buildings# with a #street wall# width in excess of 100 feet and with no frontage along another #street# where parking spaces are permitted within a #minimum qualifying depth#, parking spaces shall be permitted in the #street wall# portion in excess of 100 feet, provided that:

(a) the maximum #street wall# width of such parking spaces does not exceed 50 feet;

(b) the frontage allocated to such parking spaces shall be included in the maximum percentage permitted for ancillary #residential uses# or lobbies; and

(c) such parking spaces shall be screened in accordance with the provisions for #Tier A street frontages# set forth in paragraph (a) of Section 32-312.

(8) entrances and exits to #mass transit stations#, as defined in Section 66-11, shall be permitted without restriction.

(b) Transparency requirements

Along the #Tier B street frontage# of a #ground floor level#, #street walls# shall be glazed with transparent materials, which may include #show windows#, transom windows, or glazed portions of doors.

Such transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level# #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet.

However, such transparency requirements shall not apply to portions of the #ground floor level# occupied by entrances or exits to parking or loading facilities, to doors accessing emergency egress stairwells and passageways, or to #community facility buildings#.

32-322 - Alternate ground floor level regulations for certain frontages

LAST AMENDED
6/6/2024

Along the #Tier B street frontage# of a #ground floor level#, as an alternative to the provisions of Section 32-321, the provisions of paragraph (b) of this Section may be applied where the qualifying criteria set forth in paragraph (a) is met.

(a) Qualifying criteria

The provisions of this Section may be applied along a #Tier B street frontage# where one of the following criteria are met:

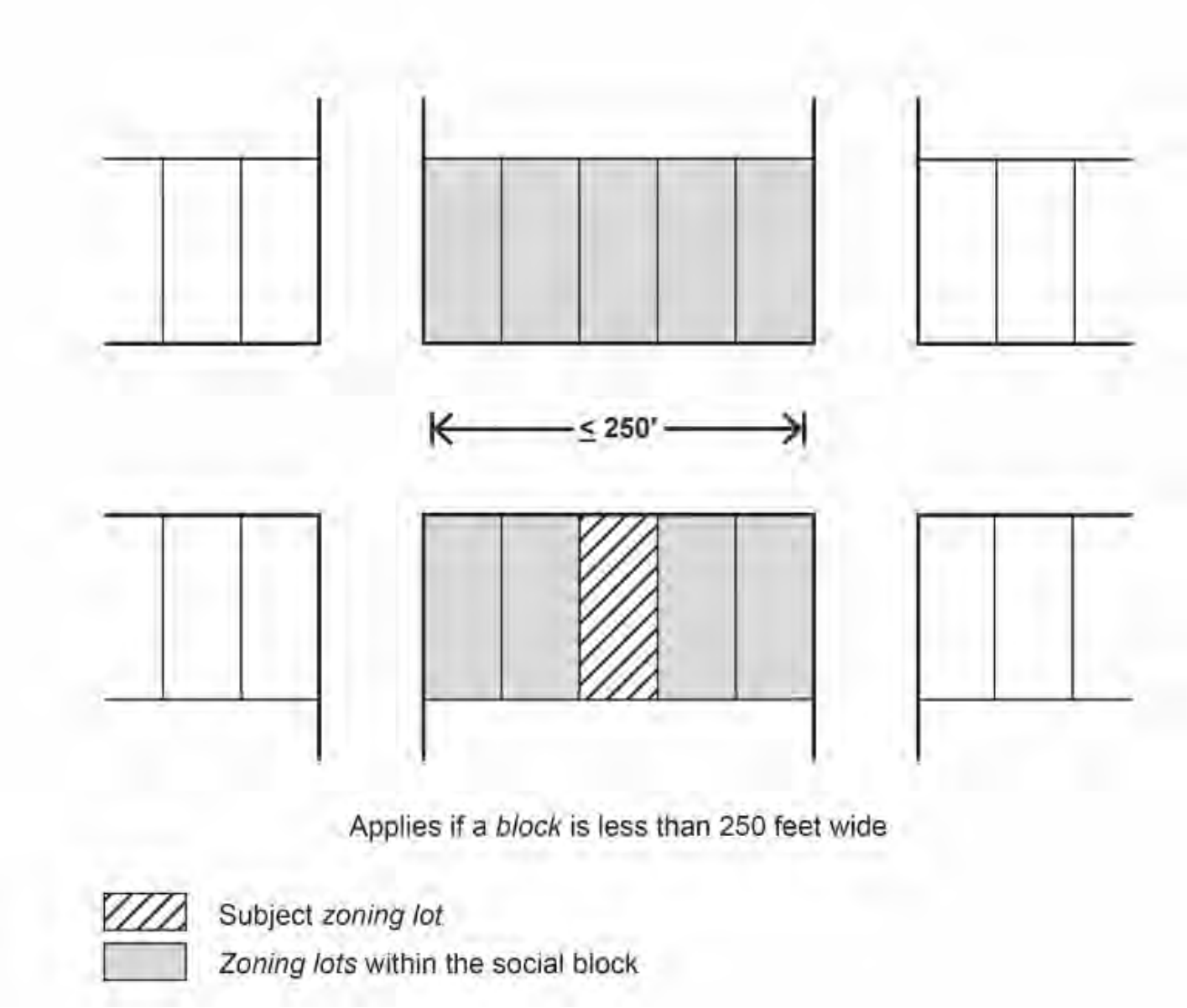
(1) the #zoning lot# frontage is an #impeded access frontage#;

(2) there is a #Residence District#, #Manufacturing District# or C3 or C8 District mapped along the same #street# frontage as the #zoning lot# frontage either on the same #block#, or along a portion of the #block# across the #street# from the #zoning lot#;

(3) the #zoning lot# has multiple #street# frontages, and for #zoning lots# with two #street# frontages, at least one frontage, and for #zoning lots# with three or more #street # frontages, at least two #street# frontages, will meet either the standard requirements for #Tier B street frontages# in Section 32-321 or the applicable regulations for #Tier C street frontages#; or

(4) where, at the time of application for a permit for a #development# or #ground floor level# #enlargement#, less than 75 percent of the #street line# width of #zoning lots# on the 'social block' surrounding the subject #zoning lot# are allocated to #zoning lots# with #commercial buildings# or #mixed buildings#.

For the purposes of this Section, the 'social block' shall be the portion of the #block# containing the subject #zoning lot# that abuts the #Tier B street frontage#, as well as the portion of the #blocks# immediately across the #Tier B street frontage# from such #block#. Such calculation shall contain all the #zoning lots# along such #block# frontage except that where the width of any such #block# frontage exceeds 250 feet, the calculation need only extend 100 feet from the outermost extents of the subject #zoning lot#, as measured along the #street line#.



EXAMPLE OF 'SOCIAL BLOCK'

(b) Alternative provisions

Where the qualifying criteria is met, along the #Tier B street frontage# of the #ground floor level#, the following shall apply:

(1) Parking wrap and location

(i) Along #wide streets#

For #ground floor level# frontages along #wide streets#, portions of a #ground floor level# allocated to #accessory# off-street parking facilities or #public parking garages#, except for permitted entrances and exits, shall be located behind #floor area# that is allocated to non-parking #uses#, to a #minimum qualifying depth#, so that no portion of such facility is visible from adjacent public sidewalks. However, for #buildings# with a #street wall# width in excess of 100 feet and with no frontage along another #street# where parking spaces are permitted within a #minimimum qualifying depth#, the provisions of paragraph (a)(7)(iii) of Section 32-321 may be applied.

(ii) Along other #street# frontages

For #ground floor level# frontages along other frontages, portions of a #ground floor level# allocated to #accessory# off-street parking facilities or #public parking garages#, may be wrapped by #floor area#, or screened, in accordance with the provisions for #Tier A street frontages# set forth in paragraph (a) of Section 32-312. No open parking shall be visible from adjacent public sidewalks.

(2) Blank walls

Along the #Tier B street frontage# of a #ground floor level#, for any #blank walls#, at least 70 percent of the surface area of such #blank wall# shall be mitigated with wall treatment, in the form of permitted #signs#, subject to the provisions of Section 32-60, murals or other visual artwork, or living plant material. Any portion of a murals or other artwork that incorporates addresses, text or logos related to the #building# or

tenants therein, shall be considered a #sign#.

32-323 - Ground floor level curb cut restrictions

LAST AMENDED
6/6/2024

Along the #Tier B street frontage# of a #ground floor level#, the following curb cut restrictions shall apply:

For #zoning lots# with frontage along a standard #Tier B street frontage# subject to the provisions of Section 32-321 and frontage along another #street# that is neither a standard #Tier B# nor a #Tier C street frontage#, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along such standard #Tier B street frontage#.

32-33 - Regulations for Tier C Street Frontages

LAST AMENDED
6/6/2024

The provisions of this Section, inclusive, shall apply to the #ground floor level# #street# frontage of a #building# along a #Tier C street frontage#.

The provisions for #Tier B street frontages#, as set forth in Section 32-32, inclusive, shall apply, except that the regulations of Section 32-322 shall not be permitted as an alternative to those of Section 32-321. Such provisions of Section 32-32, inclusive, are further modified by the provisions of this

Section, inclusive

32-331 - Ground floor level use modifications

LAST AMENDED
6/6/2024

Along #Tier C street frontages#, the #ground floor level# #use# limitations set forth in paragraph (a) of Section 32-321 shall be modified as follows:

(a) in addition to #dwelling units#, ancillary #residential uses#, other than lobbies and associated amenities, shall not be permitted on the #ground floor level# within the #minimum qualifying depth#;

(b) the maximum length of lobbies accessing #uses# not permitted on the #ground floor level#, shall be limited to a maximum #street wall# length, in total, of 25 percent of the #street wall# width of the #building# along the #Tier C street frontage#, or 25 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 10 feet.

However, in C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, the maximum lobby length shall be modified such that the maximum #street wall# length, in total, shall not exceed 25 percent of the #street wall# width of the #building# along the #Tier C street frontage#, or 50 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 20 feet;

(c) no parking spaces or loading berths shall be permitted within the #minimum qualifying depth#; and

(d) in C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, for #buildings# with a #street wall# width greater than 50 feet, within the portion of the #ground floor level# #street# frontage that is required to be allocated to non-#residential uses# to the #minimum qualifying depth#, at least 50 percent of such frontage shall be allocated to #uses# in Use Groups VI or VIII.

32-332 - Ground floor level curb cut restrictions

LAST AMENDED7/14/2025

Along the #Tier C street frontage# of a #ground floor level#, the following curb cut restrictions shall apply: for #zoning lots# with frontage along a #Tier C street frontage# and frontage along another #street# that is not a #Tier C street frontage#, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along such #Tier C street frontage#.

32-34 - Regulations for Existing Buildings

LAST AMENDED
6/6/2024

The provisions of this Section shall apply to the #ground floor level# of existing #buildings# along #Tier A#, #Tier B#, or #Tier C street frontages#.

(a) Along #Tier A# frontages#

Along the #Tier A street frontage# of a #ground floor level#, as applicable, no alteration associated with the continuation of an existing #use# or change of #use# shall increase the extent of a pre-existing #blank wall#, modify the location of parking spaces, or add curb cuts along a #street# frontage in a manner that would create a new #non-conformity# or increase an existing #non-conformity# by more than 10 percent with regards to the applicable regulations for a #development# or #ground floor level# #enlargement#.

(b) Along #Tier B# or #Tier C street frontages#

Along the #Tier B# or #Tier C street frontage# of a #ground floor level#, as applicable, no alteration associated with the continuation of an existing #use# or change of #use# shall introduce a #use#, reduce a #minimum qualifying depth#, increase the #street wall# width of restricted #uses#, reduce transparency, increase the extent of a pre-existing #blank wall#, modify the location of parking spaces, or add curb cuts along a #street# frontage in a manner that would create a new #non-conformity# or increase an existing #non-conformity# by more than 10 percent with regards to the applicable regulations for a #development# or #ground floor level# #enlargement#.

32-35 - Special Rules for Certain Areas

LAST AMENDED
6/6/2024

32-351 - Ground floor use requirements in high-density areas

LAST AMENDED
6/6/2024

For all #Commercial Districts# mapped within, or with a #residential equivalent# of, R9 through R12 Districts, or #Commercial Districts# where the #floor area ratio# for #commercial uses# is greater than 10.0, the applicable #ground floor level# streetscape provisions of this Chapter shall apply, except that for #ground floor level# #street# frontages on #wide streets#, the alternative provisions for #Tier B street frontages# set forth in Section 32-322 shall not apply. However, the provisions of this Section shall not apply within any Special Purpose District.

32-352 - Ground floor use requirements in the Borough of Staten Island

LAST AMENDED
6/6/2024

For all C1, C2 or C4 Districts in the Borough of Staten Island, the applicable #ground floor level# streetscape provisions of this Chapter shall apply, except that #ground floor level# #street# frontages on #wide streets#, or along #narrow streets# where such a C1, C2 or C4 District is mapped along the entire #block# frontage, shall be considered #Tier C street frontages#.

32-40 - SUPPLEMENTARY USE REGULATIONS

LAST AMENDED
12/15/1961

32-41 - Enclosure Within Buildings

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions) and 36-61 (Permitted Accessory Off-street Loading Berths), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

#Accessory# #uses# may be open or enclosed, notwithstanding any limitations on the principal #use#, provided that any open #accessory# #uses# are customarily found in connection with such principal #use#.

32-411 - In C1, C5, C6-5 or C6-7 Districts

LAST AMENDED
2/24/2022

C1 C5 C6-5 C6-7

In the districts indicated, all such #uses# shall be located within #completely enclosed# #buildings# except for store fronts or store windows, associated with eating and drinking establishments, which may be opened to serve customers outside the #building# upon the adoption of initial rules governing the Permanent Open Restaurants program by an authorized agency following authorizing legislation by the City Council.

32-412 - In other Commercial Districts

LAST AMENDED
12/5/2024

C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed# #buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

32-413 - Drive-through facilities

LAST AMENDED
6/6/2024

In C1 through C7 Districts, #accessory# drive-through facilities for any #use# listed in Use Group VI, as set forth in Section 32-16 (Use Group VI – Retail and Services), may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section 73-311 (Drive-through facilities).

32-42 - Location Within Buildings

LAST AMENDED
12/15/1961

32-421 - Limitation on floors occupied by commercial uses

LAST AMENDED
6/6/2024

C1 C2 C3

In the districts indicated, in any #building#, or portion of a #building#, not more than two #stories# may be occupied by #commercial# #uses# listed in Use Groups VI through X.

However, for #buildings# containing #residences#:

(a) no #conversion# shall be permitted from #dwelling units# to such #commercial uses# on a second #story#:

(1) in a #building# constructed before September 17, 1970 and located in C1 or C2 Districts mapped within, or with an equivalent of, an R9 or R10 District; or

(2) in a #building# constructed before June 6, 2024, in all other districts;

(b) the environmental requirements set forth in Section 32-423 shall be met, where applicable;

(c) such #commercial uses# may be permitted on the same #story# as #residences#, provided that no access exists between such #uses# at any level containing #dwelling units#;

(d) no #commercial uses# shall be located above any #story# containing #dwelling units#; and

(e) in C1 or C2 Districts that are #select commercial overlays# the following #commercial uses# shall not be permitted on the second #story# where such #story# also contains #dwelling units#:

From Use Group VIII

All #uses# listed under Amusement and Recreation Facilities

#Accessory# mechanical equipment serving #commercial# #uses# listed in such use groups shall not be subject to the location restrictions of this Section.

32-422 - Location of floors occupied by commercial uses

LAST AMENDED
6/6/2024

C4 C5 C6

In the districts indicated, in any #building# containing #residences#, #commercial# #uses# may be permitted on the same #story# as a #residential use#, or on a #story# higher than that occupied by #residential uses#, provided that:

(a) no #conversion# shall be permitted from #dwelling units# to such #commercial# #uses# in a #building# constructed before June 6, 2024;

(b) the environmental requirements set forth in Section 32-423 shall be met, where applicable;

(c) no access exists between such #uses# at any level containing #dwelling units#; and

(d) the following #commercial# #uses# shall not be permitted on a #story# above #dwelling units#:

From Use Group VI:

Eating or drinking establishments, in locations outside of the Borough of Manhattan;

From Use Group VIII

All #uses# listed under Amusement and Recreation Facilities.

#Accessory# mechanical equipment serving #commercial uses# listed in such Use Groups shall not be subject to the location restrictions of this Section.

32-423 - Additional environmental standards for certain uses

LAST AMENDED
6/6/2024

Where #commercial uses# are located either on the same #story# as #dwelling units#, or on a higher #story#, pursuant to the applicable provisions of Section 32-421 and 32-422, the provisions of this Section shall apply to #uses# listed in Use Group VI, as set forth in Section 32-16 (Use Group VI – Retail and Services), inclusive, #uses# listed in Use Group VIII, as set forth in Section 32-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces), inclusive, #uses# listed in Use Group IX, as set forth in Section 32-19 (Use Group IX - Storage) and #uses# listed in Use Group X, as set forth in Section 32-20 (Use Group X – Production Uses).

(a) Air quality

Where a #use# listed in Use Group X is required to install an emission stack by Federal, State or Local law, such stack shall exhaust above the height of #building# containing such #use#, or above the height of the immediately adjacent #buildings#, whichever is higher.

(b) Noise

Above the level of the first #story#, where the applicable #commercial# #uses# are located on the same #story# as a #dwelling unit# or a #story# higher than a #dwelling unit#, such #uses# shall either:

(1) be separated from #dwelling units# by a horizontal or vertical distance of at least 15 feet and includes at least two wall or ceiling partitions, as applicable; or

(2) provide attenuation that will result in a sound level below 42 dBA for daytime and 35 dBA for nighttime, as measured from the interior of the closest #dwelling units#. Such measurement shall be verified by an acoustical engineer prior to the issuance of a certificate of occupancy by the Department of Buildings.

(c) Vibration

Above the level of the first #story#, where the applicable #commercial# #uses# are located on the same #story# as a #dwelling unit# or a #story# higher than a #dwelling unit#, such #uses# shall be subject to the provisions of Section 42-22 (Performance Standards Regulating Vibration) for an M1 District, except that the measurements for maximum vibration displacements shall be measured within the #building# instead of at the #lot line#. Such measurement shall be verified by a vibration or acoustical engineer prior to the issuance of a certificate of occupancy by the Department of Buildings.

32-43 - Limitations on Business Entrances, Show Windows or Signs

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the location of primary business entrances, #show windows# or #signs# shall be subject to the provisions of this Section.

For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot# notwithstanding the 100-foot limitation in the definition of #corner lots# in Section 12-10 (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

(a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;

(b) service entrances, or other entrances less than 3 feet, 6 inches in width;

(c) windows other than #show windows#; or

(d) ventilators, fire escapes or other appurtenances required by law.

32-431 - For zoning lots with single frontage

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with single frontage, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage within a distance of 20 feet from frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof within the #Commercial District# is less than 30 feet in length, the minimum distance shall be reduced to 10 feet. For #zoning lots# with a frontage of more than 30 feet, an application may be made to the Board of Standards and Appeals to reduce such minimum distance to 10 feet, as provided in Section 73-50 (Special Provisions Applying Along District Boundaries).

32-432 - For corner lots

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no primary business entrance, #show window#, or #sign# shall be located on that portion of the #street# frontage of a #corner lot# within 75 feet of frontage on the same side of the #street# in a #Residence District#.

However, primary business entrances, #show windows# or #signs# may be located on frontage less than 75 feet, but not less than 20 feet, from a #Residence District# boundary:

(a) if the total length of the #block# face containing such frontage is less than 220 feet;

(b) if such frontage adjoins frontage on a #corner lot# in a #Residence District#; or

(c) if such frontage is separated from frontage in the #Residence District# by one or more #zoning lots# with single frontage.

32-433 - Exceptions for integrated developments divided by district boundaries

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Commercial District#, if the Commissioner of Buildings finds that the #zoning lot# on which the business entrance, #show window# or #sign# is to be located:

(a) is divided by a boundary between the #Commercial District# and a #Residence District#; or

(b) is currently in the same ownership as adjoining property located in a #Residence District# and no #building# in the #Residence District# exists, or will in the future be erected, within a distance of 75 feet from the #Commercial District#, as evidenced by deed restrictions filed in an office of record binding the owner and the owner's heirs and assigns.

32-60 - SIGN REGULATIONS

LAST AMENDED
12/15/1961

32-61 - Definitions

LAST AMENDED
11/19/1987

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

32-62 - Permitted Signs

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #signs# other than #advertising signs# are permitted subject to the provisions of the following Sections:

Section 32-64 (Surface Area and Illumination Provisions)

Section 32-65 (Permitted Projection or Height of Signs)

Section 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 32-67 (Special Provisions Applying along District Boundaries)

Section 32-68 (Permitted Signs on Residential or Mixed Buildings)

Section 32-69 (Additional Sign Regulations for Adult Establishments)

However, notwithstanding any provision of this Section, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility# #uses# of a civic, philanthropic, educational or religious nature, are permitted in all districts, as indicated, without limitation.

32-63 - Permitted Advertising Signs

LAST AMENDED
6/6/2024

C6-5 C6-7 C8

In the districts indicated, #advertising signs# are permitted subject to the applicable provisions of the following Sections:

Section 32-64 (Surface Area and Illumination Provisions)

Section 32-65 (Permitted Projection or Height of Signs)

Section 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 32-67 (Special Provisions Applying along District Boundaries)

Section 32-68 (Permitted Signs on Residential or Mixed Buildings).

32-64 - Surface Area and Illumination Provisions

LAST AMENDED
2/27/2001

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# shall be subject to the restrictions on #surface area# and illumination as set forth in this Section, provided that the following #signs# shall be exempted from such restrictions on #surface area#:

> #Illuminated# non-#flashing signs# other than #advertising signs# located in a window within a #building#, with a total #surface area# not exceeding eight square feet on any #zoning lot# and limited to not more than three such #signs# in any window.

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

No #illuminated sign# shall have a degree or method of illumination which exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences#, #loft dwellings# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences#, #loft dwellings# or #joint living-work quarters for artists#.

32-641 - Total surface area of signs

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the total #surface area# of all permitted #signs#, including non-#illuminated# or #illuminated signs#, shall not exceed the limitation established for non-#illuminated signs#, as set forth in Section 32-642.

32-642 - Non-illuminated signs

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding those shown in the following table are permitted:

District	Maximum Surface Area
C3	50 square feet

C1 C2	Three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 150 sq. ft. for #interior# or #through lots# or 150 sq. ft. on each frontage for #corner lots#.
C5-1 C5-2 C5-3 C5-5	Three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 200 sq. ft. for #interior# or #through lots# or 200 sq. ft. on each frontage for #corner lots#.
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7	Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 sq. ft. for #interior# or #through lots# or 500 sq. ft. on each frontage for #corner lots#.
C8	Six times the #street# frontage of the #zoning lot# (in feet), but in no event more than 750 sq. ft. for each #sign#.
C6-5 C6-7	No restrictions as to size

32-643 - Illuminated non-flashing signs

LAST AMENDED

12/15/1961

C1 C2

In the districts indicated, #illuminated# non-#flashing signs# are permitted with a total #surface area# (in square feet) not exceeding three times the #street# frontage of the #zoning lot# in feet, but in no event shall the total #surface area# exceed 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#.

32-644 - Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts

LAST AMENDED
12/5/2024

C4 C5-4 C6 C7

In the districts indicated, #illuminated# or #flashing signs# with total #surface areas# not exceeding those shown in the following table are permitted:

District	Maximum Surface Area (in square feet)
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7	Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#.

C6-5 C6-7	No restrictions as to size

However, in a C6-1A District, #flashing signs# are not permitted.

32-645 - Illuminated or flashing signs in C8 Districts

LAST AMENDED
4/8/1998

C8

In the district indicated, #illuminated# or #flashing signs#, other than #advertising signs#, and #advertising signs# with indirect illumination, are permitted, provided that the total #surface area# of all such #signs# (in square feet) shall not exceed five times the #street# frontage of the #zoning lot# (in feet) and that the #surface area# of each #sign# shall not exceed 500 square feet.

32-65 - Permitted Projection or Height of Signs

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section.

32-651 - Permitted projection in C6-5 or C6-7 Districts

LAST AMENDED
6/6/2024

C6-5 C6-7

In the districts indicated, except as otherwise provided in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than eight feet.

32-652 - Permitted projection in all other Commercial Districts

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7 C8

In the districts indicated, except as otherwise provided in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#.

32-653 - Additional regulations for projecting signs

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

(a) Non-#illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment contained therein.

(b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# in a district other than a C6-5 or C6-7 District shall project more than 48 inches above nor more than 12 inches below such marquee.

32-654 - Height of signs in C8 Districts

LAST AMENDED
12/15/1961

C8

In the district indicated, permitted #signs# shall not extend to a height greater than 40 feet above #curb level#, provided that non-#illuminated signs# or #signs with indirect illumination# may extend to a maximum height of 58 feet.

32-655 - Height of signs in all other Commercial Districts

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7

In the districts indicated, no permitted #sign# shall extend above #curb level# at a height greater than the following:

Districts	Maximum Height (in feet)
C1 C2 C3 C5-1 C5-2 C5-3 C5-5	25
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7	40
C6-5 C6-7	No restriction as to height

32-656 - Height of signs above roof

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7

In the districts indicated, no #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, except that a vertical #sign#, the horizontal width of which, parallel to the wall, does not exceed 28 inches, may extend no higher than 15 feet above the roof level.

32-657 - Roof signs

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7

In the districts indicated, no #signs# shall be permitted on the roof of any #building#.

32-66 - Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways

LAST AMENDED
2/27/2001

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

32-661 - Additional regulations for signs other than advertising signs

LAST AMENDED
6/6/2024

C6-5 C6-7 C8

In the districts indicated, and within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, no permitted #sign# that is within view of such arterial highway or #public park# shall exceed 500 square feet of #surface area#.

Beyond 200 feet from such arterial highway or #public park#, the surface area of such #signs# may be increased one square foot for each linear foot such #sign# is located from the arterial highway or #public park#.

Upon application, these requirements shall be waived, provided that the Chairperson of the City Planning Commission certifies that:

(a) such waiver is limited to a single, non-#flashing sign# that is located on a #zoning lot# not less than one and one-half acres; and

(b) all other permitted #signs# located on such #zoning lot# that are subject to the provisions of this Section conform with all the #sign# regulations applicable in C1 Districts.

32-662 - Additional regulations for advertising signs

LAST AMENDED
6/6/2024

C6-5 C6-7 C8

In all districts, as indicated, no #advertising sign# shall be located, nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed within 200 feet of an arterial highway or of a

#public park# with an area of one half acre or more, if such #advertising sign# is within view of such arterial highway or #public park#. For the purposes of this Section, arterial highways shall include all highways which are shown on the Master Plan of Arterial Highways and Major Streets, as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply. Beyond 200 feet from such arterial highway or #public park#, an #advertising sign# shall be located at a distance of at least as many linear feet therefrom as there are square feet of #surface area# on the face of such #sign#. However, in all districts as indicated, the more restrictive of the following shall apply:

(1) Any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on May 31, 1968.

(2) Any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968 and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height, and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on November 1, 1979. All #advertising signs# not in conformance with the standards set forth herein shall terminate.

32-663 - Advertising signs on waterways

LAST AMENDED
2/27/2001

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Commercial Districts# and within view from an arterial highway. For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section, #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

32-67 - Special Provisions for Certain Areas

LAST AMENDED
6/6/2024

32-671 - Special provisions applying along district boundaries

LAST AMENDED
6/6/2024

C2 C3 C4 C5 C6 C7 C8

In the districts indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one-half acre or more, no #advertising sign# that faces at an angle of less than 165 degrees away from such #Residence District# or park boundary shall be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth

in Sections 32-62 through 32-68, inclusive, relating to Sign Regulations.

32-672 - Special provisions for high density areas

LAST AMENDED
6/6/2024

In addition to the applicable district regulations in C1 or C2 Districts mapped within, or with a #residential equivalent# of, R9 through R12 Districts, and C4-6, C4-9, C4-11 and C4-12 Districts, all #signs#, other than #advertising signs# and window #signs#, shall be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above #curb level#. Where there is a grade change of at least 1.5 feet in 100 along the portion of the #street# upon which the #development# fronts, such signage band may be staggered along such #street#.

When a #building# on a #contiguous lot# or #contiguous block# contains #accessory# business #signs# within a coordinated horizontal band along its #street# frontage, the signage strip along the #development# shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

32-68 - Permitted Signs on Residential or Mixed Buildings

LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, any #use# listed in Use Group II shall conform to the #sign# regulations for #Residence Districts# set forth in Sections 22-52 through 22-54. In #residential# or #mixed buildings#, #residential sign# regulations shall apply to the #residential# portion.

Where non-#residential# #uses# are permitted to occupy two floors of the #building#, all #signs# #accessory# to non-#residential# #uses# located on the second floor shall be non-#illuminated signs#, and shall be located below the level of the finished floor of the third #story#.

32-69 - Additional Sign Regulations for Adult Establishments

LAST AMENDED
4/8/1998

C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C7 C8

#Signs#, other than #advertising signs#, for #adult establishments# are permitted only as set forth in this Section and are limited to locations in the districts indicated.

All permitted #signs#, other than #advertising signs#, for #adult establishments# shall conform with all the #sign# regulations applicable in C1 Districts as set forth in this Chapter, except that the provisions of Section 32-64 (Surface Area and Illumination Provisions) shall not apply. In lieu thereof, the maximum #surface area# of all #signs#, other than #advertising signs#, for #adult establishments# shall not exceed, in the aggregate, three times the #street# frontage of the #zoning lot#, but in no event more than 150 square feet per establishment, of which no more than 50 square feet may be #illuminated# non-#flashing signs#.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

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

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

33-00 - APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

LAST AMENDED
12/15/1961

33-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commercial District#, including all #developments# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. 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.

33-02 - Applicability in Special Situations

LAST AMENDED
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to

a #railroad right-of-way#, may be permitted by the Commission pursuant to 74-61.

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

33-03 - Applicability of Article II, Chapter 3 Regulations

LAST AMENDED
12/5/2024

For #commercial# #buildings#, #community facility# #buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

(a) Height and setback

(1) In #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

(2) In all other #Commercial Districts#, the #residential# height and setback regulations may be applied as follows:

(i) The height and setback regulations of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 District, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60, inclusive.

(ii) The height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District without a letter suffix, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60, inclusive.

(b) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential bulk# regulations may also be applied to the entire #building#:

(1) the #rear yard#, #rear yard equivalent# and open area along #side lot line# requirements of Section 23-30, inclusive, applicable to a #multiple dwelling residence#; and

(2) for #community facility# #uses# with sleeping accommodations:

(i) the special #floor area# allowances of Section 23-23 (Special Floor Area Provisions for Multiple Dwelling Residences), inclusive;

(ii) the #court# regulations of Section 23-35 (Court Regulations), inclusive; and

(iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section 23-37 (Other Open Area Regulations).

Any obstructions permitted within a specific open area pursuant to Section 23-30 (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), inclusive, shall also be permitted.

Where a particular #bulk# regulation of Article II, Chapter 3 is applied, it shall supersede the applicable regulations of Article III, Chapter 3.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include "dwelling units" and "rooming units", as set forth in the Housing Maintenance Code.

33-04 - Street Tree Planting in Commercial Districts

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

In C8 Districts, the #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving:

From Use Group VI

Automotive repair and maintenance

#Automotive service stations#

Industrial drycleaning and laundry services

From Use Group IX

All #uses# listed under Use Group IX(A) and IX(C).

33-05 - Outdoor Table Service Areas

LAST AMENDED
2/24/2022

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency shall be permitted within any required sidewalk widening areas.

33-06 - Special Provisions for C7 Districts Mapped Prior to June 6, 2024

LAST AMENDED
6/6/2024

For the purpose of applying the #bulk# regulations of this Chapter, C7 Districts mapped prior to June 6, 2024, shall be considered C7-1 Districts.

33-10 - FLOOR AREA REGULATIONS

LAST AMENDED
12/15/1961

33-11 - Definitions

LAST AMENDED
11/19/1987

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

33-12 - Maximum Floor Area Ratio

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in this Section, except as otherwise provided in the following Sections:

Section 33-13 (Floor Area Bonus for a Public Plaza)

Section 33-14 (Floor Area Bonus for Arcades)

Section 33-15 (Floor Area Bonus for Front Yards)

Section 33-16 (Special Provisions for Zoning Lots Divided by District Boundaries)

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

Except where authorized by express provisions of this Resolution, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 20 percent.

In addition, the following limitations on maximum permitted #floor area# shall apply:

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C4-11A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A

(a) In contextual Commercial Districts

In the districts indicated, and in C1 and C2 Districts mapped within R9A, R9D, R9X, R10A, R10X or R11A Districts, no #floor area# bonuses are permitted.

(b) In Community Board 7, Borough of Manhattan

Within the boundaries of Community Board 7 in Manhattan, in R10 equivalent #Commercial Districts# without a letter suffix, the maximum #floor area ratio# shall not exceed 10.0.

(c) In C6-1A Districts

In C6-1A Districts, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 50 percent.

(d) In C6-4X Districts

In C6-4X Districts, a #floor area# bonus shall only be permitted for a #public plaza# pursuant to Section 33-13.

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

LAST AMENDED
12/5/2024

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

In the districts indicated, for a #zoning lot# containing a #commercial# or #community facility# #use#, the maximum #floor area ratio# 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	Column A For #Zoning Lots# Containing only #Commercial# #use#	Column B For #Zoning Lots# Containing only #Community facility# #use#	Column C For #Zoning Lots# Containing 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	1.60	1.60	1.60
R4 R5	2.00	2.00	2.00
R5D R6B	2.00	2.00	2.00
R6D R6-2	2.00	2.50	2.50
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R7D	2.00	4.66	4.66

R6 R6-1 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R7-3 R8 R8A	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9 R9-1	2.00	10.00	10.00
R9A	2.00	7.50	7.50
R9D	2.00	9.00	9.00
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00
R11	2.00	12.00	12.00
R12	2.00	15.00	15.00

_____

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

In addition, the following provisions shall apply:

(a) For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# set forth in Column A.

(b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility# #uses# on a #zoning lot# containing both #commercial# #uses# and #community facility# #uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section 74-902 (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 listed under Use Group III(B), or child care services 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 philanthropic or non-profit institutions with sleeping accommodations, or in C1 and C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, for any #zoning lot# containing #long-term care

facilities#, the total #floor area# for all such #community facility# #uses# shall not exceed the amount as set forth in paragraphs (b) or (c) of Section 24-111 (Maximum floor area ratio for certain community facility uses) unless modified pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts.

(e) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial# #uses# and partly for #long-term care facilities# in C1 and C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, or philanthropic or non-profit institutions with sleeping accommodations in C1 or C2 Districts mapped within R3 through R9 Districts, shall not exceed the amount permitted for a #zoning lot# containing #commercial# #uses# as set forth for the applicable #Residence District# within which such #Commercial District# is mapped in Column A. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraphs (b) or (c) of Section 24-111 exceeds the amount permitted for a #zoning lot# containing #commercial# #uses#, as set forth in Column A, the provisions of paragraphs (b) or (c) of Section 24-111, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section 74-903.

33-122 - Commercial buildings in all other Commercial Districts

LAST AMENDED
12/5/2024

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

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing only #commercial# #uses# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	0.50
C4-1 C8-1	1.00
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C7-1 C8-2 C8-3	2.00
C4-2A C4-3A C7-2	3.00
C4-2 C4-2F C4-3 C4-4 C4-4D C4-5 C4-6 C4-8 C4-9 C4-11 C4-12	3.40
C4-4A C4-4L C4-5A C4-5X C5-1 C7-3	4.00
C4-5D	4.20
C7-4 C8-4	5.00
C6-1 C6-2 C6-3	6.00
C7-5	6.50
C7-6	8.00

C6-3D	9.00
C4-7 C5-2 C5-4 C6-4 C6-5 C6-8 C7-7	10.00
C6-11 C7-8	12.00
C5-3 C5-5 C6-6 C6-7 C6-9 C6-12 C7-9	15.00

33-123 - Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

LAST AMENDED
12/5/2024

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

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

Districts	Maximum #Floor Area Ratio#
C3	1.00

C4-1 C7-1	2.00
C8-1	2.40
C4-2A C4-3A C7-2	3.00
C1-6A C2-6A C4-4A C4-4L C4-5A C7-3	4.00
C4-5D	4.20
C4-2 C4-3 C8-2	4.80
C4-5X C7-4	5.00
C6-1A	6.00
C1-6 C1-7 C2-6 C4-2F C4-4 C4-4D C4-5 C4-8 C6-1 C6-2 C7-5 C8-3 C8-4	6.50
C1-8A C2-7A C6-3A	7.50
C7-6	8.00
C1-8X C2-7X C6-3D C6-3X	9.00

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-9 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8 C7-7	10.00
C4-11 C6-11 C7-8	12.00
C4-12 C5-3 C5-5 C6-6 C6-7 C6-9 C6-12 C7-9	15.00

For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# in Section 33-122.

In addition, the following provisions shall apply:

(a) In C1 through C6 Districts, except districts with a #residential equivalent# of R10, R11 or R12 Districts, for any #zoning lot# containing philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for such #community facility# #use# shall not exceed the amount as set forth in paragraphs (b) or (c) of Section 24-111 (Maximum floor area ratio for certain community facility uses) applying the equivalent #Residence District# as specified in Section 34-112 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) for the #Commercial District# in which such #use# is located, unless modified pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

(b) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial# #use# and partly for philanthropic or non-profit institutions with sleeping accommodations in C1 through C6 Districts, except districts with a #residential equivalent# of R10, R11 or R12 Districts, shall not exceed the amount permitted for a #zoning lot# containing #commercial# #uses# by the applicable district regulations. However, for the districts in which the allowable

#floor area ratio#, as set forth in paragraphs (b) or (c) of Section 24-111 exceeds the amount permitted for a #zoning lot# containing #commercial# #uses#, the provisions of paragraph (b) or (c) of Section 24-111, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section 74-903.

33-124 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
10/17/2007

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

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

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all #Commercial Districts#, no existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

33-13 - Floor Area Bonus for a Public Plaza

LAST AMENDED
12/5/2024

C1-8 C1-9 C2-7 C2-8

(a) #Zoning lots# containing #community facility# #uses#

In the districts indicated, and in other C1 or C2 Districts when mapped within R9 through R12 Districts, for #zoning lots# containing #community facility# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70 (PUBLIC PLAZAS), inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility# #uses#

or both #commercial# and #community facility# #uses#, may be increased by six square feet.

C4-7 C5-2 C5-3 C5-4 C5-5 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-5 C7-6 C7-7 C7-8 C7-9

(b) #Zoning lots# containing only #commercial# #uses#

In the districts indicated, for #zoning lots# containing only #commercial# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 for a #commercial# #use# may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Public Plaza#
C5-3 C5-5 C6-6 C6-7 C6-9 C6-12 C7-9	10 square feet
C4-7 C5-2 C5-4 C6-1A C6-4 C6-5 C6-8 C6-11 C7-7 C7-8	6 square feet

C6-1 C6-2 C6-3	4 square feet
C7-5 C7-6	

C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5-1 C5-2 C5-3 C5-4 C5-5 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-5 C7-6 C7-7 C7-8 C7-9

(c) #Zoning lots# containing #community facility# #uses# or both #commercial# and #community facility# #uses#

In the districts indicated, for #zoning lots# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Public Plaza#
C4-12	10 square feet
C5-3 C5-5	
C6-6 C6-7 C6-9 C6-12	
C7-9	

C4-6 C4-7 C4-9 C4-11	6 square feet
C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8 C6-11	
C7-7 C7-8	
C4-8	4 square feet
C6-1 C6-2	
C7-5 C7-6	

33-14 - Floor Area Bonus for Arcades

LAST AMENDED
12/5/2024

C4-7 C5-2 C5-3 C5-4 C5-5 C6 C7-5 C7-6 C7-7 C7-8 C7-9

(a) In the districts indicated, for #zoning lots# containing #commercial# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #commercial# #uses# may be increased as set forth in the following table:

FLOOR AREA BONUS

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade#
C4-7 C5-2 C5-3 C5-4 C5-5 C6-1A C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-7 C7-8 C7-9	3 square feet
C6-1 C6-2 C6-3 C7-5 C7-6	2 square feet

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C7-5 C7-6 C7-7 C7-8 C7-9

(b) In the districts indicated, and in C1 or C2 Districts when mapped within R9 through R12 Districts, for #zoning lots# containing #community facility# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses# may be increased as set forth in the following table:

FLOOR AREA BONUS

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade#
C1 or C2 when mapped within R9 through R12 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-9 C4-11 C4-12 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-7 C7-8 C7-9	3 square feet
C4-8 C6-1 C6-2 C7-5 C7-6	2 square feet

33-15 - Floor Area Bonus for Front Yards

LAST AMENDED
10/17/2007

33-151 - In districts with bulk governed by Residence District bulk regulations

LAST AMENDED

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

In the districts indicated, when mapped within an R1, R2, R3, R4 or R5 District, except R5D Districts, on any #zoning lot# on which there are provided #yards# as set forth in this Section, the maximum #floor area ratio# set forth in Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, may be increased to the #floor area ratio# set forth in the following table provided that:

(a) on #interior lots#, a #front yard# not less than 30 feet in depth is provided;

(b) on #corner lots#, two #front yards#, each not less than 20 feet in depth, are provided; or

(c) on #through lots#, a #front yard# not less than 30 feet in depth is provided along each #front lot line#.

MAXIMUM FLOOR AREA RATIO

Districts	Maximum #Floor Area Ratio#
Within R1, R2, R3-1, R3A or R3X Districts	1.60
Within R4 or R5 Districts	2.40

33-152 - In certain other Commercial Districts

LAST AMENDED
10/17/2007

C3 C4-1

In the districts indicated, the provisions set forth in Section 33-151 shall also apply as set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.60
C4-1	2.40

33-16 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
10/17/2007

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different maximum #floor area ratios# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

33-20 - YARD REGULATIONS

LAST AMENDED
12/15/1961

33-21 - Definitions

LAST AMENDED
11/19/1987

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

33-22 - Level of Yards

LAST AMENDED
12/15/1961

In all #Commercial Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#. However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent# except as otherwise provided in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

33-23 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

LAST AMENDED
12/5/2024

In all #Commercial Districts#, the obstructions set forth in Sections 23-311 (Permitted obstructions in all yards, courts and open areas) and 23-341 (Permitted obstructions in required rear yards or rear yard equivalents), as well as the following obstructions, shall be permitted when located within a required #yard# or #rear yard equivalent#:

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

(1) Fences;

(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;

(3) Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:

(i) all equipment shall be subject to the applicable provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS); and

(ii) the height of all equipment shall not exceed a height of 23 feet above #curb level#;

(4) Steps;

(5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

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

(1) Balconies, unenclosed, subject to the provisions of Section 24-164;

(2) Any #building# or portion of a #building# used for any permitted #use# other than #residences#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. However, in C7 Districts, the height of such obstruction shall be modified so that such #building# shall not exceed two #stories#, excluding #basements#, nor in any even 30 feet above #curb level#. In addition, in all districts, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 33-42 (Permitted Obstructions), shall be permitted above such a #building#, or portion thereof;

(3) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 33-42, shall be permitted above such an #accessory# #building#, or portion thereof; or

(4) Solar energy systems affixed to solar canopies and located over parking spaces associated with #public parking lots#, automobile rental establishments, or commercial or public utility vehicle parking facilities, as permitted, provided that the height shall not exceed 15 feet above the level of the adjoining grade.

However, no portion of a #rear yard equivalent# that is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

33-24 - Measurement of Yard Width or Depth

LAST AMENDED
12/15/1961

In all #Commercial Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

33-25 - Minimum Required Side Yards

LAST AMENDED
12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #side yards# are required. However, if an open area extending along a #side lot line# is provided at any level, it shall be either:

(a) at least eight feet wide at every point; or

(b) at least five feet wide at every point, with an average width of eight feet, such average being the mean of the width of the open area at its narrowest point and its width at its widest point, provided that:

(1) such widest point shall be on a #street line#;

(2) no portion of a #building# shall project beyond a straight line connecting such two points; and

(3) in the case of a #zoning lot# bounded by a #side lot line# extending from #street# to #street#, such average shall be computed and such open area shall be provided as though each half of such #side lot line# bounded a separate #zoning lot#.

The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

33-26 - Minimum Required Rear Yards

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, other than C7 Districts, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 33-27 (Special Provisions for Shallow Interior Lots), 33-28 (Special Provisions for Through Lots) or 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 33-261 (Beyond one hundred feet of a street line).

For C7 Districts, the provisions of Section 33-262 shall apply. However, such provisions shall be modified by the provisions of 33-27, 33-28 or 33-30.

33-261 - Beyond one hundred feet of a street line

LAST AMENDED
4/30/2008

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# or #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT

(33-261.1, 43-261.1)



ZONING LOT BOUNDED BY TWO OR MORE STREETS (NEITHER A CORNER LOT NOR

A THROUGH LOT)
(33-261.2, 43-261.1)

33-262 - Minimum rear yards for C7 Districts

LAST AMENDED
6/6/2024

In C7 Districts, a #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

REQUIRED DEPTH OF REAR YARD

Height above #base plane#	Required depth
Below 65 feet	10 feet
Above 65 feet	15 feet
Above 125 feet	20 feet

In addition, where a portion of a #side lot line# beyond 100 feet of the #street line# coincides with a #rear lot line# of an adjoining #zoning lot#, such #side lot line# shall be considered a #rear lot line# and a #rear yard# shall be required with a minimum depth in accordance with the provisions of this Section.

33-27 - Special Provisions for Shallow Interior Lots

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

(a) For districts other than C7 Districts In all districts, other than C7 Districts, if an #interior lot# consists entirely of a tract of land:

(1) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(2) which is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of such #interior lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of 50 feet or less.

(b) For C Districts

For C7 Districts, if an #interior lot#, or portion thereof, has a depth of less than 95 feet at any point, and such shallow condition was in existence on December 15, 1961, the depth of a required #rear yard#, or portion thereof, may be reduced by six inches for each foot by which the depth of such #zoning lot# is less than 95 feet. No #rear yard# is required on any such #interior lot#, or portion thereof, with a maximum depth of less than 50 feet.

33-28 - Special Provisions for Through Lots

LAST AMENDED
4/30/2008

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

33-281 - Excepted districts

LAST AMENDED
12/5/2024

C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C7 C8-4

In the districts indicated, no #rear yard# regulations shall apply to any #through lot#, except as otherwise provided in Section 33-303 (For zoning lots with multiple rear lot lines).

33-282 - Excepted through lots

LAST AMENDED
6/6/2024

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

In the districts indicated, no #rear yard# regulations shall apply to any #through lots# which extend less than 110 feet in maximum depth from #street# to #street#.

33-283 - Required rear yard equivalents

LAST AMENDED
12/5/2024

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

In the districts indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

(a) an open area with a minimum depth of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts. In C1 and C2 Districts mapped within, or with a #residential equivalent# of, R6 through R12 Districts with a letter suffix, a #rear yard equivalent# shall be provided only as set forth in this paragraph. Such limitation shall also apply to C1 or C2 Districts mapped within R5D Districts; or

(b) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; except that in C1 or C2 Districts the depth of such required open area along one #street line# may be decreased provided that a corresponding increase of the depth of the open area along the other #street line# is made; or

(c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

33-29 - Special Provisions Applying Along District Boundaries

LAST AMENDED
2/8/1962

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts# except where such district boundaries are also the boundaries of railroad rights-of-way or cemeteries.

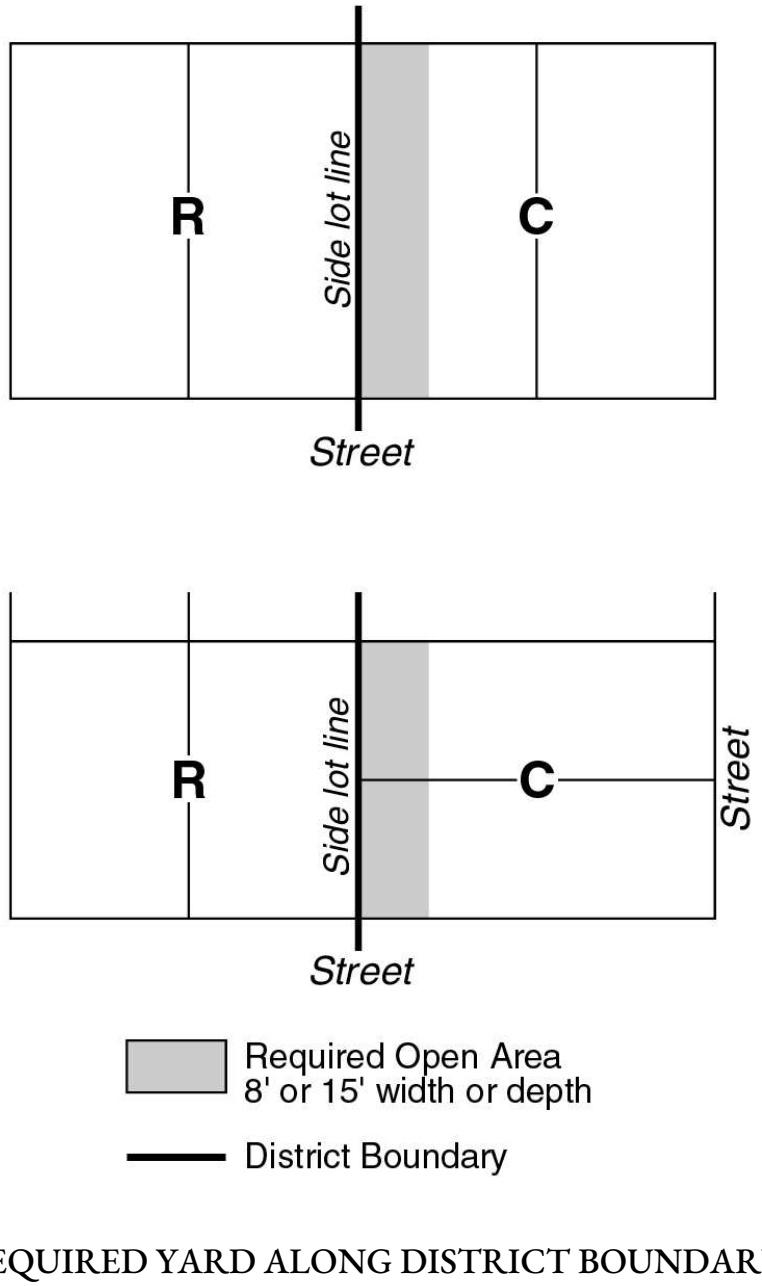
33-291 - Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District an open area not higher than #curb level# shall be provided within the #Commercial District# with at least the width or depth set forth in the following table. Such an open area shall not be used for #accessory# off-street loading, or for storage or processing of any kind.

Districts	Required Width or Depth of #Yard# (in feet)
C1 C2 C3 C4 C5 C6 C7	8
C8	15



REQUIRED YARD ALONG DISTRICT BOUNDARY COINCIDENT WITH SIDE LOT LINES (33 - 291)

33-292 - Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

LAST AMENDED

6/6/2024

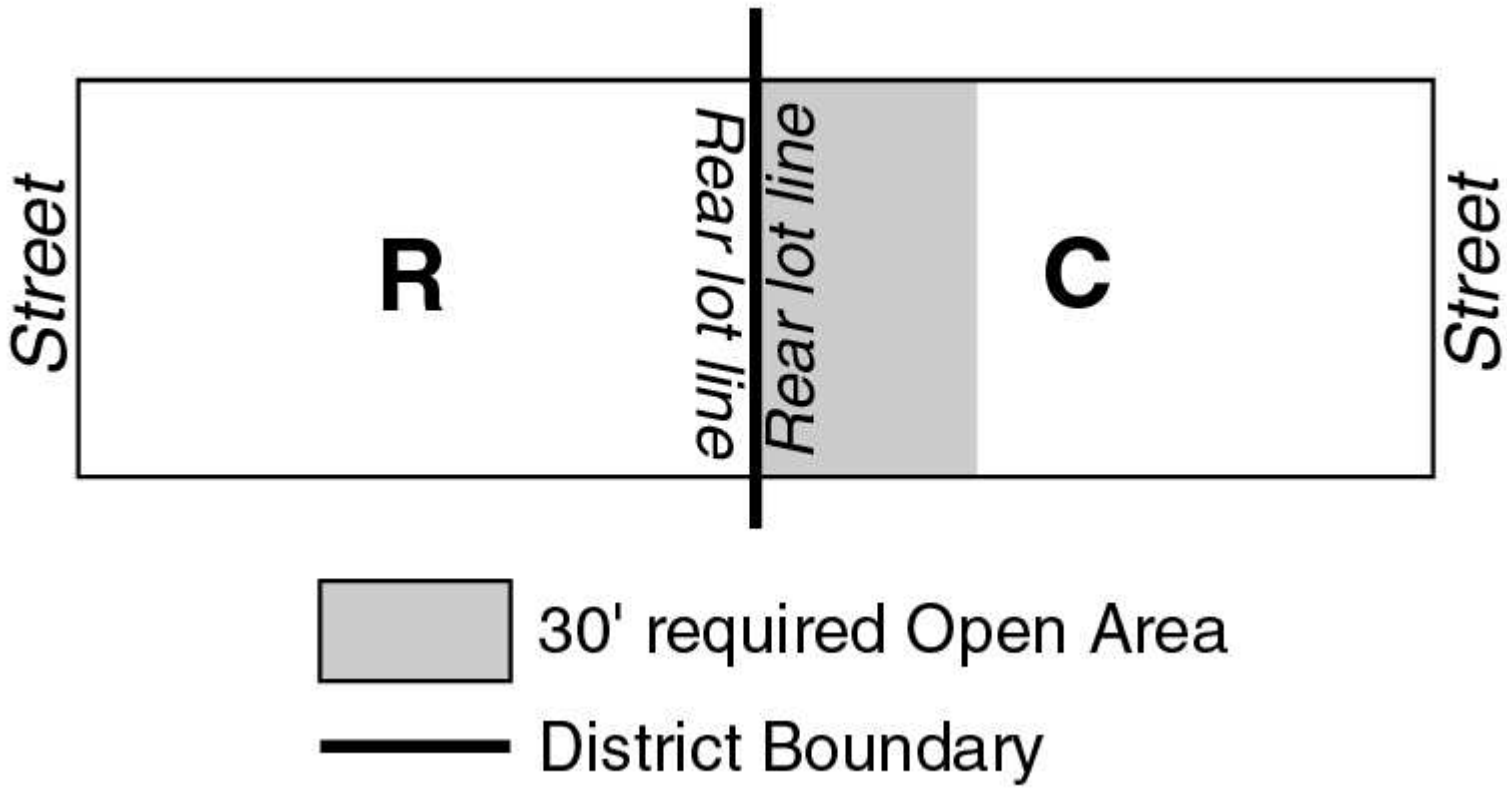
C1 C2 C3 C4 C5 C6 C7 C8

(a) For districts other than C7 Districts

In all districts, other than C7 Districts, along such portion of the #rear lot line# of a #zoning lot# in a #Commercial District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at a level not higher than indicated in the following table, shall be provided along such boundary and within the #Commercial District#. Such an open area shall not be used for storage or processing of any kind.

REQUIRED DEPTH OF YARD

Districts	Maximum Level of #Yard#	Depth (in feet)
C1 C2 C3 C4 C5 C6	23 feet above #curb level#	30
C8	#Curb level#	30



REQUIRED YARD ALONG DISTRICT BOUNDARIES COINCIDENT WITH REAR LOT LINES

(33 - 292)

(b) For C7 Districts

For C7 Districts, where the portion of a #rear lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than 30 feet above #curb level# and at least 20 feet in depth shall be provided.

33-293 - Required yards along district boundary coincident with side lot line of zoning lot in a Commercial District

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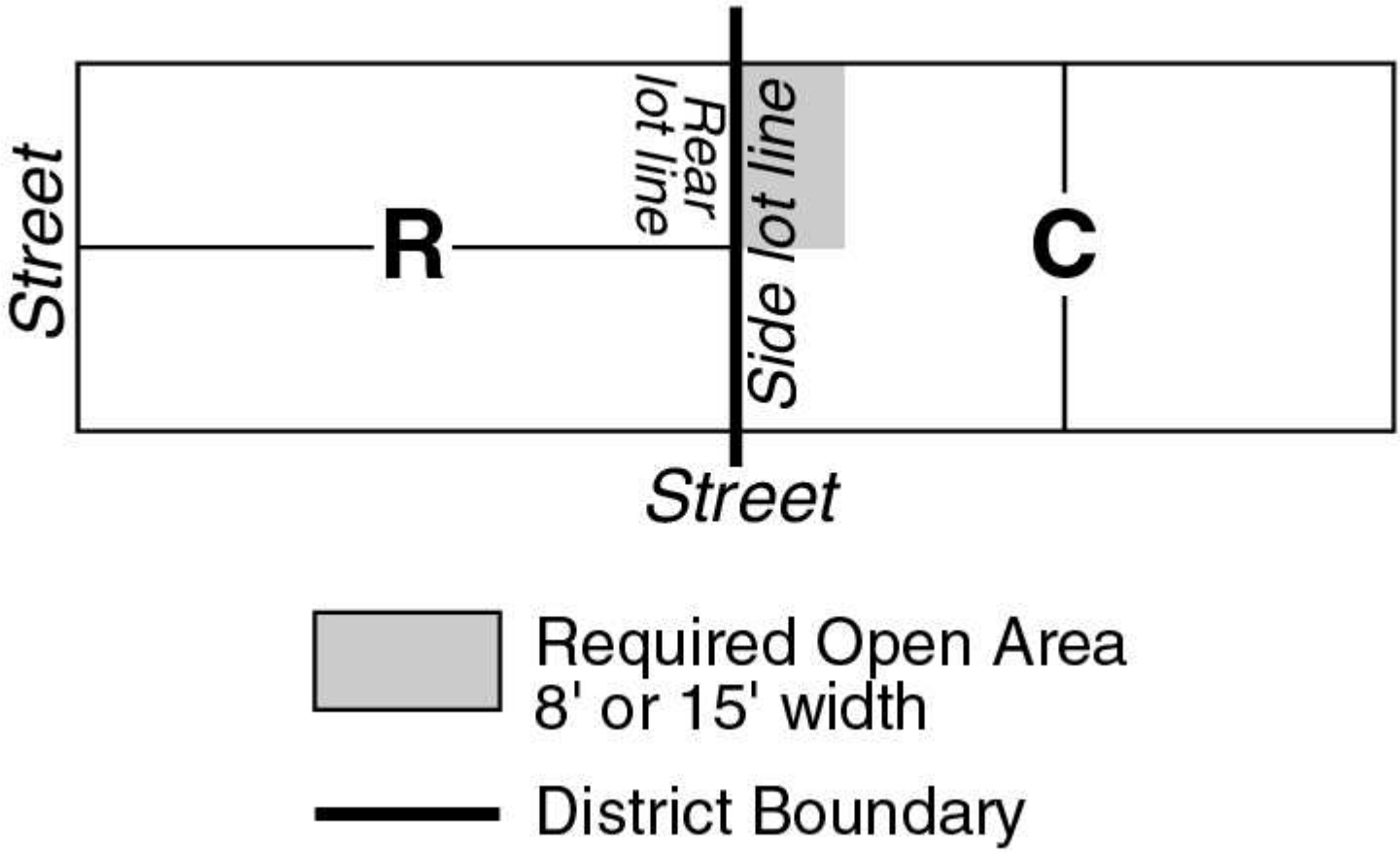
LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of a #side lot line# of a #zoning lot# in a #Commercial District# that coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at #curb level# of at least the width set forth in the following table shall be provided along such boundary within the #Commercial District#. Such an open area shall not be used for #accessory# off-street loading, or for storage or processing of any kind.

Districts	Required Width of #Yard# (in feet)
C1 C2 C3 C4 C5 C6 C7	8
C8	15



REQUIRED YARD ALONG DISTRICT BOUNDARIES

(33 - 293)

33-30 - OTHER SPECIAL PROVISIONS FOR REAR YARDS

LAST AMENDED

12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the #rear yard# requirements set forth in Section 33-26 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

33-301 - Within one hundred feet of corners

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

33-302 - Along short dimension of block

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #front lot line# of a #zoning lot# coincides with the #street line# of the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

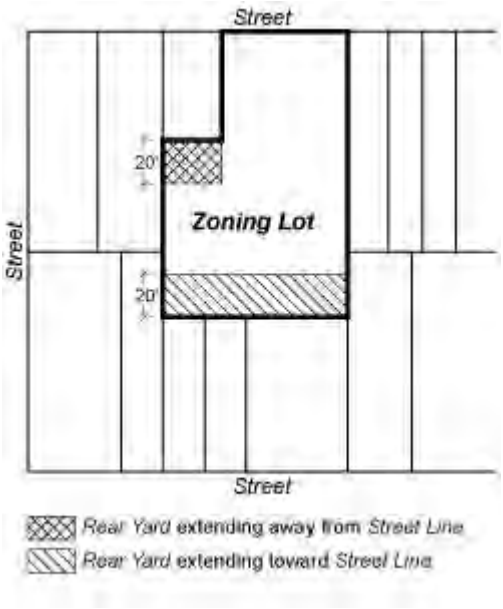
33-303 - For zoning lots with multiple rear lot lines

LAST AMENDED
4/30/2008

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

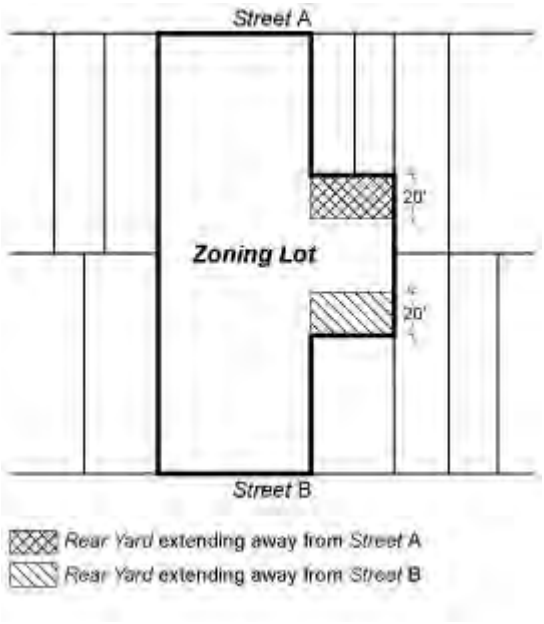
(a) A #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



(33-303a)

(b) No #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(c) For portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(33-303c)

33-31 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different #yard# regulations, the provisions set forth in Article VII, Chapter 7 shall apply.

33-32 - Modification of Yard Regulations

LAST AMENDED
12/5/2024

C5-5 C6-8 C6-9 C6-11 C6-12

(a) In the districts indicated, the regulations set forth in Sections 33-26 (Minimum Required Rear Yards) through 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), inclusive, relating to #rear yard# regulations, may be modified in accordance with the provisions of Section 73-68 (Height and Setback and Yard Modifications).

C1 C2 C3 C4 C5 C6 C7 C8

(b) In all districts, the regulations set forth in Section 33-303 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

33-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

All #buildings# in #Commercial Districts# shall comply with the height and setback regulations set forth in this Section, inclusive. However, the height and setback regulations of this Section, inclusive,

shall not apply in #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District with a letter suffix. In lieu thereof, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, pursuant to Section 33-03 (Applicability of Article II, Chapter 3 Regulations).

33-41 - Definitions

LAST AMENDED
11/19/1987

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

33-42 - Permitted Obstructions

LAST AMENDED
12/5/2024

In all #Commercial Districts#, the obstructions set forth in Section 23-411 (General permitted obstructions), as well as the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure planes#, as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks), 33-46 (Height and Setback Provisions for C7 Districts) or 33-491 (Limited Height Districts):

(a) Balconies, unenclosed, subject to the provisions of Section 24-164 (Balconies);

(b) Elevator or stair bulkheads (including shafts; and vestibules, roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures and screening), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;

(2) the aggregate area of such obstructions, including any screening, does not exceed 50 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (3) of this Section;

(3) the aggregate area of such obstructions, including any screening, does not to exceed 30 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed:

(i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;

(ii) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and

(4) all equipment shall be subject to the applicable provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(d) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;

(e) Spires or belfries;

(f) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided that:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) in districts where new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet.

33-43 - Maximum Height of Walls and Required Setbacks

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height

above #curb level# set forth in this Section. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in this Section. The regulations of this Section shall apply except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-44 (Alternate Front Setbacks), 33-45 (Tower Regulations), or 33-49 (Special Height Limitations), inclusive.

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

LAST AMENDED
12/5/2024

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 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 or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane#				
			Height above the #Street Line# (in feet)	Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	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
Within R8, R9, R10, R11 or R12 Districts							
20	15	85 feet or six #stories#, whichever is less	85	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 under Use Groups VI through X 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 located in #Commercial Districts# 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 or R7-3 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 listed under Use Group III(B), 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#.

33-432 - In other Commercial Districts

LAST AMENDED
12/5/2024

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

In the districts indicated, the maximum height of a front wall and the required front setback of a #building or other structure#, 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 or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane#				
			Height above the #Street Line# (in feet)	Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within C3 C4-1 C8-1 Districts							
20	15	30 feet or two #stories#, whichever is less	30	1	to 1	1	to 1
Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C8-2 C8-3 Districts							

20	15	60 feet or four #stories#, whichever is less	60	2.7	to 1	5.6	to 1

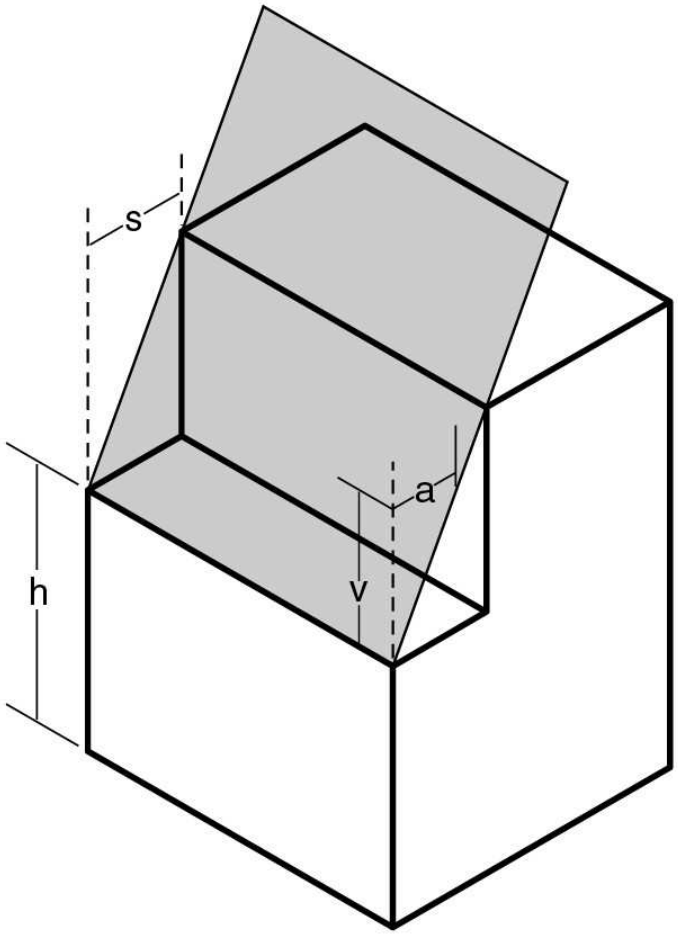
Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 Districts

20	15	85 feet or six #stories#, whichever is less	85	2.7	to 1	5.6	to 1

However, in accordance with the provisions of Section 32-42 (Location within Buildings), in C1, C2 or C3 Districts, no #commercial building#, or portion thereof, occupied by non-#residential uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# and #commercial# #use#, 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.

In C1-6, C2-6, C4-4 or C4-5 Districts, for #community facility buildings# or #buildings# used for both #community facility# and #commercial# #use#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.



a - Horizontal distance
s - *Initial setback distance*
h - Height of *sky exposure plane* above *street line*
v - Vertical distance

Sky Exposure Plane

SKY EXPOSURE PLANE IN OTHER COMMERCIAL DISTRICTS

(23 - 632, 24 - 522, 33 - 432, 43 - 43)

33-433 - Special height and setback regulations

LAST AMENDED

12/5/2024

(a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in #Commercial Districts# with a #residential equivalent# of an R10 District without a letter suffix shall comply with the requirements of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts).

(b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to paragraph (a)(1) of Section 23-442 (Special provisions for certain community districts).

(c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive.

33-44 - Alternate Front Setbacks

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), or 33-45 (Tower Regulations), inclusive, no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in this Section, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 33-13 (Floor Area Bonus for a Public Plaza).

33-441 - In C1 or C2 Districts with bulk governed by surrounding Residence District

LAST AMENDED
12/5/2024

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 alternate front setback regulations applicable to a #building or other structure# shall be determined by the #Residence District# in which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)	Alternate #Sky Exposure Plane#		
	Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)	
		On #Narrow Street#	On #Wide Street#

On #Narrow Street#	On #Wide Street#	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance	
Within R1, R2, R3, R4, R5, R5A or R5B Districts						
15	10	30	1.4	to 1	1.4	to 1
Within R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
Within R8, R9, R10, R11 or R12 Districts						
15	10	85	3.7	to 1	7.6	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 under Use Groups VI through X 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 height above #street line# shall be 35 feet.

33-442 - In other Commercial Districts

LAST AMENDED

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

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be as set forth in the following table:

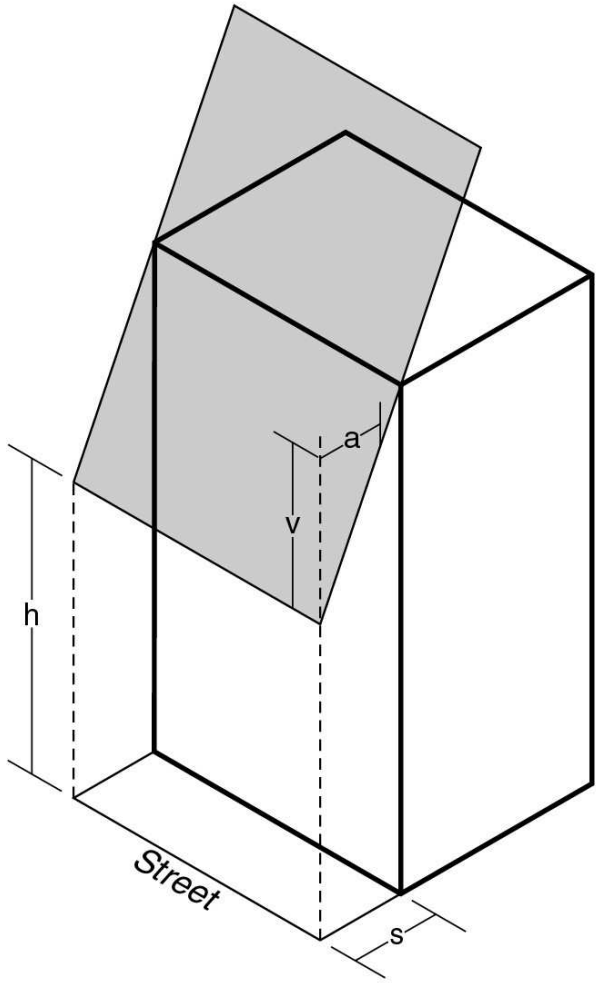
ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within C3 C4-1 C8-1 Districts						
15	10	30	1.4	to 1	1.4	to 1
Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C8-2 C8-3 Districts						
15	10	60	3.7	to 1	7.6	to 1

Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 Districts						
15	10	85	3.7	to 1	7.6	to 1

However, in accordance with the provisions of Section 32-42 (Location Within Buildings), in C1, C2 or C3 Districts, no #commercial building# or portion thereof occupied by #uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, the maximum height above #street line# shall be 35 feet or three #stories#, whichever is less.



a - Horizontal distance

h - Height of *sky exposure plane* above *street line*

s - Depth of the optional front open area

v - Vertical distance

Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE

(23-736, 24-53, 33-442, 43-44)

33-45 - Tower Regulations

LAST AMENDED

12/15/1961

33-451 - In certain specified Commercial Districts

LAST AMENDED
12/5/2024

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

In the districts indicated, any #buildings# or portions thereof which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 33-454 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, except where the provisions set forth in Section 33-455 (Alternate regulations for towers on lots bounded by two or more streets) or 33-456 (Alternate setback regulations on lots bounded by two or more streets) or 33-457 (Tower setbacks on narrow blocks) are applicable and where the option is taken to be governed by such provisions, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

If all of the #buildings# on a #zoning lot# containing such tower do not occupy at any level more than the maximum percent of the #lot area# set forth in this Section or Section 33-454 for towers, the tower may occupy any portion of the #zoning lot# located 20 feet or more from the #street line# of a #narrow street# or 15 feet or more from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

Unenclosed balconies, subject to the provisions of Section 24-164 (Balconies), are permitted to project into or over open areas not occupied by towers.

33-452 - Community facility buildings in C1 or C2 Districts when mapped within R7-2 through R12 Districts

LAST AMENDED
12/5/2024

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

In the districts indicated, when mapped within an R7-2, R7-3, R8, R9, R10, R11 or R12 District, the provisions set forth in Section 33-451 (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial# #uses#, no portion of such #building# occupied by #commercial# #use# shall penetrate the #sky exposure plane# as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks).

33-453 - Community facility buildings in certain specified Commercial Districts

LAST AMENDED
12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-8 C4-9 C4-11 C4-12 C5-1 C6-1 C6-2 C6-3 C8-3 C8-4

In the districts indicated, the provisions set forth in Section 33-451 (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial# #uses#, no portion of such #building# occupied by #commercial# #use# shall penetrate the #sky exposure plane# as set forth in Section 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks).

33-454 - Towers on small lots

LAST AMENDED
12/5/2024

C1 C2 C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C-4-12 C5 C6 C8-3 C8-4

In the districts indicated, a tower permitted under the provisions of Sections 33-451 (In certain specified Commercial Districts), 33-452 (Community facility buildings in C1 or C2 Districts when mapped within R7-2 through R12 Districts) or 33-453 (Community facility buildings in certain specified Commercial Districts) may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46

14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

33-455 - Alternate regulations for towers on lots bounded by two or more streets

LAST AMENDED
12/5/2024

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

In the districts indicated, if a #zoning lot# is bounded by at least two #street lines#, a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in this Section, provided that, except as otherwise set forth in Section 33-457 (Tower setbacks on narrow blocks), all portions of any #building# or #buildings# on such #zoning lot#, including such tower, are set back from #street lines# as required in this Section.

(a) The maximum percent of #lot area# that may be occupied by such tower, shall be the sum of 40 percent plus one-half of one percent for every .10 by which the #floor area ratio# of such #zoning lot# is less than the #floor area ratio# permitted under the provisions of Sections 33-12 (Maximum Floor Area Ratio), 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor

Area Bonus for Arcades). The maximum #lot coverage# for any tower built under the provisions of this Section or for any #building# or #buildings# on any #zoning lot# occupied by such tower shall be 55 percent of the #lot area# of such #zoning lot#.

(b) At all levels, including ground level, such #building# shall be set back from the #street line# as follows:

(1) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0667 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-13 or 33-14, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.

(2) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .10 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-13 or 33-14, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

(c) If a #zoning lot# occupies an entire #block#, the maximum setback, set forth in paragraph (b) of this Section, of 45 feet on each #narrow street# bounding the #zoning lot# may be reduced by one foot for every six feet of setback provided on a #wide street# bounding the #zoning lot# in addition to the setbacks otherwise required for #wide streets# as set forth in such paragraph, provided that no setback on a #narrow street# resulting from such reduction shall be less than 35 feet or one-tenth the #aggregate width of street walls# of the tower, whichever shall require the greater setback.

(d) The additional setbacks on #wide streets# set forth in paragraph (c) of this Section may be provided entirely on one #wide street# or divided in any proportion among any two #wide streets# bounding the #zoning lot#.

(e) Notwithstanding any other provision set forth in this Section, no #building# or portion of a #building# built under the provisions of this Section shall be set back less than 25 feet from the #street line# on #narrow streets# or less than 15 feet from the #street line# on #wide streets#.

33-456 - Alternate setback regulations on lots bounded by two or more streets

LAST AMENDED
12/5/2024

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

In the districts indicated, except as otherwise set forth in Section 33-457 (Tower setbacks on narrow blocks), if a #zoning lot# is bounded by at least two #street lines#, a tower occupying not more than the percent of #lot area# set forth in Section 33-451 (In certain specified Commercial Districts) or 33-454 (Towers on small lots), may be set back from a #street line# as follows:

(a) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0333 for each .10 by which the #floor area ratio# of the #zoning lot# is less than the #floor area ratio# permitted under the provisions of Section 33-12 , 33-13 or 33-14, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.

(b) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .05 for each .10 by which the #floor area ratio# of the #zoning lot# is less than the #floor area ratio# permitted under the provisions of Sections 33-12 (Maximum Floor Area Ratio), 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades), provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

(c) Notwithstanding any other provisions set forth in this Section, no tower built under the provisions of this Section shall be set back less than 25 feet from the #street line# on #narrow streets# or less than 15 feet from the #street line# on #wide streets#.

33-457 - Tower setbacks on narrow blocks

LAST AMENDED
12/5/2024

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

In the districts indicated, if a #zoning lot# is bounded by at least three #street lines#, and any two of the #street lines# are opposite to each other and parallel or within 45 degrees of being parallel to each other, and their average distance apart is 150 feet or less, the minimum distance a tower is required to be set back from such opposite #street lines# under the provisions of Section 33-455 (Alternate regulations for towers on lots bounded by two or more streets) or Section 33-456 (Alternate setback regulations on lots bounded by two or more streets), is reduced in accordance with the following table:

TOWER SETBACKS ON NARROW BLOCKS

	Reduction of Required Tower Setback	Minimum Setback for Tower Built under Provisions of this Section
On #narrow street#	30 percent or 10 feet, whichever is less	15 feet
On #wide street#	40 percent or 10 feet, whichever is less	10 feet

33-46 - Height and Setback Provisions for C7 Districts

LAST AMENDED
6/6/2024

For C7 Districts, a #building or other structure# shall not exceed the maximum base heights or maximum #building# height set forth in paragraph (a) of this Section. A setback is required for all portions or #buildings or other structures# that exceed the maximum base height specified in paragraph (a) and shall be provided in accordance with paragraph (b). In districts without a maximum height limit, the tower provisions set forth in paragraph (c) shall apply.

(a) Maximum base heights and maximum #building# heights

The table below sets forth the maximum base heights and maximum #building or other structure# heights.

MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
C7-1	45	65
C7-2	65	95
C7-3	95	125
C7-4	125	155
C7-5	155	205
C7-6	155	245
C7-7	155	325
C7-8 C7-9	155	N/A

In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum building heights established in such table by 25 percent.

(b) Any portion of a #building# above the maximum base height shall provide a setback with a depth of at least 10 feet from any #street wall# fronting on a #wide street# and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, such setback requirement may be modified as follows:

(1) the depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less

than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately;

(2) the depth of such required setbacks may include the depth of recesses in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, does not exceed 30 percent of the #aggregate width of #street wall# at any level;

(3) these setback provisions are optional for any #building that either is located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#; and

(4) dormers may penetrate a required setback area, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height#. Such dormers need not decrease in width as the height above the maximum base height increases.

(c) Towers

For #buildings# in C7-8 and C7-9 Districts, no maximum height limit shall apply. However, any portion of a #building# above a height of 350 feet shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#.

33-47 - Modification of Height and Setback Regulations

LAST AMENDED
12/15/1961

33-471 - Commercial and community facility uses

LAST AMENDED
12/5/2024

C5-5 C6-8 C6-9 C6-11 C6-12 C8

In the districts indicated, for #commercial# or #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 33-41 (Definitions) to 33-45 (Tower Regulations), inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-68 (Height and Setback and Yard Modifications).

33-472 - Community facility uses

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 33-40 through 33-45, inclusive, relating to Height and Setback Regulations in accordance with the provisions of Section 73-64 (Modifications for community facility uses).

33-473 - Special provisions for zoning lots directly adjoining public parks

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the front height and setback regulations specified in Section 33-43 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, this Section shall not apply to a #public park# more than 75 percent of which is paved.

33-48 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
8/14/1987

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts, or is subject to other regulations resulting in different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 33-45 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

33-49 - Special Height and Setback Limitations

LAST AMENDED
12/5/2024

The provisions of this Section, inclusive, shall apply to #buildings# utilizing the #sky exposure plane# provisions of this Chapter. In no event shall such provisions apply to #buildings# that utilize the #residential# height and setback regulations of Section 23-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, as modified by the provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS).

33-491 - Limited Height Districts

LAST AMENDED
6/29/1994

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height Above #Curb Level# or #Base Plane#, as Applicable
LH-1	50 feet

LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

33-492 - Height limitations for narrow buildings or enlargements

LAST AMENDED
12/5/2024

In C1 or C2 Districts mapped within, or with a #residential equivalent# of, R7-2, R8, R9 or R10 Districts, the provisions of Section 23-738 (Height limitations for narrow buildings) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

33-50 - COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

LAST AMENDED
12/15/1961

Basic Regulations

33-51 - Minimum Dimensions of Courts for Community Facility Buildings

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility# #uses#:

Section 24-61 (General Provisions and Applicability)

Section 24-62 (Minimum Dimensions of Courts)

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance Between Required Windows and Walls or Lot Lines)

Section 24-66 (Modifications of Court Regulations or Distance Requirements)

Section 24-67 (Permitted Obstructions in Courts).

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

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Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

34-00 - APPLICABILITY AND DEFINITIONS

LAST AMENDED
7/26/2001

34-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. 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.

34-02 - Applicability in Special Situations

LAST AMENDED
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying# #buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alteration would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to 74-61.

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

34-03 - Applicability to Specific Districts

LAST AMENDED
12/5/2024

In C3A Districts, the #bulk# regulations of this Chapter shall not apply. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply.

34-10 - APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

LAST AMENDED
12/15/1961

34-11 - General Provisions

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations of Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections 34-21 through 34-24, relating to exceptions to applicability of #Residence District# controls.

34-111 - Residential bulk regulations in Cl or C2 Districts whose bulk is governed by surrounding Residence District

LAST AMENDED
12/5/2024

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

In the districts indicated, the #bulk# regulations for the #Residence District# within which such #Commercial Districts# are mapped apply, except that:

(a) on #qualifying residential sites# within the #Greater Transit Zone#, where such districts are mapped within R1 through R5 Districts, the #bulk# regulations for R5 Districts without a letter suffix shall apply; and

(b) on non-#qualifying residential sites#, where such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply.

Such district modifications shall apply for the purposes of applying the provisions of Article II, Chapter 3, and the remaining provisions of this Chapter, unless otherwise specified.

34-112 - Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

LAST AMENDED
12/5/2024

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

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #residential equivalent# of the #Commercial District# as set forth in the following table:

Districts	Applicable #residential equivalent#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2
C1-6A C2-6A C4-4A C4-4L C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C4-8 C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C4-9 C6-3	R9

C1-8A C2-7A C6-3A	R9A
C6-3D	R9D
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X
C4-11 C6-11	R11
C4-11A	R11A
C4-12 C6-12	R12

34-113 - Existing public amenities for which floor area bonuses have been received

LAST AMENDED
10/17/2007

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

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

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received, by certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

34-20 - EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS

LAST AMENDED
12/15/1961

34-21 - General Provisions

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

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

34-22 - Modification of Floor Area Regulations

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section 23-20 (FLOOR AREA REGULATIONS), inclusive, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

34-221 - Maximum floor area ratio

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# on a #zoning lot# shall be the applicable maximum #floor area ratio# permitted pursuant to the provisions of Article II, Chapter 3, except as provided for in the following Sections:

Section 34-223 (Floor area bonus for a public plaza)

Section 34-224 (Floor area bonus for an arcade)

However, for #Commercial Districts# with a #residential equivalent# of an R10 or R11 District with a letter suffix, no #floor area# bonuses for #public plazas# or #arcades# shall be permitted.

34-222 - Change of use

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

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

34-223 - Floor area bonus for a public plaza

LAST AMENDED
12/5/2024

C4-6 C4-7 C4-11 C4-12 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

In the districts indicated, for each square foot of #public plaza# provided in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) may be increased by six square feet.

34-224 - Floor area bonus for an arcade

LAST AMENDED
12/5/2024

C4-6 C4-7 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11 C6-12

In the districts indicated, for each square foot of #arcade# provided in accordance with the provisions of Section 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) may be increased

by three square feet.

34-23 - Modification of Yard and Open Area Regulations

LAST AMENDED
12/5/2024

34-231 - Modification of front yard requirements

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required for any #residential building#.

34-232 - Modification of side yard requirements

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections 23-311 and 23-312 shall be permitted in

such open areas.

34-233 - Change of use

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

A non-#residential use# occupying a #building#, or portion thereof, that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations pertaining to minimum required #open space ratio# shall not apply to such change of #use#.

34-24 - Modification of Height and Setback Regulations

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

(a) In Commercial Districts with R1 through R5 equivalency

In #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through

R5 District, the modifications to #residential# height and setback regulations set forth in Section 35-62 shall be applied.

(b) In Commercial Districts with R6 through R12 equivalency

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts:

(1) the modifications to #residential# height and setback regulations set forth in Section 35-63, inclusive, shall be applied;

(2) the special height and setback provisions for certain areas set forth in Section 36-64 shall be applied; and

(3) where the optional #bulk# regulations for #sky exposure plane buildings# are utilized, the provisions set forth in Section 35-71, inclusive, shall be applied. Where any of such optional provisions are utilized, all the other associated #bulk# provisions shall apply.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

35-00 - APPLICABILITY

LAST AMENDED
12/5/2024

35-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. The #bulk# regulations of this Chapter shall also apply in any #Commercial District# where there are multiple #buildings# on a single #zoning lot# and such #zoning lot# contains a #residential use# and either a #commercial# #use# or a #community facility# #use#. 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.

35-02 - Applicability in Special Situations

LAST AMENDED
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to Section 74-61.

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

35-03 - Applicability to Specific Districts

LAST AMENDED
12/5/2024

In C3A Districts, the #bulk# regulations of this Chapter shall not apply. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply.

35-04 - Applicability of Certain Bulk Regulations

LAST AMENDED
12/5/2024

Special rules governing optional #bulk regulations# affecting one or more #bulk# parameters are set forth in Section 35-80 (ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS), inclusive.

These optional #bulk# provisions include alternative rules for #sky exposure plane buildings#, as set forth in Section 35-81, inclusive. Where any of such optional provisions are utilized, all the other associated #bulk# provisions shall apply.

35-10 - GENERAL PROVISIONS

LAST AMENDED
2/2/2011

Except as otherwise provided in this Chapter, the portions of a #building# used for #residential use# are subject to the #bulk# regulations set forth in Article II, Chapter 3, and the portions of a #building# used for #commercial# or #community facility# #use# are subject to the #bulk# regulations set forth in Article III, Chapter 3.

Special provisions applying to #mixed buildings# or #zoning lots# with multiple #buildings# subject to the provisions of this Chapter are set forth in Sections 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), inclusive, 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive, 35-40 (APPLICABILITY OF DENSITY REGULATIONS), inclusive, 35-50 (MODIFICATION OF YARD REGULATIONS) and 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS),inclusive.

35-20 - APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

LAST AMENDED
2/2/2011

35-21 - General Provisions

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations set forth in Article II, Chapter 3 shall apply to all #residential# portions of #buildings# in accordance with the provisions and modifications set forth in the remaining Sections of this Chapter. The purpose of these modifications is to make the regulations

set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

35-22 - Residential Bulk Regulations in C1 or C2 Districts Whose Bulk Is Governed by Surrounding Residence District

LAST AMENDED
12/5/2024

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

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

(a) on #qualifying residential sites# within the #Greater Transit Zone#, where such districts are mapped within R1 through R5 Districts, the #bulk# regulations for R5 Districts without a letter suffix shall apply; and

(b) on non-#qualifying residential sites#, where such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply.

Such district modifications shall apply for the purposes of applying the provisions of Article II, Chapter 3, and the remaining provisions of this Chapter, unless otherwise specified.

35-23 - Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

LAST AMENDED
12/5/2024

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

In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #residential equivalent# of the #Commercial District# set forth in Section 34-112.

35-24 - Applicability of Residential Bulk Rules to Non-residential Portions of Mixed Buildings

LAST AMENDED
12/5/2024

For the non-#residential# portion of #mixed buildings# or for #commercial# or #community facility# #buildings# on the same #zoning lot# as #residences#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

(a) Height and setback

(1) In #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District with a letter suffix, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

(2) In all other #Commercial Districts#, the #residential# height and setback regulations may be applied as follows:

(i) the height and setback regulations of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of, an R1 through R5 District, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60, inclusive; or

(ii) the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of, an R6 through R12 District without a letter suffix, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section 35-60, inclusive.

(b) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential# #bulk# regulations may also be applied to the entire #building#:

(1) the #rear yard#, #rear yard equivalent# and open area along #side lot line# requirements of Section 23-30, inclusive, applicable to a #multiple dwelling residence#; and

(2) for #community facility# #uses# with sleeping accommodations:

(i) the special #floor area# allowances of Section 23-23, inclusive;

(ii) the #court# regulations of Section 23-35, inclusive; and

(iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section 23-37.

Any obstructions permitted within a specific open area pursuant to Section 23-30, inclusive, shall also be permitted.

Where a particular #bulk# regulation of Article II, Chapter 3 is applied, it shall supersede the applicable regulations of Article III, Chapter 5.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include "dwelling units" and "rooming units", as set forth in the Housing Maintenance Code.

35-30 - APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

LAST AMENDED
2/2/2011

35-31 - Maximum Floor Area Ratio

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility# #use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential

use# shall be as set forth in Article II, Chapter 3, except as set forth in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive. The total of all such #floor area ratios# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#, except where explicitly stated otherwise. Special rules for certain areas are set forth in Section 35-36 (Special Floor Area Ratio and Related Bulk Provisions for Certain Areas).

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

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

35-32 - Maximum Floor Area for Mixed Buildings on Qualifying Residential Sites

LAST AMENDED
12/5/2024

On #qualifying residential sites#, subject to the individual maximum #floor area ratios# for #commercial#, #community facility# and #residential uses#, the maximum #floor area ratio# for a #zoning lot# with #buildings# containing #residential# and non-#residential uses#, shall be as set forth in this Section.

Within the #Greater Transit Zone#, the maximum #floor area ratio# shall be 2.50.

Outside the #Greater Transit Zone#, the maximum #floor area ratio# shall be as set forth for the applicable #Residence District# the #Commercial District# is mapped within, or the #residential equivalent# of such #Commercial District#.

MAXIMUM FLOOR AREA RATIO FOR MIXED BUILDINGS OUTSIDE THE GREATER TRANSIT ZONE

District	Maximum #floor area ratio# for #zoning lot#
R1 R2 R3-1 R3A R3X	1.50
R3-2	1.60
R4	2.00
R5	2.50

35-33 - Maximum Floor Area and Special Provisions for Mixed Buildings or Zoning Lots With Multiple Buildings Containing Community Facility Use in Certain Districts

LAST AMENDED
12/5/2024

C1 C2

In C1 and C2 Districts mapped within R6 Districts without a letter suffix, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility# #uses# are located within the same #building#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations.

(a) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# greater than set forth in Column A in the following table, the maximum such ratio for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table, and the maximum such ratio for the #residential# portions of such #buildings# shall be as set forth in Article II,

Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

District	COLUMN A Maximum Ratio of #Floor Area# in #Building# to #Lot Area#	COLUMN B Maximum Ratio of #Floor Area# in #community facility# #use# to #Lot Area#
C1 or C2 mapped in R6	2.5	1.0
C1 or C2 mapped in R7-1	3.5	1.0

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

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

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

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

35-34 - Existing Public Amenities for Which Floor Area Bonuses Have Been Received

LAST AMENDED
12/5/2024

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

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

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open area

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

35-35 - Floor Area Bonus for a Public Plaza or Arcade

LAST AMENDED
12/5/2024

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6

In the districts indicated, and in C1 and C2 Districts mapped within R9 through R12 Districts, #floor area# bonus provisions for #public plazas# and #arcades# shall apply as set forth in this Section. Any #floor area# bonus for a #public plaza# or #arcade# permitted under the applicable district regulations

for any #residential#, #commercial# or #community facility# portion of a #building# may be applied, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C4-11A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A

(a) Prohibition of #public plaza# and #arcade# bonuses

In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A, R10X or R11A Districts, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

C1-8 C1-9 C2-7 C2-8

(b) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 through R12 Districts, the bonus provisions of Section 33-13 shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

(c) In the districts indicated, except C6-4X Districts, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) may be increased by six square feet.

C4-6 C4-7 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

(d) In the districts indicated, if 50 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Sections 33-13 and 33-14 shall apply.

C4-8 C4-9 C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9 C6-12

(e) In the districts indicated, the provisions of Sections 33-13 and 33-14 shall apply.

C6-4X

(f) In the district indicated, if all #dwelling units# in the #building# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

35-351 - Arcades

LAST AMENDED
12/5/2024

C1-8 C1-9 C2-7 C2-8

(a) In the districts indicated, or in C1 or C2 Districts mapped within R9 through R12 Districts, the provisions of Section 33-14 shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-11 C4-12 C5 C6

(b) In the districts indicated, the provisions of Section 33-14 (Floor Area Bonus for Arcades) shall apply.

35-36 - Special Floor Area Ratio and Related Bulk Provisions for Certain Areas

LAST AMENDED
12/5/2024

35-361 - Special tower provisions

LAST AMENDED
12/5/2024

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of paragraph (c) of Section 35-632, the provisions of Section 23-241 (Special tower provisions) shall apply:

(a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

35-362 - Special provisions for certain Community Districts

LAST AMENDED
12/5/2024

Borough of the Bronx

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the #floor area ratio# shall be that for an R9-1 District set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts).

35-40 - APPLICABILITY OF DENSITY REGULATIONS

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# on a #zoning lot# shall be as set forth in Section 23-50 (DENSITY REGULATIONS). The maximum #residential# #floor area# permitted for the #zoning lot# shall be determined in accordance with the provisions set forth in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS).

35-50 - MODIFICATION OF YARD REGULATIONS

LAST AMENDED
3/22/2016

In #mixed buildings# with differing #yard# or #rear yard equivalent# requirements for different #uses#, the applicable #residential# #yard# and #rear yard equivalent# regulations shall apply at the

lowest #story# containing #dwelling units# with windows facing onto such #residential# #yard# or #rear yard equivalent#, as applicable.

35-51 - Modification of Front Yard Requirements

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required.

35-52 - Modification of Side Yard Requirements

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #side yard# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections 23-311 and 23-312 shall be permitted in such open areas.

35-53 - Modification of Rear Yard Requirements

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential# #rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, shall be permitted, pursuant to Section 23-41 (Permitted Obstructions), inclusive.

35-60 - MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

Height and setback regulations are set forth in Section 35-62 for #Commercial Districts# mapped within, or with a #residential equivalent# of, an R1 through R5 District and Section 35-63 inclusive, for #Commercial Districts# mapped within, or with a #residential equivalent# of, an R6 through R12 District. Special regulations governing certain areas are set forth in Section 35-64, inclusive. Permitted obstructions to maximum heights are set forth in Section 35-61.

35-61 - Permitted Obstructions

LAST AMENDED
12/5/2024

In all #Commercial Districts#, the provisions of Section 33-42 (Permitted Obstructions) shall apply to any #building or other structure#. In addition, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section 23-413 (Permitted obstructions in certain districts).

35-62 - Height and Setback Requirements in Commercial Districts With R1 Through R5 Equivalency

LAST AMENDED
12/5/2024

In #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 District, for the purposes of applying the provisions of Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), inclusive, the applicable #Residence District# regulations shall apply, including as modified by the provisions of Section 35-22 (Residential Bulk Regulations in C1 or C2 Districts Whose Bulk Is Governed by Surrounding Residence District).

However, for non-#qualifying residential sites#:

(a) located within R3 and R4 Districts, the height and setback regulations for R4 Districts without a letter or number suffix shall apply; and

(b) located within R5A or R5B Districts, the height and setback regulations for R5 Districts without a letter suffix shall apply.

Furthermore, for the purposes of applying the provisions of Section 23-423 (Standard setback regulations), for #building# #street walls# fronting a #street# where a #Commercial District# is mapped along the entire #block# frontage, for the portion of such #street wall# that exceeds the

maximum base height, a setback shall be provided at a height not lower than a minimum base height of 20 feet and not higher than the maximum base height set forth in Section 23-424 (Height and setback requirements for qualifying residential sites).

Additional height and setback provisions are set forth in Section 35-64 (Special Provisions for Certain Areas), inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#.

35-63 - Height and Setback Requirements in Commercial Districts with R6 Through R12 Equivalency

LAST AMENDED
12/5/2024

C1 C2 C4 C5 C6

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts, the #street wall# location of a #building# shall be as set forth in Section 35-631, and the height and setback provisions shall be as set forth in Section 35-632. Additional height and setback provisions are set forth in Section 35-633 and Section 35-64, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate

#building#.

35-631 - Street wall location

LAST AMENDED
12/5/2024

C1 C2 C4 C5 C6

In the districts indicated, the applicable #street wall# location provisions of this Section shall apply. Such provisions shall apply to the portion of a #street wall# located below the maximum base height and before the required setback as set forth in Section 23-432 (Height and setback requirements).

(a) Line-up rules

For #Commercial Districts# mapped within, or with a #residential equivalent# of, R8 through R12 Districts, when located within the #Manhattan Core#, the following #street wall# location provisions shall apply along #wide streets#:

(1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 23-432, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection or, for #corner lots# with an angle of 75 degrees or less, at points 30 feet from their intersection.

(2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is lower, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (a)(1) of this Section.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section 23-431 may be applied.

(b) Percentage-based rules

For all #buildings# that are not subject to the provisions of paragraph (a) of this Section the following shall apply:

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Sections 23-432, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section 23-

431 may be applied.

(c) Modifications for large #zoning lots#

Notwithstanding the provisions of paragraphs (a) or (b) of this Section, for #street walls# on #buildings# on a #zoning lot# that has a #lot area# of at least 40,000 square feet or occupies an entire #block#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and extend to at least the minimum base height specified in Section 23-432, or the height of the #building#, whichever is less.

(d) Articulation allowances

In all districts, and along all frontages, #street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

35-632 - Maximum height of buildings and setback regulations

LAST AMENDED
12/5/2024

C1 C2 C4 C5 C6

In the districts indicated, where mapped within, or with a #residential equivalent# of an R6 through R12 district, the height and setback regulations of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied in accordance with the provisions set forth in this Section.

(a) Height and setback requirements

The minimum base height, maximum base height and maximum #building# height shall be as set forth in the table in Section 23-432 for the applicable #Residence District#. Separate maximum base heights and maximum #building# heights are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#. For portions of a #building# #street wall# that exceed the maximum base height, a setback shall be provided at a height not lower than the minimum base height or higher than the maximum base height, in accordance with Section 23-433.

(b) Height and setback modifications on eligible sites

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 without a letter suffix, for #zoning lots# meeting the criteria of paragraph (a) of Section 23-434, the maximum #building# heights may be increased in accordance with the table in Section 23-434 for the applicable #Residence District#.

(c) Tower regulations

In #Commercial Districts# mapped within, or with a #residential equivalent# of R9 through R12 Districts, other than R9A, R9X, R10A or R11A Districts, as an alternative to the maximum #building# heights set forth in Sections 23-432, towers shall be permitted pursuant to the provisions of Section 23-435.

35-633 - Additional height and setback provisions

LAST AMENDED
12/5/2024

The additional height and setback regulations set forth in Section 23-436 shall apply, except as follows:

(a) for the purposes of applying such provisions, references to the #street wall# location provisions of Section 23-431 shall be superseded by those of Section 35-631; and

(b) for the purposes of applying the #street wall# modifications on #corner lots#, where a #zoning lot# is bounded by only one #street line# along a #street# frontage where a #Commercial District# is mapped along the entire #block# frontage, the #street wall# shall be applied along such frontage.

35-64 - Special Provisions for Certain Areas

LAST AMENDED
12/5/2024

35-641 - Special tower provisions

LAST AMENDED
12/5/2024

C1 C2 C4 C5 C6

The tower provisions of Section 23-435 shall be modified in certain areas, as follows:

(a) In #Commercial Districts# mapped within, or with a #residential equivalent# of, an R9D or R10X District, the provisions of paragraph (a) of Section 23-441 shall apply.

(b) In C1 or C2 Districts mapped within R9 or R10 Districts without a letter suffix, or in C1-8, C1-9, C2-7 or C2-8 Districts, for #mixed buildings# that meet the criteria of paragraph (b) of Section 23-441, the tower-on-a-base provisions of such paragraph shall apply.

35-642 - Special Height and Setback Provisions for Certain Areas

LAST AMENDED
12/5/2024

(a) Borough of Manhattan

(1) Community District 6

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provisions of paragraph (b) of Section 35-641 (Special tower provisions) shall be modified to require that the additional tower regulations of paragraph (b) of Section 23-441 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow

street# frontage. Such provisions shall be modified in accordance with the provisions of paragraph (a)(2) of Section 23-442 (Special provisions for certain community districts).

(b) Borough of Brooklyn

(1) Community Districts 8 and 9

For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 35-631 and 35-632, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

(2) Community Districts 3, 5, and 16

For C4-4L Districts mapped within Community Districts 3, 5, and 16 in the Borough of Brooklyn with frontage along an elevated rail line, a sidewalk widening of 5 feet shall be provided.

(c) Borough of the Bronx

(1) Community District 1

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residences for seniors#,

the applicable #residential equivalent# for the purposes of applying the height and setback provisions of Section 23-43, inclusive, shall be the eligible site provisions applicable to an R9-1 District.

35-643 - Special provisions in other geographies

LAST AMENDED
12/5/2024

(a) Special provisions for #zoning lots# with #transportation-infrastructure-adjacent frontage#

For #zoning lots# or portions thereof within 100 feet of a #street line# along a #transportation-infrastructure-adjacent frontage#, the following shall apply:

(1) the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply except that such #street wall# need not extend to the minimum base height set forth in Section 35-632. In lieu thereof, the #street wall# shall extend to a minimum base height of one #story# or 15 feet, whichever is lower; and

(2) for #buildings# containing #multiple dwelling residences# that are not otherwise eligible for additional height pursuant to paragraph (c) of Section 35-632, the applicable maximum #building# heights may be increased by 10 feet in #Commercial Districts# mapped within, or with a #residential equivalent# of, R1 through R6 Districts, and by 20 feet in #Commercial Districts# mapped within, or with a #residential equivalent#, of R7 through R12 Districts.

35-70 - MODIFICATION OF ADDITIONAL DESIGN ELEMENTS

LAST AMENDED
12/5/2024

35-71 - Planting

LAST AMENDED1/1/1970

The provisions of Section 23-613 (Front yard planting requirements) shall apply, except that plantings shall additionally not be required in the area of the #zoning lot# between the #street line# and any portion of #ground floor level# #street walls# allocated to non-residential #uses# with no sleeping accommodations.

35-80 - ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS

LAST AMENDED

35-81 - Special Provisions for Sky Exposure Plane Buildings

LAST AMENDED
12/5/2024

35-811 - Applicability

LAST AMENDED
12/5/2024

The optional provisions for #sky exposure plane buildings# set forth in Section 23-73, inclusive, may be applied to #zoning lots# in #Commercial Districts# mapped within, or with a #residential equivalent# of, R6 through R10 Districts without a letter suffix, except that such alternative provisions shall not apply to #zoning lots#:

(a) in #Commercial Districts# mapped within, or with a #residential equivalent# of, R6-1, R6-2, R7-3 and R9-1 Districts;

(b) in #Commercial Districts# mapped within, or with a #residential equivalent# of, R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street;

(c) located in the #Limited Height Districts#; or

(d) in C4-2 Districts in the Borough of Staten Island.

35-812 - Floor area and open space ratios

LAST AMENDED
12/5/2024

For #sky exposure plane buildings# in #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R9 District without a letter suffix, the applicable #floor area ratio# and #open space ratio# provisions of Section 23-732 (Floor Area and Open Space Ratios in R6 through R9

Districts) shall be modified by the provisions of this Section.

(a) #Open space ratio# for #residential# portions of #buildings#

For #zoning lots# containing a #residential building# or for the #residential# portion of a #mixed building#, a minimum #open space ratio# shall be provided in accordance with Section 23-732. For the purposes of applying such regulations:

(1) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;

(2) the #lot coverage# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and

(3) the applicable #height factor#, if the maximum permitted #residential# #floor area ratio# is less than the total #floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on minimum required #open space ratio# shall not apply to such change of #use#.

(b) Location of #open space#

The #open space# required for a #residential building# or for the #residential# portion of a #mixed building# under the provisions of paragraph (a) of this Section may be provided at ground floor level or upon the roof of #building#. #Open space# on a roof may be located at a level higher than 23 feet above #curb level# on:

(1) the non-#residential# portion of a #mixed building#;

(2) a #commercial building#; or

(3) a #community facility building# that #abuts# such #residential building# or #residential# portion of a #mixed building#;

provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of a #mixed building#. However, #open space# located on the roof of a #community facility# #building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

35-813 - Floor area provisions in certain towers

LAST AMENDED
12/5/2024

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-815, the #floor area# provisions of Section 35-361 (Special tower provisions) shall apply.

35-814 - Special height and setback regulations

LAST AMENDED
12/5/2024

In #Commercial Districts# that are mapped within, or have a #residential equivalent# of an R6 through R10 District without a letter suffix, for #sky exposure plane buildings#, the height and setback regulations set forth in Section 23-736 shall be modified as follows:

(a) the #sky exposure plane# may be measured from a point above the #street line# instead of the #front yard line#. The maximum height of a front wall within the #initial setback distance# shall be the maximum height for front walls permitted in the applicable district for a #residential#, #commercial#, or #community facility building#, whichever permits the greatest maximum height;

(b) in C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of paragraph (b) of Section 23-736 (Special height and setback regulations for sky exposure plane buildings) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#;

(c) in #Commercial Districts# mapped within, or with a #residential equivalent# of, an R9 or R10 District, towers may penetrate a #sky exposure plane# pursuant to Section 35-815 (Tower regulations).

(d) Notwithstanding the foregoing, in C1 or C2 Districts mapped within, or with a #residential equivalent# of an R7-2, R8, R9 or R10 Districts, the provisions of Section 23-738 (Height limitations for narrow buildings or enlargements) shall apply to #buildings# with #street walls# less than 45 feet in width. However, the #street wall# location provisions of paragraph (e)(4) of such Section need not apply.

35-815 - Tower regulations

LAST AMENDED
12/5/2024

In C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within R9 or R10 Districts, for #buildings# that do not meet the criteria set forth in paragraphs (b)(1) and (b)(2) of Section 23-441 (Special tower provisions), and in other #Commercial Districts# mapped within, or with a #residential equivalent# of R9 or R10 Districts, when a #mixed building# is subject to tower regulations, the following shall apply:

(a) where not more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations of Section 23-737 shall apply; and

(b) for other #mixed buildings#, the tower regulations of Section 33-45 shall apply.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Accessory Off-Street Parking and Loading Regulations

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Chapter 6 - Accessory Off-Street Parking and Loading Regulations

36-00 - GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

36-01 - General Purposes

LAST AMENDED
4/22/2009

The following regulations on permitted and required accessory off-street parking spaces and accessory bicycle parking spaces are adopted in order to provide parking spaces off the streets sufficient to give necessary access to developing centers of commerce outside the high density central areas, to reduce traffic congestion caused by parking on the streets, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial centers, to provide for a higher standard of commercial development within the City and thus to promote and protect public health, safety and general welfare.

36-02 - Applicability of District Regulations

LAST AMENDED
4/22/2009

Except as otherwise provided in this Section, the regulations of this Chapter on permitted and required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility# #uses# or #commercial# #uses#, as set forth in the provisions of the various Sections. In addition, the regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

36-021 - Applicability of regulations of C6-1A Districts

LAST AMENDED
12/5/2024

In C6-1A Districts, the parking requirements of C4-4 Districts as set forth in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) shall apply to #commercial# or #community facility# #uses#. However, for all office #uses# listed in Use Group 6B of Section 32-15 (Use Group 6), there shall be one parking space per 4,000 square feet of #floor area#.

36-022 - Applicability of regulations in C4-1 Districts

LAST AMENDED
12/5/2024

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, all #group parking facilities# that are #accessory# to #commercial developments# or #enlargements# shall be subject to authorization by the City Planning Commission to assure that the layout of such parking spaces is arranged and located in relation to the #use# or #uses# to which such spaces are #accessory#, so as to

provide adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

For such #zoning lots#, the Commission may also authorize a reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #use# proposed.

Furthermore, notwithstanding the applicability requirements of Sections 36-57 (Parking Lot Maneuverability and Curb Cut Regulations), paragraph (a), and 37-91, the Commission shall find that such #group parking facilities# of any size comply with the maneuverability and landscaping provisions of Sections 36-57 and 37-90 (PARKING LOTS), inclusive. For #group parking facilities accessory# to #enlargements#, the Commission may authorize modifications or waivers of such provisions, provided the Commission finds that:

(a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;

(b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;

(c) the amount of interior planting islands and their distribution throughout the parking lot have been provided to the maximum extent practicable; and

(d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscape architects in considering such modifications.

36-023 - Applicability of regulations in the Manhattan Core and the Long Island City area

LAST AMENDED
12/5/2024

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off- street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

36-024 - Applicability of regulations to non-profit hospital staff dwellings

LAST AMENDED
12/5/2024

In all districts, the regulations of this Chapter applicable to #community facility# #uses# shall not apply to #non-profit hospital staff dwellings#. In lieu thereof, the regulations applicable to #residences# shall apply as follows:

(a) the regulations of a C4-1 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R1, R2 and R3 Districts, and to C3 Districts;

(b) the regulations of a C4-2 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R4 and R5 Districts, and to C4-1 and C8-1 Districts; and

(c) the regulations of a C4-7 District shall apply to #non-profit hospital staff dwellings# located in #Commercial Districts# mapped within, or with a #residential equivalent# of, R6 through R10 Districts, and to C8-2, C8-3 and C8-4 Districts.

36-025 - Applicability of regulations in flood zones

LAST AMENDED
12/5/2024

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

36-026 - Applicability of regulations to public parking garages and public parking lots

LAST AMENDED
12/5/2024

The following provisions of this Chapter shall apply to #public parking garages# and #public parking lots# in addition to #accessory# off-street parking facilities:

Section 36-462 (Restrictions on the use of parking spaces in public parking garages and public parking lots)

Section 36-524 (Calculating floor area in parking facilities with lift systems, or in automated parking facilities)

Section 36-53 (Width of Curb Cuts and Location of Access to the Street)

Section 36-54 (Surfacing)

Section 36-55 (Screening)

Section 36-57 (Parking Lot Maneuverability and Curb Cut Regulations)

36-03 - Definitions

LAST AMENDED
11/19/1987

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

36-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

36-11 - General Provisions

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except as otherwise provided in Section 85-03 (Modifications of Use Regulations), #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 36-12 (Maximum Size of Accessory Group Parking Facilities). Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections 73-47 (Roof Parking) or 74-531 (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is

immediately above a #story# other than a #basement#.

36-12 - Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
4/14/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #accessory# #group parking facility# to #residences# shall contain more than 200 off-street parking spaces, and no such facility #accessory# to permitted #community facility# or #commercial# #uses# shall contain more than 150 off-street parking spaces, except as provided in Section 36-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-56 (Accessory Off-street Parking Spaces in Public Garages).

36-13 - Modification of Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
6/23/1966

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 36-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines

that such facility:

(a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;

(b) if #accessory# to a #commercial# or #community facility# #use#, is located on a #street# not less than 60 feet in width; and

(c) if #accessory# to a #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-56 (Accessory Off- street Parking Spaces in Public Garages).

36-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces, in accordance with the provisions of Section 73-46 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-56 (Accessory Off- street

Parking Spaces in Public Garages).

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

LAST AMENDED
12/15/1961

36-21 - General Provisions

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

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 in this Section for all #developments# after December 15, 1961, for the #commercial# or #community facility# #uses# listed in the table. If an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development# or #enlargement#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#, under single ownership or control, shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons that may be accommodated by such #uses#.

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 (Width of Curb Cuts and Location of Access to the Street); and

(c) for certain #zoning lots#, #developments# or #enlargements# below minimum thresholds pursuant to Section 36-25 (Waiver for Certain Small Zoning Lots or Establishments).

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

Parking Requirement Category	Type of Requirement

PRC – A	square feet of #floor area#
PRC – B	person-rated capacity
PRC – C	square feet of #lot area#
PRC – D	square feet of #floor area#, or number of employees
PRC – E	number of beds
PRC – F	guest rooms or suites
PRC – G	other

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

Parking Requirement Category	**PRC - A**				**PRC - B**			**PRC - C**
	A1	**A2**	**A3**	**A4**	**B1**	**B2**	**B3**	
Unit of measurement	**per square feet of #floor area#** 1				**per persons-rated capacity**			**per square feet of # lot area#** 4
C1-1 C2-1 C3 C4-1	1 per 100	1 per 150	1 per 150 [2, 3]	1 per 400	1 per 4	1 per 8	1 per 10	1 per 500
C1-2 C2-2 C4-2 C8-1	1 per 200	1 per 300	1 per 300 [2, 3]	1 per 600	1 per 8			

C1-3 C2-3 C4-2A C4-3 C8-2	1 per 300	1 per 400	1 per 400 [2]	1 per 800	1 per 12	1 per 16	1 per 20	1 per 2,000
C1-4 C2-4 C4-4 C4-5D C8-3 C7 outside the #Greater Transit Zone#	1 per 1,000	1 per 1,000	1 per 1,000	1 per 1,000	1 per 25	None required	None required	None required
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 C7 within the #Greater Transit Zone#	None required	None required	None required	None required	None required	None required	None required	None required

1 For ambulatory diagnostic or treatment facilities listed under Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements.

2 Parking requirements for #uses# in PRC-A3 may be reduced by permit of the Board of Standards and appeals in accordance with the provisions of Section 73-44.

3 In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R3-2 Districts, the parking requirements for ambulatory diagnostic or treatment health care facilities shall be 1 per 400 square feet of #floor area# when located above the first #story# ceiling.

4 In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

Parking Requirement Category	**PRC - D**		**PRC - E**			**PRC - F**	
	D1	**D2**	**E1**	**E2**	**E3** 7	**F1**	**F2**
Unit of measurement	**per square feet of #floor area# or per employees** 5		**per bed**			**per guest room or suites**	

C1-1 C2-1 C3 C4-1	1 per 1,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 2,000 sq ft or 1 per 3 employees, whichever will require a lesser number of spaces	1 per 5 6	1 per 6	1 per 10	1 per 1	1 per 4
C1-2 C2-2 C4-2 C8-1							1 per 8
C1-3 C2-3 C4-2A C4-3 C8-2			1 per 8 6	1 per 12	1 per 20		1 per 12
C1-4 C2-4 C4-4 C4-5D C8-3 C7 outside the #Greater Transit Zone#				None required	None required		
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 C7 within the #Greater Transit Zone#	None required	None required	1 per 10 6	None required	None required		None required

5 For predominantly open storage of miscellaneous #uses# in PRC-D2, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

6 Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

7 Independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section 36-30. For the purposes of applying such requirements, #dwelling units# shall be as defined in Section 12-10.

Parking Requirement Category	**PRC - G**					
	Agricultural #uses#	**Outdoor racket courts**	**Outdoor skating rinks**	**Colleges, universities or seminaries**	**#Schools#**	**Libraries, or non-co art ga**

Unit of measurement	per square feet of #lot area# used for selling purposes	per court	per square feet of #lot area#	per square feet of #floor area# used for classrooms, laboratories, student centers or offices	per square feet of #floor area#	per squa #floor
C1-1 C2-1 C3 C4-1	1 per 1,000	1 per 2	1 per 800	1 per 800	None required	1 per
C1-2 C2-2 C4-2 C8-1						1 per
C1-3 C2-3 C4-2A C4-3 C8-2	1 per 2,500	1 per 5	1 per 2,000	1 per 2,000		1 per
C1-4 C2-4 C4-4 C4-5D C8-3 C7 outside the #Greater Transit Zone#	None required	None required	None required	None required		None r
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 C7 within the #Greater Transit Zone#	None required	None required	None required	None required		None r

8 Parking requirements for houses of worship shall be applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room.

Parking Requirement Category	PRC - G (continued)							
	Court houses	Fire or Police stations	Prisons	Docks	Camps, overnight and day	Post Offices	Funeral Establishments	R acad st

Unit of measurement	per square feet of #floor area#	per square feet of #floor area#	per beds-rated capacity	see Section 62-43	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per sq of #flo
C1-1 C2-1 C3 C4-1	1 per 500	None required	1 per 10	see Section 62-43	1 per 2,000 or 1 per 3	1 per 800	1 per 200	None
C1-2 C2-2 C4-2 C8-1	1 per 800					1 per 1,200	1 per 400	
C1-3 C2-3 C4-2A C4-3 C8-2	1 per 1,000		1 per 20			1 per 1,500	1 per 600	
C1-4 C2-4 C4-4 C4-5D C8-3 C7 outside the #Greater Transit Zone#	1 per 2,000		None required			1 per 2,000		
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 C7 within the #Greater Transit Zone#	None required		None required			None required	None required	

36-211 - Special provisions in certain areas

LAST AMENDED
6/6/2024

In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts, and C4-1 and C4-2 Districts, in the Borough of Staten Island and Community District 10 in the Borough of the Bronx, the following parking requirements shall apply to certain #uses#:

(a) the parking requirements for child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in #lower density growth management areas# shall be 1 per 1,000 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#; and

(b) the parking requirements for #ambulatory diagnostic or treatment health care facilities# shall be 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#.

36-22 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions).

However, the number of spaces required for #uses# in parking requirement category B1, when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-431 (Reduction of parking spaces for places of assembly).

36-23 - Waiver of Requirements for Spaces Below Minimum Number

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements for #accessory# off-street parking spaces shall be subject to the waiver provisions of this Section.

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

LAST AMENDED
6/6/2024

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 or Establishments), 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# or to #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:

Districts	Number of Spaces
C1-1 C2-1 C3 C4-1	10
C1-2 C2-2 C4-2 C8-1	15
C1-3 C2-3 C4-2A C4-3 C7 outside the #Greater Transit Zone# C8-2	25

36-232 - In districts with very low parking requirements

LAST AMENDED
6/6/2024

In C1-4, C1-5, C1-6, C1-7, C1-8, C1-9, C2-4, C2-5, C2-6, C2-7, C2-8, C4-4, C4-5, C4-6, C4-7, C5, C6, C7 within the #Greater Transit Zone#, C8-3 or C8-4 Districts, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 36-21 (General Provisions) or Section 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to:

(a) #commercial# #uses# in parking requirement category A1 or A2, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than 40, or 100 in the case of C6-1A Districts; or

(b) #commercial# #uses# in any one of parking requirement categories A3, A4, B1, C or F, or a permitted #community facility# #use#, if the number of #accessory# off-street parking spaces required for the #uses# in each such category or for each such #community facility# #use# is less than 40.

36-233 - Exceptions to application of waiver provisions

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the waiver provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

(a) #Uses# within parking requirement category (PRC) D.

(b) The following #commercial# #uses# in PRC -F or G:

Camps, overnight or day

#Motels# or #tourist cabins

(c) The following #community facility# #uses# in PRC-G:

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

Outdoor racket courts.

36-24 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
4/14/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the 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 any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 36-53 (Width of Curb Cuts and Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

36-25 - Waiver for Certain Small Zoning Lots or Establishments

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the parking requirements of Section 36-21 (General Provisions) for certain #uses# shall be waived in accordance with this Section:

(a) For #uses# in parking requirement category (PRC) D1, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 7,500 square feet or the number of employees is fewer than 15;

(b) For #uses# in PRC-D2, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 10,000 square feet or the number of employees is fewer than 15;

(c) For camps, overnight or day, no #accessory# off-street parking requirements shall apply where either the #lot area# is less than 10,000 square feet or the number of employees is fewer than 10; and

(d) In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts 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 listed under Use Group III(B) or child care services 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 January 18, 2011, and on the date of application for a building permit.

36-26 - Waiver for Mixed-use Developments

LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the non-residential parking requirements of Section 36-20 shall be waived for #uses# located within #buildings# containing #residences# on any #zoning lot#:

(a) within the #special mixed use parking area#;

(b) with a #lot area# of 10,000 square feet or less that is located within the remaining portion of the #Outer Transit Zone#; or

(c) with a #lot area# of 5,000 square feet or less that is located outside the #Greater Transit Zone#.

36-30 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS

LAST AMENDED

12/15/1961

36-31 - General Provisions

LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, #accessory# off-street parking spaces shall be required for #residences# in accordance with the regulations of the #Residence District# such #Commercial District# is mapped within, or has a #residential equivalent# of, in accordance with the provisions of Section 25-20, inclusive. Separate requirements are set forth for #zoning lots# in the #Inner Transit Zone# pursuant to Section 25-21, inclusive, the #Outer Transit Zone#, pursuant to Section 25-22, inclusive, and beyond the #Greater Transit Zone#, pursuant to Section 25-23, inclusive. However, for #Commercial Districts# in the #Greater Transit Zone#, no parking shall be required for #qualifying residential sites#.

For the purpose of determining the number of required #accessory# off-street parking spaces for such #residences# in C1-6, C2-6, C4-4, C4-5 and C6-1 Districts, the regulations of an R7-2 District shall apply. For C1 or C2 Districts mapped within R5A and R5B Districts, the number of required #accessory# off-street parking spaces for such #residences# shall be in accordance with an R5 District without a letter suffix. In all other districts, the #residential equivalent# shall be as determined in accordance with Section 34-112.

36-32 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for #uses# in parking requirement category B1 when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for House of Worship or Places of Assembly).

36-33 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 36-53 (Width of Curb Cuts and Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base his determination on such report.

36-40 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

36-41 - General Provisions

LAST AMENDED
9/9/2004

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off- street parking spaces, open or enclosed, #accessory# to #residences# or to #commercial# or #community facility# #uses# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 36-42 (Off-site Spaces for Residences)

Section 36-43 (Off-site Spaces for Commercial or Community Facility Uses)

Section 36-44 (Joint and Shared Facilities)

Section 36-45 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 36-56 (Accessory Off-street Parking Spaces in Public Garages).

36-42 - Off-site Spaces for Residences

LAST AMENDED

7/6/1972

C1 C2 C3 C4 C5 C6

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

(a) located in a district other than a #Residence District#, or provided in a joint facility located in a district other than an R1 or R2 District on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section 36-44 (Joint and Shared Facilities); and

(b) not further than the maximum distance from the #zoning lot# specified in this Section.

36-421 - Maximum distance from zoning lot

LAST AMENDED
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

District	Maximum Distance from the #Zoning Lot#

C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3	600 feet
C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6	1,000 feet

36-43 - Off-site Spaces for Commercial or Community Facility Uses

LAST AMENDED
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off- street parking spaces #accessory# to #commercial# or #community facility# #uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses# but within the same district or an adjoining #Commercial District# or #Manufacturing District#. However, all required spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# on which such #uses# are located.

36-44 - Joint and Shared Facilities

LAST AMENDED
9/9/2004

36-441 - Joint facilities

LAST AMENDED

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

(a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 36-21 (General Provisions)

Section 36-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements)

Section 36-31 (General Provisions);

(b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections 36-42 (Off-Site Spaces for Residences), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses) or 73-45 (Modification of Off-site Parking Provisions); and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

36-45 - Additional Regulations for Required Spaces When Provided Off Site

LAST AMENDED
9/9/2004

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, when required #accessory# off- street parking spaces are provided off the site in accordance with the provisions of Sections 36-42 (Off-site Spaces for Residences), 36-43 (Off-site Spaces for Commercial or Community Facility Uses) or 36-44 (Joint and Shared Facilities), the following additional regulations shall apply:

(a) such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#; and

(b) such spaces shall conform to all applicable regulations of the district in which they are located.

36-46 - Restrictions on Use of Accessory Parking Spaces and Spaces in Public Parking Garages

LAST AMENDED
12/6/2023

36-461 - Restrictions on the use of accessory off-street parking spaces

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces, open or enclosed, shall be used primarily for the owners, occupants, employees, customers, residents or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

(a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences#, may be rented to persons who are not occupants of such #residences# for the accommodation of private passenger motor vehicles used by such persons. However, in C3 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.

(b) In C1 or C2 Districts mapped within, or with a #residential equivalent# of, R3-2 through R12 Districts, other than R4-1, R4A, R4B and R5A Districts, and in C3 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to

(1) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section 36-48, including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed;

(2) #car sharing vehicles#; or

(3) vehicles stored by automobile rental establishments.

(c) In C4, C5, C6, C7 and C8 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

(1) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section 36-48, including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed;

(2) #car sharing vehicles#;

(3) vehicles stored by automobile rental establishments; or

(4) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

Any spaces #accessory# to #residences# shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

36-462 - Restrictions on the use of parking spaces in public parking garages and public parking lots

LAST AMENDED
12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, off-street parking spaces in #public parking garages# and #public parking lots# may be made available for electric charging, or allocated to #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking, only as follows:

(a) In all districts, all spaces within a #public parking garage# or #public parking lot# may be allocated to publicly available electric vehicle charging facilities.

(b) In C1 or C2 Districts mapped within, or with a #residential equivalent# of, R3-2 through R12 Districts, other than R4-1, R4A, R4B and R5A Districts, and in C3 Districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to #car sharing vehicles#, or vehicles stored by automobile rental establishments.

(c) In C4, C5, C6, C7 and C8 Districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to:

(1) #car sharing vehicles#;

(2) vehicles stored by automobile rental establishments; or

(3) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

36-47 - Restrictions on Automotive Repairs and Sale of Motor Fuel

LAST AMENDED
12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces. However, where such parking spaces are provided in a #building or other structure#, unattached to the #building# containing #residences#, minor automotive repairs (not including body work) are permitted. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.

36-48 - Electric Vehicle Charging

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces.

36-50 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

36-51 - General Provisions

LAST AMENDED
9/29/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of Section 36-50, inclusive.

Special regulations applying to #large-scale community facility developments# or #large-scale residential developments# are set forth in Article VII, Chapter 9 or 8, respectively.

36-52 - Size, Location and Identification of Spaces

LAST AMENDED
9/29/2010

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

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

(a) Minimum maneuvering space

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., except as follows:

(1) Standard attended facilities

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.

(2) Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

(3) #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one street parking space. The term “tray” shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in #automated parking facilities# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

(4) #Single-# and #two-family residences#

For #accessory# off-street parking spaces serving #single-# or #two-family# #residences#, an area of less than 300 square feet may be considered as one space.

(b) Driveway access

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

(c) Minimum size for each parking space

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

(d) Special rules for certain areas

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10 in the 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 36-57 (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 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 on zoning lots containing residences

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with #buildings# containing #residences#, all #accessory# off-street parking spaces shall be located only within such #buildings# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of such #buildings# and their prolongations.

However, on #through lots#, such limitation shall only apply along one #street# frontage.

In addition, such limitation shall not apply on #zoning lots# occupying an entire #block# or to #large sites#.

36-523 - Identification of car sharing vehicles

LAST AMENDED
9/29/2010

C1 C2 C3 C4 C5 C6 C7 C8

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within 20 feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(a) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility;

(b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and

(c) where such parking facility contains #accessory# #residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord".

36-524 - Calculating floor area in parking facilities with lift systems, or in automated parking facilities

LAST AMENDED
12/6/2023

For enclosed #accessory# off-street parking facilities, or #public parking garages#, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section 12-10, or as otherwise modified in this Resolution, as applicable, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

36-53 - Width of Curb Cuts and Location of Access to the Street

LAST AMENDED
4/14/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the entrances and exits of all permitted or required #accessory# #group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning Commission, certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings or the City Planning Commission may refer such matter to the Department of Transportation for a report and may base its determination on such report.

The waiver provisions of Sections 36-24 or 36-33 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

36-531 - Location of curb cuts in C1 or C2 Districts mapped within R5D Districts

LAST AMENDED
6/29/2006

In C1 or C2 Districts mapped within R5D Districts, a minimum distance of 34 feet of uninterrupted curb space shall be provided between all curb cuts constructed after June 29, 2006.

Furthermore, no curb cuts shall be permitted on the ## frontage of any #zoning lot# existing on June 29, 2006, with access to a #narrow street#.

36-532 - Location and width of curb cuts accessing residential parking spaces in certain districts

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all curb cuts accessing off-street parking spaces #accessory# to #residences# in C1 and C2 Districts mapped within R1 through R8 Districts, and in all other Commercial Districts where, as set forth in the tables in Section 34-112, the applicable Residential District is R3, R4, R5, R6, R7 or R8.

(a) All such curb cuts shall comply with the provisions of Section 25-631 (Location and width of curb cuts in certain districts), as set forth for the applicable #building#, #building segment# and #Residence District#. All #buildings# containing #residences# in C1 and C2 Districts mapped within R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts shall comply with the provisions set forth in Section 25-631 for an R3-2 District;

(b) All such curb cuts shall be prohibited on the #wide street# frontage of any #zoning lot# existing on April 14, 2010, with access to a #narrow street#; and

(c) Where a #Commercial District# with only #narrow street# frontage is mapped along the short end of a #block#, and a #zoning lot# existing on April 14, 2010, has access to both the short and long ends of such #block#, all such curb cuts shall be prohibited along the #street line# of

the short end of such #block#.

36-54 - Surfacing

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# #group parking facility# shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material.

36-55 - Screening

LAST AMENDED
12/5/2024

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:

(a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including such #zoning lots# situated across a #street#, by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees 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

(2) a wall or barrier or uniformly painted fence of fire resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open;

(b) shall be maintained in good condition at all times;

(c) may be interrupted by normal entrances or exits; and

(d) shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).

Paragraph (a) of this Section shall not apply at the #street line# of #zoning lots# where the requirements of Section 37-921 (Perimeter landscaping) apply.

36-56 - Accessory Off-Street Parking Spaces in Public Garages

LAST AMENDED
12/5/2024

C1 C2 C4 C5 C6 C7 C8

In the districts indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for Public Parking Garages), 74-193 (Public parking garages or public parking lots outside high density areas) or 74-194 (Public parking garages or public parking lots inside high density areas).

36-57 - Parking Lot Maneuverability and Curb Cut Regulations

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

(a) Applicability

In all districts, as indicated, the provisions of this Section shall apply to:

(1) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#; and

(2) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in an increase in:

(i) the total number of parking spaces #accessory# to #commercial# or #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(ii) the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(3) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

T he provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

In addition, all #public parking lots# shall comply with the curb cut requirements of paragraph (c) of this Section.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards set forth in this Section.

(b) Parking Lot Maneuverability

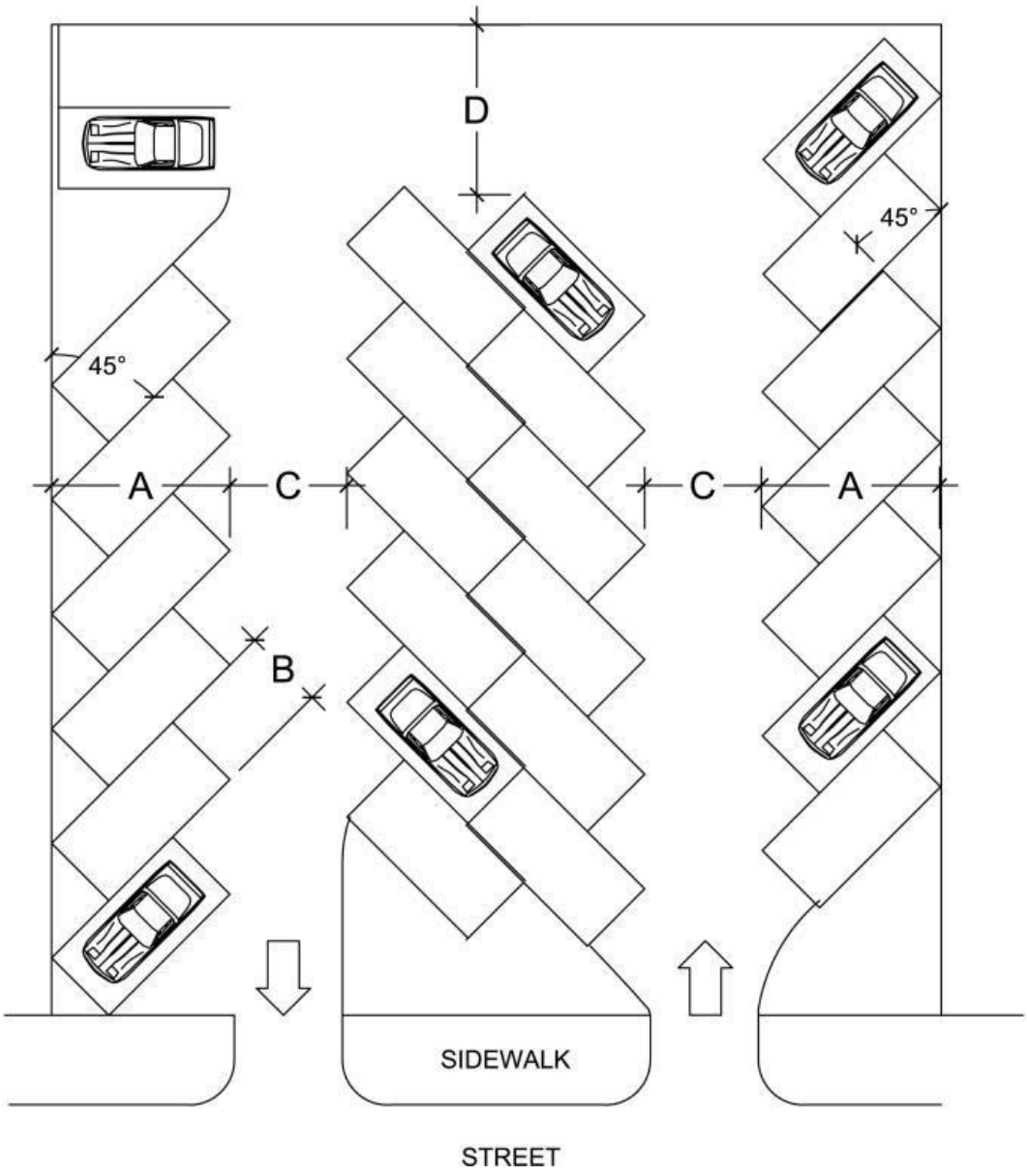
All open parking areas shall comply with the maneuverability standards set forth in the following table.

	A	B	C	D
Angle of Park	Minimum length	Minimum Width	Minimum Travel Lane	Minimum Turnaround
0*	8'-6"	20'-0"	13'-2"	N/A
0**	8'-6"	20'-0"	23'-3"	N/A
45	17'-1"	8'-6"	12'-10"	18'-0"

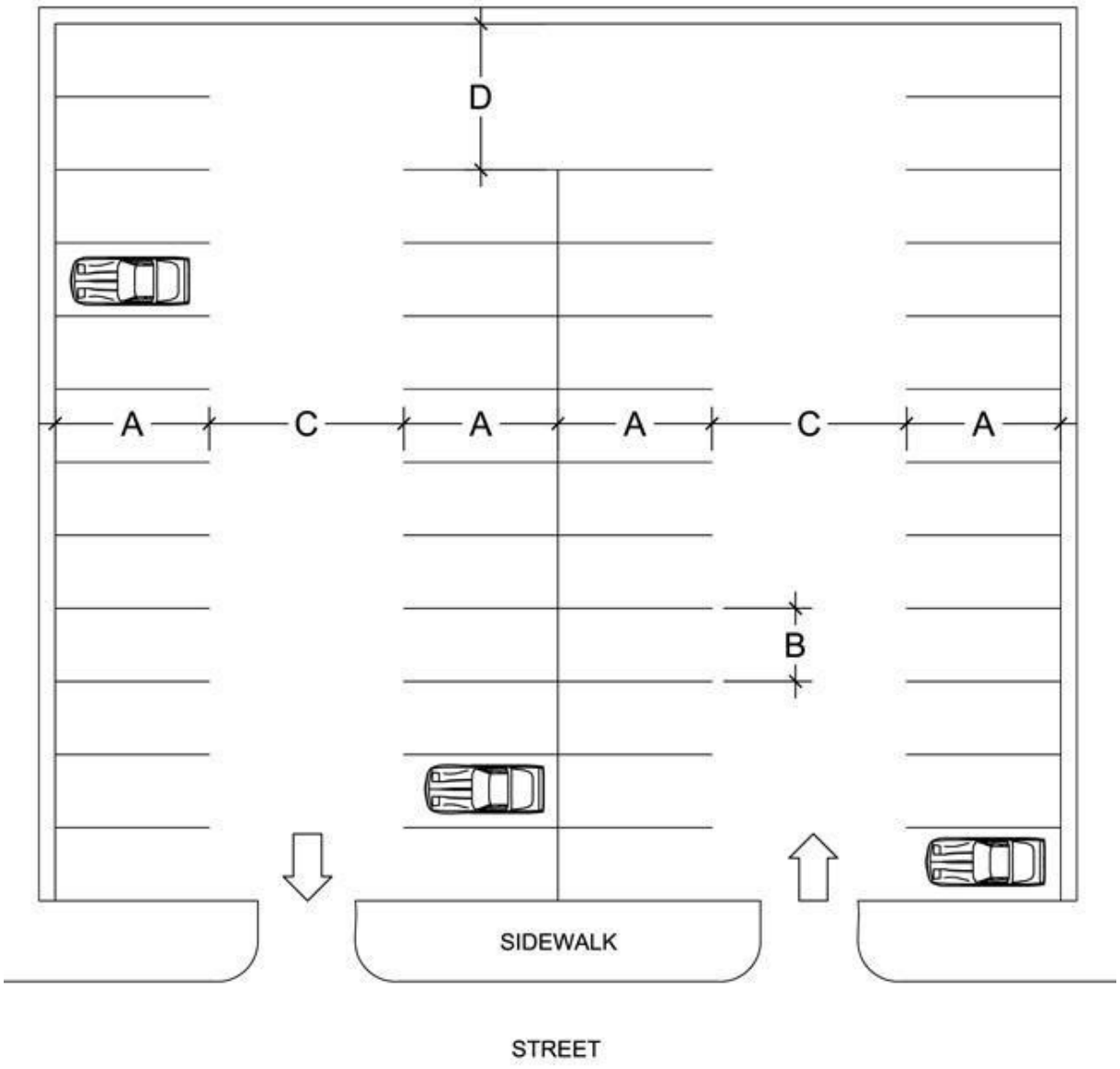
50	17’-8”	8’-6”	13’-2”	17’-6”
55	18’-1”	8’-6”	13’-7”	17’-3”
60	18’-5”	8’-6”	14’-6”	17’-0”
65	18’-7”	8’-6”	15’-4”	17’-3”
70	18’-8”	8’-6”	16’-5”	17’-6”
75	18’-7”	8’-6”	17’-10”	18’-0”
90	18’-0”	8’-6”	22’-0”	22’-0”

* Figures given are for one-way traffic

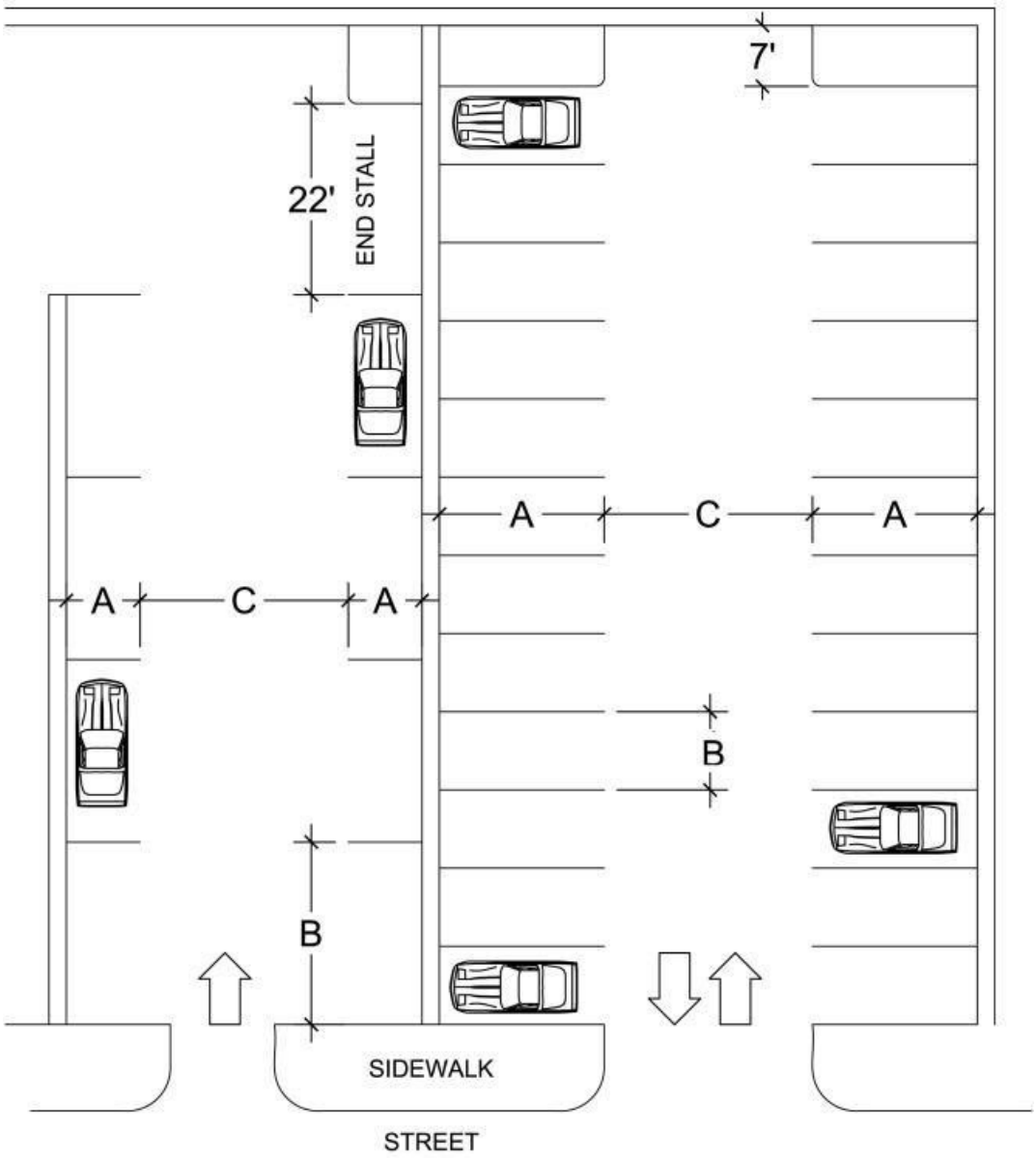
** Figures given are for two-way traffic



45 DEGREE PARKING LAYOUT (36-57b.1)



90 DEGREE PARKING LAYOUT (36-57b.2)



PARALLEL PARKING/DEAD-END PARKING (36-57b.3)

(c) Curb Cuts

Curb cuts serving one travel lane shall have a maximum width of 12 feet, excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet, excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet, excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street# frontage, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage, one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed, prior to November 28, 2007, on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

36-571 - Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx

LAST AMENDED
12/5/2024

C1 C2 C4

(a) 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# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:

(1) 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

(2) 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#.

(b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the following provisions:

(1) Notwithstanding the applicability provisions of paragraph (a) of Section 36-57 (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 36-55, 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 (b)(2) of this Section.

36-58 - Cross Access Connections in the Borough of Staten Island

LAST AMENDED
12/5/2024

C4-1 C8

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots. Such vehicular passageways are hereinafter referred to as "cross access connections" and shall be provided in accordance with the requirements of this Section, inclusive.

36-581 - Applicability

LAST AMENDED
12/5/2024

Cross access connections shall be required for:

(a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area;

(b) #enlargements# on a #zoning lot# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area; or

(c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility# #uses# is increased and such increase results in at least 36 parking spaces or more than 12,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall locate cross access connections in accordance with the requirements of Sections 36-583 and 36-584.

36-582 - Certification of cross access connections

LAST AMENDED
12/5/2024

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the requirements of Section 36-58, inclusive, have been met.

36-583 - Site planning criteria for cross access connections

LAST AMENDED
12/5/2024

Every potential cross access connection meeting the criteria of this Section shall be shown on the site plan required pursuant to Section 36-57 (Parking Lot Maneuverability and Curb Cut Regulations).

(a) The connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#.

(b) The connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot.

(c) The connection shall have a grade not greater than 15 percent.

(d) The connection shall be placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other boundary of the subject property.

(e) The connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#.

No screening or landscaping along a #lot line# shall be required in the connection area.

36-584 - Establishment of location of required cross access connection

LAST AMENDED
12/5/2024

One cross access connection shall be provided on the subject property at each #zoning lot line# or other boundary on the same #zoning lot#, where the properties divided by such #lot line# or boundary are contiguous by at least 60 feet, and where the adjacent properties are located in C4-1, C8 or Manufacturing Districts. The location of the required cross access connection shall be established as follows:

(a) where an easement has not been previously recorded against any adjacent property in accordance with Section 36-585, an easement shall be recorded against the subject property documenting the locations of all potential cross access connections identified pursuant to Section 36-583. The easement shall provide for at least one future cross access connection to each adjacent property, at any of the locations identified; or

(b) where an easement has been previously recorded against an adjacent property in accordance with Section 36-585, an easement providing for at least one cross access connection meeting the criteria set forth in Section 36-583 shall be recorded against the subject property. Such

cross access connection shall also align with one of the locations identified in the previously recorded easement against an adjacent property. If the previously recorded easement has identified more than one location for a cross access connection along such #lot line# or other boundary, the owner of the subject property shall select one of these locations for the cross access connection.

Each property owner shall construct their portion of the cross access connection in accordance with the requirements of Sections 36-583 and 36-585.

If such cross access connection has been established in a location that contained parking spaces upon the effective date of the easement, as set forth in Section 36-585, such connection shall be counted as four required parking spaces and shall be separated from any adjacent parking spaces by a planting island at least four feet wide and densely planted with shrubs maintained at a maximum height of three feet. Such planting islands shall not be subject to the landscaping provisions of Section 37-922 (Interior landscaping).

36-585 - Recordation and notice requirements

LAST AMENDED
12/5/2024

An easement through all required cross access connections for vehicular passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to this Section. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non- customers.

If an easement pursuant to this Section has previously been recorded against any adjacent property, the owner of the subject property shall notify the owner of the adjacent property of the easement location selected by sending such owner a copy of the recorded easement. Proof of notification shall be a condition of certification under this Section. Prior to issuance of a temporary certificate of occupancy or permit sign-off, as applicable, the subject property owner shall further notify the adjacent property owner that the cross access connection must be constructed on the adjacent property within six months of the date of such notice. No temporary certificate of occupancy for any #development#, #enlargement# or increase in the number of parking spaces on the subject property, or permit sign-off, if applicable, shall be issued until the applicant has demonstrated to the Department of Buildings that such owner of the adjacent property has been duly notified. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots within six months of the date of the notice shall constitute a violation of this Zoning Resolution by the adjacent property owner. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots at the time of the aforementioned temporary certificate of occupancy or permit sign-off, if applicable, shall constitute a violation of this Zoning Resolution by the owner of the subject property.

36-586 - Certification that no connection is required, relocation of previously certified connections and voluntary connections

LAST AMENDED
12/5/2024

(a) Certification that no connection is required

The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located

on the same #zoning lot#, due to the presence of the following conditions, and provided that no alternate location along such #lot line# or other boundary between properties exists:

(1) grade changes greater than 15 percent;

(2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property; or

(3) wetlands or trees with a caliper of six inches or more.

(b) Relocation of previously certified connection

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.

(c) Certification for voluntary connection

The Chairperson may certify a non-required cross access connection provided such connection complies with all requirements of Section 36-58, inclusive.

36-587 - Authorizations for waivers or modifications of cross access connections

LAST AMENDED
12/5/2024

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-58 (Cross Access Connections in the Borough of Staten Island), inclusive, provided the Commission finds that:

(a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection; or

(b) site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

36-60 - OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in commercial areas within the City, and thus to promote and protect public health, safety and general welfare.

36-61 - Permitted Accessory Off-street Loading Berths

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections 36-662 (Location of access to the street), 36-663 (Restrictions on location of berths near Residence Districts), 36-664 (Surfacing) and 36-665 (Screening).

36-62 - Required Accessory Off-street Loading Berths

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #developments# or #enlargements# after December 15, 1961, for the #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargement#.

For the purposes of applying the requirements set forth in the table to #enlargements#, such provisions shall apply to the #floor area# of the #enlarged# portion of such #building# or, for open #uses#, to the #lot area# allocated to such #enlarged# #use#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Loading Requirement Categories (LRC).

Loading Requirement Category	#Use# or Use Group
LRC – A	All #uses# listed under Use Groups IX(A), IX(B) and X
LRC – B	All #uses# listed under Use Group VI, except automotive equipment rental and leasing, automotive repair and maintenance, or gasoline stations; all #uses# listed under Use Group VIII
LRC – C	All #uses# listed under Use Groups V and VII; court houses listed under Use Group IV(A)
LRC – D	Hospitals and related facilities listed under Use Group III(B); prisons listed under Use Group IV(A)
LRC – E	Funeral establishments listed under Use Group VI

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR ENLARGEMENTS

Loading Requirement Category	**Districts**	
	C1[2] C2[2] C3 **C4-1 C4-2 C4-3** **C8-1 C8-2** **C7 outside the #Greater Transit Zone#**	**C1[3] C1-6 C1-7 C1-8 C1-9 C2[3] C2-6 C2-7 C2-8** **C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6** **C8-3 C8-4** **C7 within the #Greater Transit Zone#**

LRC-A	First 8,000 sq. ft.: None Next 17,000 sq. ft.: 1 Next 15,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Each additional 80,000 sq. ft.: 1	First 15,000 sq. ft.: None Next 25,000 sq. ft.: 1 Next 40,000 sq. ft.: 1 Each additional 80,000 sq. ft.: 1
LRC-B	First 8,000 sq. ft.: None Next 17,000 sq. ft.: 1 Next 15,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Next 40,000 sq. ft.: 1 Each additional 150,000 sq. ft.: 1	First 25,000 sq. ft.: None Next 15,000 sq. ft.: 1 Next 60,000 sq. ft.: 1 Each additional 150,000 sq. ft.: 1
LRC-C	First 25,000 sq. ft.: None Next 75,000 sq. ft.: 1 Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1	First 100,000 sq. ft.: None Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1
LRC-D 1	First 10,000 sq. ft.: None Next 290,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1	
LRC E	First 10,000 sq. ft.: None Next 20,000 sq. ft.: 1 Any additional amount : 1	

1 Requirements in this table are in addition to area utilized for ambulance parking.

2 Mapped within R1, R2, R3, R4, R5, R6.

3 Mapped within R7, R8, R9, R10, R11 R12.

36-63 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in Section 36-62 (Required Accessory Off-street Loading Berths) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 36-662 (Location of access to the street). The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

36-64 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

36-65 - Joint Loading Berths Serving Two or More Buildings

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#, provided that:

(a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Section 36-62 (Required Accessory Off-street Loading Berths);

(b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

36-66 - Additional Regulations for Permitted or Required Berths

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section, inclusive.

36-661 - Size of required berths

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all required #accessory# off- street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways or entrances to or exits from such off-street berths. Loading requirement categories (LRC) shall be as set forth in Section 36-62 (Required Accessory Off-street Loading Berths).

MINIMUM DIMENSIONS FOR REQUIRED
ACCESSORY OFF-STREET LOADING BERTHS (in feet)

		Length	Width	Vertical Clearance
LRC-A	with less than 10,000 sq. ft. of #floor area#	37	12	14
	with 10,000 sq. ft. or more of #floor area#	50	12	14
LRC-B		37	12	14
LRC-C		37	12	12
LRC-D		37	12	12
LRC-E		25	10	8

36-662 - Location of access to the street

LAST AMENDED
6/6/2024

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

The waiver provisions of Section 36-63 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

36-663 - Restrictions on location of berths near Residence Districts

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths onto the #street# shall be less than 30 feet from the district boundary.

36-664 - Surfacing

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

36-665 - Screening

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required open off-street loading berths that are located on #zoning lots# adjacent to the boundary of a #Residence District#:

(a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire- resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50 percent of the face is open;

(b) shall be maintained in good condition at all times;

(c) may be interrupted by normal entrances and exits; and

(d) shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).

36-70 - BICYCLE PARKING

LAST AMENDED
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of this Section, inclusive, relating to bicycle parking spaces shall apply to:

(a) #developments#;

(b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;

(c) #dwelling units# created by #conversions# of non-#residential# #floor area#;

(d) new #dwelling units# in #buildings# or #building segments# constructed after April 22, 2009;

(e) new enclosed #accessory# #group parking facilities# with 35 or more automobile parking spaces; and

(f) open parking areas #accessory# to #commercial# or #community facility# #uses# that contain 18 or more automobile parking spaces or are greater than 6,000 sq. ft. in area.

In addition, the provisions of Section 36-75 (Floor Area Exemption) shall apply to all #buildings# as set forth therein.

Bicycle parking spaces shall be provided in accordance with the requirements set forth in this Section, inclusive, as a condition precedent to the #use# of such #development#, #enlargement#, #conversion#, #group parking facility# or open parking area.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

36-71 - Required Bicycle Parking Spaces

LAST AMENDED
4/22/2009

36-711 - Enclosed bicycle parking spaces

LAST AMENDED
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR
RESIDENTIAL, COMMUNITY FACILITY OR COMMERCIAL USES

Type of #Use#	**Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement**
FOR RESIDENTIAL USES	

#Single-family# #detached# #residences# listed under Use Group II	None required
All other types of #residences# listed under Use Group II, except #affordable independent residences for seniors#	1 per 2 #dwelling units#
#Affordable independent residences for seniors# listed under Use Group II	1 per 10,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES[1]	
College or #school# student dormitories or fraternity and sorority student houses listed under Use Group III(A)	1 per 2,000 square of #floor area#
Colleges, universities or seminaries listed under Use Group III(B)[2]	
(a) Classrooms, laboratories, student centers or offices	1 per 5,000 square feet of #floor area#
(b) Theaters, auditoriums, gymnasiums or stadiums	1 per 20,000 square feet of #floor area#
Libraries, museums or non-commercial art galleries listed under Use Group III(B)	1 per 20,000 square feet of #floor area#
Monasteries, convents or novitiates listed under Use Group III(A); houses of worship listed under Use Group III(B); rectories or parish houses listed under Use Group III(A) or III(B); all #uses# listed under Use Group I	None required
All other #uses# listed under Use Group III not otherwise listed in this table	1 per 10,000 square feet of #floor area#
FOR COMMERCIAL USES	

All #uses# listed under Use Group VII	1 per 7,500 square feet of #floor area#
All #uses# listed under Use Groups V and VI; All #uses# listed under Use Group VIII, except #amusement or recreation facilities# or #uses# listed under Entertainment and Sporting Venues	1 per 10,000 square feet of #floor area#
#Amusement or recreation facilities# or #uses# listed under Entertainment Sporting Venues except drive-in theaters	1 per 20,000 square feet of #floor area#
#Public parking garages#	1 per 10 automobile parking spaces
Use Groups not specified above, and all other #commercial# #uses# not otherwise listed	None required

1 #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group II #residential uses#.

2 Up to half of required spaces may be provided as unenclosed bicycle parking spaces, pursuant to the requirements of Section 36-73.

However, the bicycle parking requirements set forth in the table shall be waived for bicycle parking spaces that are accessory to:

(a) #buildings# containing 10 #dwelling units# or less;

(b) colleges, universities or seminaries where the number of required enclosed bicycle parking spaces is six or less;

(c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or

(d) all other #community facility# or #commercial# #uses# not otherwise listed in the table where the number of required bicycle parking spaces is three or less.

36-712 - Unenclosed bicycle parking spaces

LAST AMENDED
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for open parking areas #accessory# to #commercial# or #community facility# #uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section 37-91, unenclosed bicycle parking spaces shall be provided as follows:

(a) One bicycle parking space shall be provided for every 10 automobile parking spaces, up to 200 automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle space.

Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

(b) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph(c).

36-72 - Authorization for Reduction of Spaces

LAST AMENDED
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section 36-711 (Enclosed bicycle parking spaces) or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

36-73 - Restrictions on Operation, Size and Location of Bicycle Parking Spaces

LAST AMENDED
12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 36-74 (Off-site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall

be located in an area secured by a lock or similar means, or adjoin a securely anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the bicycle parking area, outside any locked door, with lettering at least three-quarter inches in height stating "Bicycle Parking."

All required bicycle parking spaces that are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces that are #accessory# to a #commercial# or #community facility# #use# shall be made available for the storage and independent access of bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities must be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to #community facilities# with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock, or similar means, provided that access is through a commonly accessible area and access is made available to eligible users on an equal basis. Rooms containing required bicycle parking spaces may also contain non-required #accessory# bicycle spaces, as well as non-#accessory# bicycle spaces permitted by the underlying district regulations.

(a) For colleges, universities or seminaries, one-half of required #accessory# bicycle parking spaces may be provided as open unenclosed spaces, provided that such spaces meet the standards of paragraph (b) of Section 36-712 (Unenclosed bicycle parking spaces).

(b) For #public parking garages#, the required information plaque shall be provided at each point of bicycle entry to the #public parking garage#, mounted with its center between four and six

feet above the ground, directly visible and unobstructed from the #street#. The entry plaque shall contain a bicycle symbol which is 12 inches square in dimension with a highly contrasting background, as shown in this paragraph, (b). The symbol shall match exactly the symbol provided in the Required Signage Symbols file at the Department of City Planning website.



(36–73)

36-74 - Off-site Bicycle Parking Spaces

LAST AMENDED
12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# bicycle parking spaces required pursuant to Section 36-711 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that such bicycle parking spaces are located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#.

A plaque shall be placed within 30 feet of an entrance of the #building#, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

36-75 - Floor Area Exemption

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this Section shall be excluded from the calculation of #floor area#, provided that:

(a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces or, if spaces are waived pursuant to paragraphs (a),

(b), (c) or (d) of Section 36-711 (Enclosed bicycle parking spaces), the number that would have been required but for the waiver or, if spaces are not required because the #building# was constructed prior to April 22, 2009, the number that would be required if such #building# were newly constructed; and

(b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this Section, for the #uses# listed in the table, the amount of space that may be excluded from the calculation of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table.

MAXIMUM BICYCLE PARKING SPACES
EXCLUDED FROM FLOOR AREA

Type of #Use#	**Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement**
FOR RESIDENTIAL USES	
#Affordable independent residences for seniors# listed under Use Group II	1 per 2,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES	
Philanthropic or non-profit institutions with sleeping accommodations listed under Use Group III(A)	1 per 2,000 square feet of #floor area#
Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals, listed under Use Group III(B)	1 per 5,000 square feet of #floor area#

However, in no event shall this Section apply to #single-# or #two-family residences#; and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site, pursuant to Section 36-74 (Certification for Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory# #group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory# #group parking facility# does not count as #floor area#.

36-76 - Waiver or Reduction of Spaces for Subsidized Housing

LAST AMENDED
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except in the #Special Willets Point District# and the #Special St. George District#, the number of required bicycle parking spaces set forth in Section 36-711 (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

(a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income-restricted pursuant to the provisions of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, or pursuant to the terms of a grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations

of low income housing tax credits. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph;

(b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory# #group parking facility#,

(c) if permitted automobile parking spaces are provided, the required bicycle parking spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking spaces or removing three or fewer permitted automobile parking spaces;

(d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and

(e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Special Urban Design Regulations

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 7 - Special Urban Design Regulations

37-00 - GENERAL PURPOSES

LAST AMENDED
6/6/2024

Special urban design regulations are set forth in this Chapter to improve the quality of the streetscape and to promote a lively and engaging pedestrian experience along commercial streets in various neighborhoods.

The provisions of this Chapter shall apply as follows:

(a) Section 37-10 sets forth applicability of Article II, Chapter 6 to zoning lots accessed by private roads and sets forth special regulations for lower density growth management areas in the Borough of Staten Island;

(b) Section 37-20, inclusive, sets forth special regulations for all energy infrastructure equipment and accessory mechanical equipment not located within a completely enclosed building;

(c) Section 37-30, inclusive, sets forth special urban design provisions for building frontages in certain areas that apply in conjunction with provisions specified in the supplemental use provisions of Article III, Chapter 2, special provisions for certain areas in Article VI, or in Special Purpose Districts in Articles VIII through XIV;

(d) Section 37-40, inclusive, sets forth provisions for relocating or renovating subway stairs in certain areas;

(e) Section 37-50, inclusive, sets forth requirements for pedestrian circulation spaces that apply in conjunction with provisions specified in certain Special Purpose Districts;

(f) Section 37-60, inclusive, sets forth provisions for publicly accessible open areas such as plazas, residential plazas and urban plazas created prior to October 17, 2007;

(g) Section 37-70, inclusive, sets forth provisions for public plazas;

(h) Section 37-80 sets forth provisions for arcades; and

(i) Section 37-90, inclusive, sets forth provisions for certain open parking areas, including landscaping.

37-10 - SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS

LAST AMENDED
12/6/2023

37-11 - Applicability of Article II, Chapter 6, to Lots with Private Roads

LAST AMENDED
12/5/2024

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) shall apply to any #zoning lot# with #buildings# accessed by #private roads#, except where such #zoning lot# contains #private roads# constructed prior to February 6, 2002. However, for #buildings# containing #commercial uses#, the #front yard# and #side yard# requirements of Section 26-23 (Yards) and the #front yard# planting requirements of Section 26-22 (Requirements for Sidewalks, Street Trees and Planting) need not apply.

Additionally, in C3A Districts located within #lower density growth management areas#, the provisions of 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

37-12 - Special Screening for Lower Density Growth Management Areas in Staten Island

LAST AMENDED
12/6/2023

In all C1, C2 and C4-1 Districts in the Borough of Staten Island, all ***developments*** or ***enlargements*** containing non-***residential uses*** shall be screened from adjoining ***zoning lots*** containing only ***residential uses*** by a planting strip at least five feet wide along the common ***side lot line***, densely planted with evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted. However, no such screening shall be required where both such ***buildings*** front upon a ***street line*** that forms the boundary of a ***block*** front mapped entirely as a ***Commercial District***.

37-20 - SPECIAL SCREENING AND ENCLOSURE PROVISIONS

LAST AMENDED
12/6/2023

37-21 - Special at-grade Screening and Enclosure Regulations

In all districts, other than C8 Districts, all #energy infrastructure equipment# and #accessory# mechanical equipment shall be subject to the following provisions when not located on a #building# rooftop or within a #completely enclosed building#, whether or not such equipment is located within a required #open space#, #yard#, or #court#:

(a) all generators and cogeneration equipment utilizing fossil fuels which are #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;

(b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #side# or #rear lot line# and where located between a #street wall#, or prolongation thereof, and the #street line#, such equipment is within three feet of a #street wall#; and

(c) where the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

(d) However, no screening shall be required for:

(1) equipment with a depth limited to 18 inches from an exterior wall;

(2) solar energy systems; and

(3) wind energy systems.

37-22 - Special Rooftop Screening and Enclosure Regulations

LAST AMENDED
12/5/2024

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located on roofs, other than solar energy systems, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is penetrating a maximum height limit or a #sky exposure plane#.

However, no screening shall be required for:

(a) equipment with a depth limited to 18 inches from an exterior wall;

(b) solar energy systems;

(c) wind energy systems; and

(d) #accessory# mechanical equipment installed on the rooftop of a #building# existing on December 5, 2024, where the height of the equipment does not exceed the height of the rooftop parapet, or a height of 6 feet as measured from the roof level.

All such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

37-30 - SPECIAL GROUND FLOOR LEVEL URBAN DESIGN PROVISIONS FOR CERTAIN AREAS

LAST AMENDED
6/6/2024

37-31 - Applicability

LAST AMENDED
6/6/2024

The provisions of Section 37-30, inclusive, specify #ground floor level# requirements for #building# frontages in certain areas that are not otherwise governed by the provisions of Section 32-30 (STREETSCAPE REGULATIONS). Such provisions apply reference standards for certain streetscape elements that apply in conjunction with specific requirements in certain areas by underlying district regulations, special geographies, or in accordance with a Special Purpose District.

However, the ground floor depth requirements for certain #uses# and minimum transparency requirements of Sections 37-32 and 37-34, respectively, shall not apply to:

(a) #zoning lots# in #Commercial Districts# with a #lot width# of less than 20 feet, as measured along the #street line#, provided such #zoning lots# existed on March 22, 2016, and on the date of application for a building permit; or

(b) any #community facility building# used exclusively for either a #school#, or a house of worship, listed under Use Group III(B).

37-311 - Definitions

LAST AMENDED
6/6/2024

The following definitions shall apply throughout Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive. Additional defined terms in this Section include those in Section 12-10 and Section 32-301.

Designated frontage

For the purposes of Section 37-30, inclusive, a "designated frontage" shall be the portion of the #ground floor level# #street# frontage along a #street#, public access area, or other frontage specifically designated by a Special Purpose District or other provision of this Resolution. Where a #designated frontage# is not a #street#, references to #street walls# shall apply to the #building# wall facing the #designated frontage#.

#Designated frontages# include #primary frontages# or #secondary frontages#.

Primary frontage

For the purposes of Section 37-30, inclusive, a "primary frontage" shall be the portion of the #ground floor level# #designated frontage# along any of the following:

(a) a #wide street#;

(b) a #narrow #street# where a #Commercial District# is mapped along an entire #block# frontage; or

(c) another frontage specifically designated as a #primary frontage# in a Special Purpose District or other streetscape provision of this Resolution.

Secondary frontage

For the purposes of Section 37-30, inclusive, a “secondary frontage” shall be the portion of a #ground floor level# #designated frontage#, subject to the provisions of Section 37-30, inclusive, that is not a #primary frontage#.

37-32 - Ground Floor Depth Requirements for Certain Uses

LAST AMENDED
6/6/2024

The minimum depth for required ground floor non-#residential uses#, as applicable, shall be as set forth in this Section, except as set forth in Section 37-31 (Applicability).

Required #ground floor level# non-#residential uses# along a #designated frontage# shall extend to the #minimum qualifying depth#.

37-33 - Maximum Width of Certain Uses

LAST AMENDED
6/6/2024

The maximum width of lobbies, entrances and exits to off-street parking facilities, and entryways to #mass transit stations#, are set forth in this Section.

(a) Ground floor lobbies

The maximum length of lobbies accessing #uses# not permitted on the #ground floor level#,

shall be limited to a maximum #street wall# length, in total, of 25 percent of the #street wall# width of the #building# along the #designated frontage#, or 25 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 10 feet.

However, C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, the maximum lobby length shall be modified such that the maximum #street wall# length, in total, shall not exceed 25 percent of the #street wall# width of the #building# along the #designated frontage#, or 50 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 20 feet.

(b) Entrances and exits to parking facilities

Entrances and exits to off-street parking facilities, where permitted on the #ground floor level#, or portion thereof, shall be permitted subject to any applicable curb cut regulations of this Resolution.

(c) Entryways to #mass transit stations#

Entrances and exits to #mass transit stations#, as defined in Section 66-11, may be provided on the #ground floor level# of a #building# without restriction in #street wall# width.

37-34 - Minimum Transparency Requirements

LAST AMENDED
6/6/2024

The #ground floor level# #street wall# along a #primary frontage# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, except as set forth in Section 37-31 (Applicability).

Such transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level# #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet. The maximum width of a portion of the #ground floor level# #street wall# without transparency shall not exceed 10 feet.

However, such transparency requirements shall not apply to portions of the #ground floor level# occupied by entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted, entryways to required loading berths, where permitted, entryways to subway stations, as applicable, or doors accessing emergency egress stairwells and passageways.

37-35 - Parking Wrap and Screening Requirements

LAST AMENDED
6/6/2024

All #accessory# off-street parking spaces on the #ground floor level# of a #building# shall be wrapped by #floor area# in accordance with paragraph (a) or, where applicable, screened in accordance with applicable provisions of paragraph (b) of this Section.

(a) Along #primary frontages#

For #ground floor levels#, or portions thereof, fronting along a #primary frontage#, any portion of an #accessory# off-street parking facility that is located above #curb level#, except for permitted entrances and exits, shall be located behind permitted #commercial#, #community facility# or #residential# #floor area# so that no portion of such facility is visible from adjacent public sidewalks or publicly accessible areas. Such #floor area# shall extend to the #minimum qualifying depth#.

(b) Along #secondary frontages#

For #ground floor levels#, or portions thereof, fronting along a #secondary frontage#, off-street parking facilities, or portions thereof, may either be wrapped by #floor area# in accordance with paragraph (a) of this Section, or shall be subject to the following design requirements:

(1) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;

(2) opaque materials shall be located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and

(3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, subject to the provisions of Section 32-60 (SIGN REGULATIONS), murals or other visual artwork, decorative screening or latticework, or living plant material.

37-36 - Special Requirements for Blank Walls

LAST AMENDED
5/12/2021

Where visual mitigation elements are required on a blank wall along the #ground floor level# #street wall# in accordance with other streetscape provisions in this Resolution, such blank wall shall be covered by one or more of the following mitigation elements set forth in this Section.

37-361 - Blank wall thresholds

LAST AMENDED
5/12/2021

The height and width of blank walls and the applicable percent coverage of mitigation elements are set forth in this Section. Blank wall surfaces shall be calculated on the #ground floor level# #street wall# except in the #flood zone#, blank wall surfaces shall be calculated between the level of the adjoining sidewalk and the level of the #first story above the flood elevation# as defined in Section 64-11 (Definitions).

The different types of blank walls are established below and the type of blank wall that applies is determined by the provisions of each applicable Section.

(a) Type 1

Where Type 1 blank wall provisions apply, a “blank wall” shall be a #street wall#, or portions thereof, where no transparent materials or entrances or exits are provided below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 50 feet.

For such blank walls, at least 70 percent of the surface or linear footage of the blank wall, as applicable, shall be covered by one or more of the options described in Section 37-362 (Mitigation elements).

The maximum width of a portion of such blank wall without visual mitigation elements shall not exceed 10 feet. In addition, where such blank wall exceeds a #street wall# width of 50 feet, such rules shall be applied separately for each 50-foot interval.

(b) Type 2

Where Type 2 blank wall provisions apply, a "blank wall" shall be a #street wall#, or portions thereof, where no transparent materials or entrances or exits are provided below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 25 feet.

For such blank walls, at least 70 percent of the surface or linear footage of the blank wall, as applicable, shall be covered by one or more of the options described in Section 37-362. In addition, where such blank wall exceeds a #street wall# width of 50 feet, such rules shall be applied separately for each 50-foot interval.

(c) Type 3 or Type 4

Where Type 3 or Type 4 blank wall provisions apply, a "blank wall" shall be a #street wall#, or portions thereof, where no transparent materials or entrances or exits are provided below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 15 feet for Type 3 or for a continuous width of at least five feet for Type 4.

For such blank walls, at least 70 percent of the surface or linear footage of the blank wall, as applicable, shall be covered by one or more of the options described in Section 37-362. In addition, where such blank wall exceeds a #street wall# width of 25 feet, such rules shall be applied separately for each 25-foot interval.

37-362 - Mitigation elements

LAST AMENDED
5/12/2021

The following mitigation elements shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations.

(a) Surface treatment

Where utilized as a visual mitigation element the following shall apply:

(1) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, decorative screening or latticework, or living plant material shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of the mitigation requirement.

(2) Surface texture

Surface texture that recesses or projects a minimum of one inch from the remaining surface of the #street wall# shall be provided. The height or width of any individual area that recesses or projects shall not be greater than 18 inches. Each linear foot of wall treatment shall constitute one linear foot of the mitigation requirement.

(b) Linear treatment

Where utilized as a visual mitigation element the following shall apply:

(1) Planting

Planting, in the form of any combination of perennials, annual flowers, decorative grasses or shrubs, shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of the mitigation requirement. Such planting bed, or planter boxes shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area, including planters spaced not more than one foot apart, shall have a width of at least five feet.

(2) Benches

Fixed benches, with or without backs, shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of the mitigation requirement. Any individual bench shall have a width of at least five feet and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(3) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall# as follows. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(i) Where bicycle racks are oriented so that the bicycles are placed parallel to the #street wall#, each bicycle rack so provided shall satisfy five linear feet of the mitigation requirement.

(ii) Where bicycle racks are oriented so that bicycles are placed perpendicular or diagonal to the #street wall#, each bicycle rack so provided shall satisfy the width of such rack, as measured parallel to the #street wall#, of the mitigation requirement.

(4) Tables and chairs

In #Commercial Districts# and M1 Districts, fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of the mitigation requirement.

37-40 - OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

LAST AMENDED
10/7/2021

Where a #development# or an #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in

Section 117-44, the #Special Union Square District# as listed in Section 118-50, the #Special East Harlem Corridors District# as described in Section 138-33, and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50. In addition, for #developments# or #enlargements# on such #zoning lots# where a relocated or renovated subway stair has been provided in accordance with the provisions of this Section, the special #use#, #bulk#, parking, and streetscape modifications set forth in Sections 66-22 (Special Use Regulations) through 66-25 (Special Streetscape Regulations) may be applied.

STATION	LINE
The Bronx	
161st Street**	Grand Concourse
Manhattan	
8th Street	Broadway-60th Street
23rd Street	Broadway-60th Street
23rd Street	Lexington Avenue

28th Street	Lexington Avenue
33rd Street	Lexington Avenue
34th Street-Penn Station	8th Avenue
59th Street/Lexington Avenue-60th St.	Lexington Avenue and Broadway-60th Street

* Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans with Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations

** Access stairways to elevated portions of a station complex are exempt from this requirement

37-41 - Standards for Location, Design and Hours of Public Accessibility

LAST AMENDED
10/17/2007

In addition to the standards set forth in the current station planning guidelines as issued by New York City Transit, the following standards shall also apply:

(a) Location

The relocated or renovated entrance shall be immediately adjacent to, and accessible without any obstruction from, a public sidewalk or pedestrian circulation space as defined in Section 37-50. Any such pedestrian circulation space shall have a minimum horizontal dimension equal to the width of the relocated stairs or the minimum width of the pedestrian circulation space, whichever is greater.

The relocated or renovated entrance may be provided within a #building# but shall not be enclosed by any doors. The area occupied by a relocated or renovated entrance within a #building# shall not be counted toward the #floor area# of the #enlargement# or #development#.

(b) Design standards

The relocated or renovated entrance shall have a stair width of at least eight feet for each run.

Where two or more existing stairway entrances are being relocated or renovated as part of the same #development# or #enlargement#, the new entrance or entrances shall have total stair widths equal to or greater than the sum of the stair widths of those existing stairway entrances, but in no case may any stair be less than eight feet in width.

The relocated entrance may be relocated within a #public plaza#, provided that the minimum width of each stair is 10 feet and the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a sidewalk widening. A relocated entrance within a #public plaza# is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a #public plaza#.

For a relocated entrance only, the entrance shall have a queuing space at the top and bottom of the stairs that is at least eight feet wide and 15 feet long. Such queuing space may overlap with a #public plaza# or an #arcade# in accordance with the provisions of Sections 37-53 (Design

Standards for Pedestrian Circulation Spaces) or 37-80 (ARCADES).

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of five feet.

Throughout the entire stairway entrance, including passageways, the minimum clear, unobstructed height shall be at least 7 feet, 6 inches from finished floor to finished ceiling, including all lighting fixtures and #signs#.

The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.

The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.

The below-grade portion of a relocated entrance may be constructed within the #street#.

(c) Hours of public accessibility

The relocated or renovated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by New York City Transit.

37-42 - Administrative Procedure for a Subway Stair Relocation or Renovation

LAST AMENDED
2/2/2011

For any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance or counts a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued, unless the following criteria are met:

(a) for a relocated entrance, such plan includes a stair relocation plan and related documents that require:

(1) construction of the new stair entrance in accordance with such plan;

(2) demolition of above-ground elements of the existing entrance;

(3) sealing of the existing entrance at the sidewalk level; and

(4) maintenance of the work performed on the relocated or renovated entrance; or

(b) for a renovated entrance, such plan includes a renovation plan and related documents that require:

(1) renovation of the entrance in accordance with such plan; and

(2) maintenance of the work performed on the renovated entrance; and

(c) such plan and related documents bear New York City Transit's approval; and

(d) such plan is accompanied by a certified copy of an agreement, as recorded between New York City Transit and the owner for an easement on the #zoning lot# for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the #zoning lot# in the Office of the Register of the City

of New York and is accompanied by the Register's receipt of recordation; and

(e) no permanent certificate of occupancy shall be issued for the #building# either altered or #developed#, as set forth in Section 37-40, or #enlarged#, that is subject to the subway stair relocation requirement or is counting a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-50, inclusive, unless and until all of the work required under paragraph (a) or (b) of this Section has been completed and New York City Transit has so certified in writing to the Department of Buildings.

37-43 - Modification of Requirements for a Relocated or Renovated Subway Stair

LAST AMENDED
6/6/2024

The Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of Sections 32-351 (Ground floor use in high-density areas) and 37-41 (Standards for Location, Design and Hours of Public Accessibility) or 37-70 (PUBLIC PLAZAS) if the relocated subway stair cannot be accommodated without modification to these provisions.

37-44 - Waiver of Requirements

LAST AMENDED
10/17/2007

The provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR) may be waived by joint certification of New York City Transit and the

Chairperson of the City Planning Commission that major construction problems or operating design considerations render the stair relocation infeasible. In such event, the stair relocation requirement may be satisfied by retention of the existing stair and the provision on the #zoning lot# of an open area, qualifying under the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), that accommodates pedestrian traffic passing the existing stair entrance.

37-50 - REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

LAST AMENDED
10/17/2007

All pedestrian circulation space required pursuant to the provisions of any special purpose district shall comply with the provisions of this Section, as such may be modified by the terms of the special district.

37-51 - Amount of Pedestrian Circulation Space

LAST AMENDED
2/2/2011

The minimum amount of pedestrian circulation space to be provided for #developments# or #enlargements# shall be determined by the following table:

MINIMUM PEDESTRIAN CIRCULATION SPACE REQUIREMENTS

Size of #zoning lot#	Required area of pedestrian circulation space
5,000 to 20,000 sq. ft.	1 sq. ft. per 350 sq. ft. of new #floor area#
Above 20,000 sq. ft.	1 sq. ft. per 300 sq. ft. of new #floor area#

37-52 - Types of Pedestrian Circulation Space

LAST AMENDED
10/7/2021

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, #transit volumes# and improvements to #mass transit stations#, through #block# connection or #public plaza#. For the purposes of this Section, defined terms additionally include those in Section 66-11 (Definitions).

Each #zoning lot# shall be categorized as either a #corner lot#, #through lot# or #interior lot#, and pedestrian circulation space shall be provided on each #zoning lot# in at least one of the applicable types, or combinations of types, specified in the following table:

PROVISION OF PEDESTRIAN CIRCULATION SPACE ON CERTAIN TYPES OF LOTS

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
Arcade	x	x	x
#Building# entrance recess area	x	x	x
Corner arcade	x		
Corner circulation space	x		
Relocation or renovation of subway stair	x	x	x
Sidewalk widening	x	x	x
#Transit volumes# and improvements to #mass transit stations#	x	x	x
Through #block# connection	x	x	

#Public plaza#	x	x	x

Minimum design standards for each type of pedestrian circulation space and, where applicable, the maximum amount of each type of pedestrian circulation space that may be counted toward meeting the requirements of Section 37-51 (Amount of Pedestrian Circulation Space) are set forth in Section 37-53 (Design Standards for Pedestrian Circulation Spaces).

37-53 - Design Standards for Pedestrian Circulation Spaces

LAST AMENDED
12/6/2023

(a) Arcade

Arcades shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES). In lieu thereof, the provisions of this Section shall apply.

An arcade is a continuous covered space that adjoins and extends along a #front lot line#, is at the same elevation as the adjoining sidewalk, is open for its entire length to the sidewalk except for columns and is accessible to the public at all times. An arcade shall be provided on the #wide street# frontage of a #zoning lot# of a #development# or #enlargement# where the #zoning lot# lies directly adjacent to an existing arcade on a #wide street#, except where an existing #building# without an arcade extends along a portion of the #wide street front lot line# of the #zoning lot# containing the #development# or #enlargement#. Where an arcade abuts another arcade, there shall be a clear, unobstructed passage between both arcades.

An arcade shall meet the following requirements:

(1) Dimensions

An arcade with columns shall have a minimum clear width of 10 feet, exclusive of all columns, and a maximum width of 15 feet, inclusive of columns. No column width shall be greater than five feet. Columns shall be spaced along the #street# with a minimum clear width between columns of 15 feet. An arcade shall have a clear height of not less than 12 feet and not more than 30 feet.

(i) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade without columns is permitted only if:

(a) it has a continuous, unobstructed minimum length of 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater; and

(b) the entire #front lot line# shall be unobstructed for the same depth of the arcade, except for that portion of the #front lot line# occupied by an existing #building#.

(ii) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade with columns is permitted only if it connects directly to an existing arcade on an adjacent #zoning lot#, matching it in width and alignment, and has a continuous, unobstructed minimum length beyond the existing adjacent arcade of at least 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater.

(iii) On a #corner lot# fronting on a #narrow street#, an arcade is permitted only if it extends for the full length of the #street# frontage, with the exception of a driveway for a required loading berth located at the #side lot line# of the #zoning lot#, or if the arcade provides unobstructed pedestrian flow along such entire frontage in combination with one or more of the following other spaces with which it connects at one or both ends: a corner arcade, a #publicly accessible open area#, an off-street rail mass transit access improvement, an intersecting sidewalk widening, an intersecting #street#, a relocated or renovated subway entrance, a through #block# connection or a through #block# galleria.

(iv) On a #wide street#, an arcade shall be permitted, provided that:

(a) the arcade extends along the full length of the #street line# between intersecting #streets#; or

(b) in the case of an arcade that occupies less than the entire #street# frontage between intersecting #streets#, on a full #block# front #zoning lot#, unobstructed pedestrian flow along the entire frontage is provided on the #zoning lot# by the arcade in combination with one or more of the following #open spaces# with which the arcade connects at one or both ends: a corner circulation space, a #publicly accessible open area# or an intersecting sidewalk widening; or

(c) in the case of an arcade whose #zoning lot# occupies less than the entire #street# frontage between intersecting #streets#, the arcade connects with an existing arcade of matching width and alignment, a #publicly accessible open area# on an adjacent #zoning lot#, so that unobstructed pedestrian flow along the entire #block# front is provided by the arcade in combination with such existing spaces.

(2) Full #block# front arcade

When a #zoning lot# occupies a full #block# front, both ends of the arcade on that #street# frontage shall be open and accessible directly from the sidewalk of the intersecting #street# or any other qualifying pedestrian circulation space.

(3) Permitted obstructions

Except for #building# columns, and #qualifying exterior wall thickness# pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), an arcade shall be free from obstructions of any kind.

(4) Specific prohibitions

No vehicular driveways, except as permitted under paragraph (a)(1) (Dimensions) of this Section, parking spaces, passenger drop-offs, loading berths or trash storage facilities are permitted within an arcade, nor shall such facilities be permitted immediately adjacent to an arcade.

(5) Illumination

All existing and new arcades shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise.

(b) #Building# entrance recess area

A #building# entrance recess area is a space that adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the #building's# lobby entrance or to the entrance to a ground floor #use#.

A #building# entrance recess area shall meet the following requirements:

(1) Dimensions

A #building# entrance recess area shall have a minimum length of 15 feet and a maximum length of 50 feet measured parallel to the #street line# at a #building's# lobby entrance and a maximum length of 30 feet parallel to the #street line# at a ground floor #use# entrance. It shall have a maximum depth of 15 feet measured from the #street line# and shall have a minimum depth of 10 feet measured from the #street line#.

(2) Permitted obstructions

Any portion of a #building# entrance recess area under an overhanging portion of the #building# shall have a minimum clear height of 15 feet. It shall be free of obstructions except for #qualifying exterior wall thickness# pursuant to Section 33-23 , and #building# columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a #building# column and a wall of the #building#, there shall be a clear path at least five feet in width.

(3) Permitted overlap

A #building# entrance recess area may overlap with an arcade, a corner arcade, a corner circulation space or a sidewalk widening, and may adjoin or overlap and connect directly without obstruction to another #building# entrance recess area except that, on any one #street# frontage, each lobby or ground floor #use# shall connect to only one #building# entrance recess area.

(c) Corner arcade

A corner arcade shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES). In lieu thereof, a corner arcade shall be a small covered space adjoining

the intersection of two #streets# at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner arcade shall meet the following requirements:

(1) Dimensions

(i) a corner arcade shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#; and

(ii) the height of a corner arcade shall be not less than 12 feet and a clear path at least 12 feet wide shall be provided from one #street line# to another #street line#.

(2) Permitted obstructions

Except for #building# columns, and #qualifying exterior wall thickness# pursuant to Section 33-23, a corner arcade shall be free from obstructions of any kind.

(3) Specific prohibitions

The specific prohibitions pertaining to an arcade as described in paragraph (a)(4) of this Section shall also be applicable to a corner arcade.

(4) Permitted overlap

A corner arcade may overlap with an arcade; however, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

(d) Corner circulation space

A corner circulation space is a small #open space# on a #zoning lot#, adjoining the intersection of two #streets#, at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner circulation space shall meet the following requirements:

(1) Dimensions

A corner circulation space shall have the same minimum dimensions as a corner arcade, as described in paragraph (c)(1) of this Section.

(2) Permitted obstructions

A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements does not exceed 20 percent of the area of the corner circulation space and that such elements and any attachments thereto are at least eight feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, #building# columns, #street# trees, planters, vehicle storage, parking or trash storage. However, #qualifying exterior wall thickness# may be added pursuant to Section 33-23. No gratings, except for drainage, shall be permitted.

(3) #Building# entrances

Entrances to ground level #uses# are permitted from a corner circulation space.

An entrance to a #building# lobby is permitted from a corner circulation space,

provided that the entrance is at no point within 20 feet of the intersection of the two #street lines# that bound the corner circulation space.

(4) Permitted overlap

A corner circulation space may overlap with a sidewalk widening.

(e) Relocation or renovation of a subway stair

When a #development# or #enlargement# is constructed on a #zoning lot# containing a relocated stairway entrance or entrances to a subway, or an existing stairway entrance or entrances to a subway, and such entrance or entrances are relocated or renovated in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), inclusive, one and one-half times the area, measured at #street# level, of such entrance or entrances may count toward meeting the pedestrian circulation space requirement.

(f) Sidewalk widening

A sidewalk widening is a continuous, paved, open area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall be provided on the #wide street# frontage of a #zoning lot# of a #development# or #enlargement# where all existing #buildings# on the same #block# frontage, whether on the same or another #zoning lot#, provide sidewalk widenings.

A sidewalk widening shall meet the following requirements:

(1) Dimensions

A sidewalk widening shall have a width of no less than five feet nor more than 10 feet measured perpendicular to the #street line#, and shall be contiguous along its entire

length to a sidewalk.

A sidewalk widening shall extend along the full length of the #front lot line# except for the portion of the #front lot line# interrupted by an existing #building# which is located at a #side lot line# or, in the case of a full #block# frontage, located at the intersection of two #streets#.

A required sidewalk widening on a #wide street# shall connect directly to any existing adjoining sidewalk widening and shall extend the entire length of the #front lot line#.

The width of such a required sidewalk widening shall equal that of the existing adjoining sidewalk widening. If there is more than one such existing sidewalk widening, the width of such a required sidewalk widening shall equal that of the existing sidewalk widening that is longest.

A sidewalk widening is permitted on a #wide street# when not adjacent to an existing sidewalk widening only if either the sidewalk widening extends along the #street line# of the #wide street# for the full length of the #block# front, or the #zoning lot# is a #corner lot# and the sidewalk widening extends along the full length of the #street line# of the #wide street# to its intersection with the #street line# of the other #street# on which the #zoning lot# fronts.

Except for the permitted interruptions, as set forth in paragraph (f)(2) of this Section, a sidewalk widening is permitted on a #narrow street# only if it has a length of at least 100 feet.

(2) Permitted interruptions

Interruptions of the continuity of a qualifying sidewalk widening shall be permitted

only under the following conditions:

(i) by an arcade that has a width equal to or greater than the width of the sidewalk widening and which is directly connected to the sidewalk widening;

(ii) if overlapped by a corner circulation space or a #building# entrance recess area that permits uninterrupted pedestrian flow;

(iii) if overlapped by a #public plaza#, provided that the overlapping portion of such #public plaza# conforms to the design standard of a sidewalk widening;

(iv) by an off-street subway entrance, provided such an entrance is located at a #side lot line# or is located at the intersection of two #street lines#;

(v) if overlapped by the queuing space of a relocated or renovated subway entrance, provided that the queuing space for the entrance leaves at least a five foot uninterrupted width of sidewalk widening along the entire length of the queuing space; or

(vi) by a driveway that is located at a #side lot line#; however, where the #zoning lot# has a through #block# connection, a through #block# galleria or a #through block public plaza# at such a #side lot line#, the location of its driveway is not restricted. The area occupied by the driveway, up to the width of the sidewalk widening, may be counted toward meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.

(3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under paragraph (f)(2) of this Section, for #qualifying exterior wall thickness# pursuant to Section 33-23, and for temporary elements of

weather protection, such as awnings or canopies, provided that the total area of such elements, measured on the plan, does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#.

(4) Specific prohibitions

No #street# trees are permitted on a sidewalk widening. No vehicle storage, parking or storage of trash is permitted on a sidewalk widening. Gratings may not occupy more than 50 percent of the sidewalk widening area nor be wider than one half the width of the sidewalk widening.

(5) Special design treatment

When one end of the sidewalk widening abuts an existing #building# on the #zoning lot# or an existing #building# on the #side lot line# of the adjacent #zoning lot#, design treatment of the termination of the sidewalk widening is required to smooth pedestrian flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than 10 feet nor less than five feet along the sidewalk widening from its termination.

The transition area shall receive special design treatment which may include, but is not limited to, landscaping, sculpture or #building# transparency. The transition area shall be designed to effect a gradual change of the sidewalk widening width to match the #street wall# line of the existing #building# at the sidewalk widening's termination. This may be accomplished by a curved or diagonal edge of paving along a landscaped bed, the use of stepped edges of the #building# or other architectural treatment of the #building# or paving which avoids an abrupt visual termination of the sidewalk widening. Such special design treatment may be considered a permitted obstruction.

(g) #Transit volumes# and improvements to #mass transit stations#

Where #transit volumes# or improvements to #mass transit stations# are provided pursuant to the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), each square foot of mass transit access may constitute one square foot of required pedestrian circulation space, not to exceed 3,000 square feet. For the purposes of this paragraph, defined terms include those in Section 66-11 (Definitions).

(h) Through #block# connection

A through #block# connection is a paved, open or enclosed space providing unobstructed access to the #building's# main lobby and connecting, in a straight, continuous, unobstructed path, two parallel or nearly parallel #streets#.

Up to a maximum of 3,000 square feet of a through #block# connection may count toward the minimum pedestrian circulation space requirement.

A through #block# connection shall meet the following requirements:

(1) Location

(i) A through #block# connection shall be located at least 150 feet from the intersection of two #streets#.

(ii) Where the #zoning lot# or a portion thereof is directly across a #street# from, and opposite to, an existing through #block# connection on an adjacent #block# and the existing connection is at least 150 feet from the intersection of two #streets#, the alignment of the new through #block# connection shall overlap with that of the existing connection. Such existing connection may also be a through #block# galleria, #through block public plaza# or any through #block# circulation area with a minimum width of 12 feet, which is

located within a #building#.

(iii) Where there are already two through #block# connections located on the same #block#, a new through #block# connection shall not count toward meeting the pedestrian circulation space requirement.

(iv) No through #block# connection shall be permitted on any portion of a #zoning lot# occupied by a landmark or interior landmark so designated by the Landmarks Preservation Commission, or occupied by a #building# whose designation as a landmark or interior landmark has been calendared for public hearing and is pending before the Landmarks Preservation Commission.

(2) Design standards for a through #block# connection

(i) A through #block# connection shall provide a straight, continuous, unobstructed path at least 15 feet wide. If covered, the clear, unobstructed height of a through #block# connection shall not be less than 15 feet. #Qualifying exterior wall thickness#, as set forth in Section 33-23, shall be a permitted obstruction to such path.

(ii) At no point shall the level of a through #block# connection be more than five feet above or below #curb level#. In all cases, the through #block# connection must provide a clear path, accessible to people with disabilities, through its entire length.

(iii) A through #block# connection may be located inside or outside of a #building#. The area of a through #block# connection located within a #building# shall be counted as #floor area#.

(iv) A through #block# connection located partially or wholly within a #building# shall adjoin and connect directly to the #building's# main lobby via unobstructed openings with an aggregate width exceeding that of any other

entrances to the lobby.

(v) A through #block# connection located wholly or partially outside a #building# shall provide unobstructed access directly to the #building's# main lobby through the major entrance. For the purposes of this Section, the major entrance shall be that entrance to the main lobby which has the greatest aggregate width of clear openings for access.

(vi) Any portion of a through #block# connection located outside a #building# shall be illuminated throughout with a minimum level of illumination of not less than five horizontal foot candles (lumens per candle). Such illumination shall be maintained throughout the hours of darkness.

(vii) A through #block# connection shall at a minimum be accessible to the public from 8:00 a.m. to 7:00 p.m. on the days the #building# is open for business and shall have posted, in prominent, visible locations at its entrances, #signs# meeting the standards set forth in paragraph (h)(2)(viii) of this Section.

(viii) A through #block# connection shall provide the following information for public access at each public entry to the through #block# connection:

(a) For an unenclosed through #block# connection, the public access information shall be an entry plaque located at the entrance to the through #block# connection at each #street# frontage. The entry plaque shall contain:

(1) a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols page on the Department of City Planning website. Such symbol and required text shall include the phrase “Open

To Public" and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; and

(2) an international Symbol of Access for people with disabilities that is at least three inches square.

The entry plaque shall be mounted with its center five feet above the elevation of the nearest walkable pavement on a wall or a permanent freestanding post. It shall be placed so that the entire entry plaque is obvious and directly visible without any obstruction, along every line of sight from all paths of pedestrian access to the through #block# connection, in a position that clearly identifies the entry to the connection.

(b) For an enclosed through #block# connection or a portion thereof:

(1) a public space symbol and required text as described in paragraph (h)(2)(viii)(a) of this Section, shall be mounted with its center five feet above the elevation of the nearest walkable pavement;

(2) lettering stating "PUBLIC ACCESS TO ____ STREET," indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol and required text; and

(3) lettering not more than two inches or less than one and a half inches in height stating "Open" with the hours and days of operation of the through #block# connection. This lettering shall be located not more than three inches from the public space symbol and required text.

The above required information shall be permanently affixed on the glass panel of the entry doors of the through #block# connection clearly facing the direction of pedestrian flow. The information shall be located not higher than six feet or lower than three feet above the level of the pedestrian path at the entry.

(i) #Public plaza#

A maximum of 30 percent of the area of a #public plaza# that faces a #street# intersection, or provides access to a major #building# entrance, may be counted toward meeting the pedestrian circulation space requirement.

A maximum of 3,000 square feet of a #through block public plaza# may be counted toward meeting the pedestrian circulation space requirement.

For all other #public plazas#, the first 10 feet of depth from the #street line# may be counted toward meeting the pedestrian circulation space requirement, provided that the #public plaza# conforms to the design standards of a sidewalk widening as set forth in paragraph (f) of this Section.

All #public plazas# shall comply with Section 37-70 (PUBLIC PLAZAS), inclusive.

Any area of permitted overlap between pedestrian circulation spaces or other amenities shall be counted only once toward meeting the required amount of pedestrian circulation space.

Unobstructed access shall be provided between overlapping spaces.

37-54 - Modification of Design Standards of Pedestrian Circulation Spaces Within Existing Buildings

LAST AMENDED
10/17/2007

The City Planning Commission may authorize a modification of any required minimum amount of pedestrian circulation space to be provided on #wide street# frontages and design standards, as indicated, for the following required pedestrian circulation spaces, to be provided within or under an existing #building# to remain on a #zoning lot#:

(a) Arcade: minimum width, minimum height, obstructions, minimum clear width between obstructions, minimum length, column sizes

(b) #Building# entrance recess area: minimum length, minimum depth from #street line#, minimum height, obstructions, clear space between obstructions and clear space between obstructions and #building# wall

(c) Corner arcade or corner circulation space: minimum depth, minimum width of clear path, minimum height, obstructions

(d) Through #block# connection: minimum width of unobstructed path, minimum height, through #block# level.

The Commission may authorize a modification of design standards for pedestrian circulation spaces when the following findings are met:

(1) a modification is needed because of the inherent constraints of the existing #building#;

(2) the modification is limited to the minimum needed because of the inherent constraints of the existing #building#; and

(3) the pedestrian circulation space as modified shall be equal in area, and substantially equivalent, to the required space in terms of quality, effectiveness and suitability for public use.

37-60 - PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007

LAST AMENDED
10/17/2007

37-61 - Design Standards

LAST AMENDED
12/19/2019

Design standards for #plazas#, #residential plazas# and #urban plazas developed# prior to October 17, 2007, are located in APPENDIX E of this Resolution.

Notwithstanding the foregoing, the applicable provisions of APPENDIX E shall be superseded as follows:

(a) all #plazas#, #residential plazas# and #urban plazas# shall provide an information plaque that contains a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols page on the Department of City Planning website. Such symbol and

required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York;

(b) the introduction of moveable tables and chairs pursuant to Section 37-626 (Moveable tables and chairs) shall be permitted within #plazas#, and shall not constitute a design change pursuant to Section 37-625 (Design changes).

37-62 - Changes to Existing Publicly Accessible Open Areas

LAST AMENDED
10/17/2007

37-621 - Elimination or reduction in size of non-bonused open area

LAST AMENDED
10/17/2007

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

37-622 - Elimination or reduction in size of bonused open area

LAST AMENDED
10/17/2007

No existing #plaza#, #residential plaza# or #urban plaza# shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

37-623 - Nighttime closings

LAST AMENDED
10/17/2007

The City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

37-624 - Kiosks and open air cafes

LAST AMENDED
10/17/2007

Kiosks and open air cafes may be placed within an existing #plaza#, #residential plaza# or #urban plaza# upon certification by the Chairperson of the City Planning Commission, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

37-625 - Design changes

LAST AMENDED
6/21/2016

Except as otherwise provided in Sections 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions), 91-83 (Retail Uses Within Existing Arcades) and 91-841 (Authorization for retail uses within existing arcades), design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

37-626 - Moveable tables and chairs

LAST AMENDED
12/19/2019

Publicly accessible tables and chairs shall be considered permitted obstructions within #plazas# that have not received a certification by the Chairperson of the City Planning Commission pursuant to Section 37-625 (Design changes), provided that such obstructions comply with the provisions of this Section.

The following provisions shall apply to all tables and chairs permitted by this Section.

(a) General requirements

Tables and chairs provided pursuant to this Section may be used by the public without restriction. All furnishings shall be moveable and made of high quality and durable materials. Tables and chairs shall not be chained, fixed, or otherwise secured between the hours of 7:00 a.m. and 9:00 p.m., and may be stored or secured between the hours of 9:00 p.m. and 7:00 a.m.

(b) Circulation requirements for tables and chairs

No furnishings, including storage of furnishings, shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths. For #plazas# with a depth of 10 feet or less, as measured perpendicular from the #street line#, an unobstructed path of not less than three feet wide shall be provided, and for those with a depth greater than 10 feet, the width of such unobstructed path shall be increased to at least six feet.

37-70 - PUBLIC PLAZAS

LAST AMENDED
10/17/2007

#Public plazas# are open areas on a #zoning lot# intended for public use and enjoyment. The standards contained within Sections 37-70 through 37-78, inclusive, are intended to serve the following specific purposes:

(a) to serve a variety of users of the #public plaza# area;

(b) to provide spaces for solitary users while at the same time providing opportunities for social interaction for small groups; and

(c) to provide safe spaces, with maximum visibility from the #street# and adjacent #buildings# and with multiple avenues for ingress and egress.

All #public plazas# shall comply with the provisions of Section 37-70 through 37-78, inclusive. These provisions may be modified pursuant to Section 74-91 (Modification of Public Plazas).

37-71 - Basic Design Criteria

LAST AMENDED
10/17/2007

37-711 - Definitions

LAST AMENDED
10/17/2007

Corner public plaza

A “corner public plaza” is a #public plaza# that is located on an intersection of two or more #streets#.

Through block public plaza

A “through block public plaza” is a #public plaza# or portion of a #public plaza# that is not a #corner public plaza# and that connects two #streets# that are parallel or within 45 degrees of being parallel to each other.

37-712 - Area dimensions

LAST AMENDED
6/10/2009

A #public plaza# shall contain an area of not less than 2,000 square feet. In no case shall spaces between existing #buildings# remaining on the #zoning lot# qualify as #public plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #public plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #public plazas#, or between a #public plaza# and a #building# wall or #arcade#.

Any non-bonused open area located adjacent to a #public plaza#, other than an open area bounding a #street line# used for pedestrian access, must either:

(a) be separated from the #public plaza# by a buffer, such as a wall, decorative fence, or opaque plantings at least six feet in height; or

(b) meet all requirements for minor portions of #public plazas# related to size, configuration, orientation, as specified in Section 37-716.

37-713 - Locational restrictions

LAST AMENDED
7/20/2017

No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park# as measured along the #street line# on which the existing

amenity fronts if the #public plaza# is to be located on the same side of the #street#, or as measured along the directly opposite #street line# if the #public plaza# is to be located on the other side of the #street#. Such distance shall include the width of any #street# that intersects the #street# on which the amenity fronts. However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing #publicly accessible open area# or #public park# and if the Chairperson of the City Planning Commission finds that the location of the #public plaza# at such location would create or contribute to a pedestrian circulation network connecting the two or more open areas.

Additional provisions regarding the location of a #public plaza# are set forth in the #Special Midtown District#, the #Special Lower Manhattan District# and the #Special Downtown Brooklyn District#.

37-714 - Restrictions on orientation

LAST AMENDED
10/17/2007

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-facing" #street line# means a #street line# facing within 45 degrees of the direction indicated. To front on a #street# means to be contiguous to the #street line# or to a sidewalk widening along the #street line#.

(a) Where the major portion of a #public plaza# fronts on only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.

(b) No major portion of a #public plaza# shall only front on a west-facing #street line# or an east-facing #street line# if the #zoning lot# also has frontage that is 40 feet or more in length on a south-facing #street line#.

(c) A #corner public plaza# must have its major portion, as defined in paragraph (b) of Section 37-715, front on the south-facing #street line#. In the case of a #zoning lot# having frontage on a south-facing #street line# of less than 40 feet, or having its frontage at the intersection of a north-facing #street line# with either an east- or west-facing #street line#, the major portion must front on the east- or west-facing #street line#.

However, the orientation restrictions may be modified if the Chairperson of the City Planning Commission finds that the orientation regulations would conflict with mandatory #street wall# regulations or that the modifications would result in better access to light and air for the #public plaza#.

37-715 - Requirements for major portions of public plazas

LAST AMENDED
10/17/2007

The major portion of a #public plaza# is the largest area of the #public plaza# and the area of primary use. Major portions shall be generally regular in shape, easily and directly accessible from adjoining #buildings# and public spaces, and continuously visible from within all portions of the #public plaza# and from adjoining public spaces. Major portions shall occupy no less than 75 percent of the total #public plaza# area.

(a) All contiguous #public plaza# areas on a #zoning lot# shall be considered as one #public plaza#.

(b) The shape and dimensions of a #public plaza# shall be such that all points within the major portion shall be visible when viewed perpendicular from each adjacent #street#. #Corner public plazas# that front on two #streets# that do not meet at a 90 degree angle must be fully visible when viewed perpendicular from one adjoining #street# and at least 50 percent of the #public plaza# must be visible when viewed perpendicular to the other adjoining #street#. For

the purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible one from the other; visibility between points shall not be affected by permitted obstructions or by changes of grade. Points within #public plazas# that front on three intersecting streets shall be treated as two #corner public plazas#.

The major portion of a #public plaza# shall be at least 75 percent of the #public plaza's# total area, except that in the case of a #through block public plaza#, pursuant to Section 37-717, a line drawn within 25 feet of the midblock line shall divide the #through block public plaza# into two areas that must separately meet all requirements of the #public plaza# regulations. The major portion of the #public plaza# shall be subject to the proportional requirements set forth in paragraphs (c) and (d) of this Section.

(c) The major portion of a #public plaza# shall have a minimum average width and depth of 40 feet. For #public plazas# that front on only one #street#, no more than 20 percent of the #public plaza# area may have a width of less than 40 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #public plaza# fronts.

(d) For major portions of #public plazas#, the maximum width measured parallel to any one #street# shall not be greater than three times the average depth of the #public plaza# measured perpendicular to the #street line# or the average width measured parallel to any one #street# shall not be greater than three times the maximum depth of the #public plaza# measured perpendicular to the #street line#.

37-716 - Requirements for minor portions of public plazas

LAST AMENDED
10/17/2007

Minor portions of #public plazas# are secondary areas that allow for additional flexibility in the shape and configuration of a #public plaza#. Minor portions shall not occupy more than 25 percent of the total area of the #public plaza#. The width of a minor portion shall be measured parallel to the line separating the major and minor portions. The depth of a minor portion shall be measured perpendicular to the line separating the major and minor portions. The provisions of Section 37-715 (Requirements for major portions of public plazas) shall not apply to such minor portions and the following regulations shall apply:

(a) The minor portion shall have a minimum average width and depth of 15 feet.

(b) The minor portion must be directly adjacent to the major portion.

(c) All points within the minor portion must be visible from within the major portion when viewed perpendicular to the line separating the major and minor portions.

(d) The minor portion must front directly on a #street# adjoining the major portion, unless the minor portion has:

(1) a width to depth ratio of at least 3:1; and

(2) its longest dimension contiguous with the major portion.

37-717 - Regulations for through block public plazas

LAST AMENDED
10/17/2007

#Through block public plazas# shall be treated as two #public plazas# separated at a line drawn within 25 feet of the midblock line.

Where any #building# wall or walls adjoin a #through block public plaza# or through #block# portion of a #public plaza# and where such wall or walls exceed 120 feet aggregate length, a minimum 10 foot setback at a height between 60 and 90 feet is required for the full length of the #building# wall.

#Through block public plazas# shall contain a circulation path at least 10 feet in width, connecting the two #streets# on which the #public plaza# fronts, as specified in Section 37-723.

37-718 - Paving

LAST AMENDED
10/17/2007

The paving of the #public plaza# shall be of non-skid durable materials that are decorative and compatible in color and pattern with other design features of the #public plaza#.

37-72 - Access and Circulation

LAST AMENDED
10/17/2007

37-721 - Sidewalk frontage

LAST AMENDED
12/6/2023

To facilitate pedestrian access to a #public plaza#, the following rules shall apply to the area of the #public plaza# located within 15 feet of a #street line# or sidewalk widening line:

(a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:

(1) at least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and

(2) such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

(b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, #qualifying exterior wall thickness# pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions.

37-722 - Level of plaza

LAST AMENDED
10/17/2007

The level of a #public plaza#, inclusive of major and minor portions, shall not at any point be less than the average elevation of #curb level# of the nearest adjoining #street# nor more than two feet above the average #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#. However, a #public plaza# with an area of 10,000 square feet or more may additionally have a maximum of 20 percent of its area at an elevation more than two feet above, but not more than four feet above #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#, provided that such higher portion may not be located within 25 feet of any #street line#. #Public plazas# that front on #streets# with slopes greater than 2.5 percent along the frontage of the #public plaza# may not at any point be more than one foot below the #curb level# of the adjoining #street#.

37-723 - Circulation paths

LAST AMENDED
10/17/2007

Circulation paths within #public plazas# shall provide for unobstructed pedestrian circulation throughout the minor and major portions of the #public plaza# and shall, at a minimum, connect all #streets# on which the #public plaza# fronts and all major elements of the #public plaza#, including seating areas, #building# entrances, approved open air cafes and kiosks, and significant design features of the #public plaza#. A minimum of one such circulation path shall be provided of at least eight feet clear width. Circulation paths shall extend to at least 80 percent of the depth of the major portion of

the #public plaza#, measured perpendicular from each #street line#. #Through block public plazas# shall provide at least one circulation path with a minimum width of 10 feet connecting each #street# on which the #public plaza# fronts. Trees planted flush to grade, light stanchions, trash receptacles, and public space signage shall be considered permitted obstructions within circulation paths; however, all trees located within circulation paths must comply with the regulations for flush-to-grade trees in Section 37-742.

37-724 - Subway entrances

LAST AMENDED
6/10/2009

Where an entry to a subway station exists in the sidewalk area of a #street# on which a #public plaza# fronts and such entry is not replaced within the #public plaza# itself, the #public plaza# shall be at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #public plaza# area around a subway entry shall be free of all obstructions and may count towards the required clear area requirements as specified in Section 37-721 (Sidewalk frontage).

37-725 - Steps

LAST AMENDED
10/17/2007

Any steps provided within the #public plaza# must have a minimum height of four inches and a maximum height of six inches. Steps must have a minimum tread of 17 inches; steps with a height of five inches, however, may have a minimum tread of 15 inches.

37-726 - Permitted obstructions

LAST AMENDED
12/6/2023

(a) #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools and waterfalls; sculptures and other works of art; seating, including benches, seats and moveable chairs; trees, planters, planting beds, lawns and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms; permitted temporary exhibitions; permitted awnings, canopies or marquees; permitted freestanding #signs#; play equipment; #qualifying exterior wall thickness# added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents); permitted kiosks and open-air cafes; stages; subway station entrances, which may include escalators; and drinking fountains.

However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section. In addition, certain of the obstructions listed in this paragraph, (a), shall not be permitted within the sidewalk frontage of a #public plaza#, as described in Section 37-721 (Sidewalk frontage).

(b) Permitted obstructions may occupy a maximum percentage of the area of a #public plaza#, as follows:

For #public plazas# less than 10,000 square feet in area: 40 percent

For #public plazas# less than 10,000 square feet in area with a permitted open air cafe: 50

percent

For #public plazas# 10,000 square feet or more in area: 50 percent

For #public plazas# 10,000 square feet or more in area with a permitted open air cafe: 60 percent.

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or moveable, such as moveable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

Trees planted flush-to-grade in accordance with the provisions of Section 37-742 (Planting and trees) and tree canopies do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions, except that lawn, turf or grass areas intended for public access and seating shall not count as obstructions, provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than six inches. #Qualifying exterior wall thickness# added pursuant to Section 33-23 in any #publicly accessible open area# or #public plaza# shall not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.

(c) Canopies, awnings, marquees and sun control devices

(1) Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee, provided that such canopy, awning or marquee:

(i) has a maximum area of 250 square feet;

(ii) does not project into the #public plaza# more than 15 feet when measured perpendicular to the #building# facade;

(iii) is located a minimum of 15 feet above the level of the #public plaza# adjacent to the #building# entrance; and

(iv) does not contain vertical supports.

Such canopies, awnings, and marquees shall be designed to provide maximum visibility into the #public plaza# from adjoining #streets# and the adjacent #building#. However, canopies, awnings and marquees associated with entrances to #buildings# containing #residences# located within a #public plaza# may project more than 15 feet into the #public plaza# and contain vertical supports if they are located entirely within 10 feet of the edge of the #public plaza#.

(2) Sun control devices may be located within a #public plaza#, provided that all such devices:

(i) shall be located above the level of the first #story# ceiling;

(ii) shall be limited to a maximum projection of 2 feet, 6 inches;

(iii) shall have solid surfaces that, in aggregate, cover an area no more than 20 percent of the area of the #building# wall (as viewed in elevation) from which they project; and

(iv) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail, pursuant to Section 33-42 (Permitted Obstructions);

(d) Prohibition of garage entrances, driveways, parking spaces, loading berths, exhaust vents, mechanical equipment and #building# trash storage facilities

No garage entrances, driveways, parking spaces, passenger drop offs or loading berths shall be permitted within a #public plaza#. No #building# trash storage facilities are permitted within a #public plaza#, nor shall any #building# trash storage facility be accessed or serviced through

the #public plaza#. If garage entrances, parking spaces, passenger drop offs, driveways, loading berths or #building# trash storage facilities are located near or adjoin a #public plaza#, they shall be separated from it by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #public plaza#.

No exhaust vents or mechanical equipment are permitted on any #public plaza# or on any #building# wall fronting upon the #public plaza#, unless such exhaust vents are more than 15 feet above the level of the adjacent #public plaza#. All exhaust vents and mechanical equipment located adjacent to a #public plaza# shall be separated from it by a barrier sufficient to substantially, visually and audibly, conceal their presence and operation. Air intake vents or shafts shall be permitted within a #public plaza#, provided that such vents are concealed from public view by planting or other design features and that such vents do not impair visibility within the #public plaza# area.

37-727 - Hours of access

LAST AMENDED
10/17/2007

All #public plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing, pursuant to the provisions of this Section.

In all districts, the City Planning Commission may authorize the closing during certain nighttime hours of an existing or new #publicly accessible open area#, if the Commission finds that:

(a) such existing #publicly accessible open area# has been open to the public a minimum of one year or there are significant operational or safety issues documented, or for new #public plazas# significant safety issues have been documented and provided as part of the application

for authorization of nighttime closing;

(b) such closing is necessary for public safety within the #publicly accessible open area# and maintenance of the public open areas as documented by the applicant;

(c) the layout and design of the #publicly accessible open area# will promote public use and free and easy pedestrian circulation throughout the space;

(d) any approved design element that limits public access, as specified in paragraph (e) of this Section, shall not impede public circulation, visual or physical access within the #publicly accessible open area# or between the #publicly accessible open area# and other public areas during hours of public operation;

(e) a design element that limits public access shall:

(1) be of a design that is integrated with the design of the #publicly accessible open area# in a manner that would promote the attractiveness of the space for public use and enjoyment;

(2) not exceed five feet in height;

(3) be fully removed from the #publicly accessible open area# during the hours of public access; however, barriers not to exceed 3 feet, 6 inches in height may have posts or supports that remain during the hours of public access provided that such posts or supports do not exceed six inches in width;

(4) not involve stanchions or cabinets for barrier storage located with the #publicly accessible open area#, except for stanchions or cabinets located at the edges of the #publicly accessible open area#;

(5) not inhibit or diminish access to the #publicly accessible open area# nor impede pedestrian circulation into, through, or along the frontage of the #publicly accessible open area#, and not obstruct access during the hours of public access; and

(6) be substantially transparent;

(f) public access to the #publicly accessible open area# between the hours of 7:00 a.m. and 10:00 p.m. from April 15 to October 31 and from 7:00 a.m. to 8:00 p.m. from November 1 to April 14, or a schedule specified by the Commission, is assured by appropriate legal documents and that an hours of access plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the #publicly accessible open area#, as specified in Section 37-751 , paragraph (c). However, if an open air cafe or kiosk is located within the #publicly accessible open area#, such #publicly accessible open area# shall remain open to the public during the hours of operation of the open air cafe or kiosk;

(g) plans have been submitted that demonstrate that, where appropriate, the #publicly accessible open area# will be improved, to the maximum extent feasible, in accordance with the standards set forth for #public plazas#;

(h) a program for continuing maintenance of the #publicly accessible open area# has been established in accordance with Section 37-77.

In order to promote increased public use of the public open areas, the Commission may require, or the applicant may request, additional improvements to the existing #publicly accessible open area#, including, where appropriate, amenities such as kiosks or open air cafes as described in Section 37-73. In no event shall any #publicly accessible open area# be reduced in size.

All applications for nighttime closings of #publicly accessible open areas# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including but not limited to materials, dimensions, and configuration or any design element that

limits public access, the storage location for the design element that limits public access during the hours of public operation of the #public plaza#, and the hours of the #publicly accessible open area's# accessibility to the public. All such plans for #publicly accessible open areas#, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Commission, and the filing and recording of such instrument shall be a precondition for the nighttime closing of any #publicly accessible open area#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot#, issued after the recording date.

The land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on such application, it must be done within 45 days of receipt of such application.

The Commission shall file any such authorization with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

37-728 - Standards of accessibility for persons with disabilities

LAST AMENDED
6/10/2009

All #public plazas# shall conform with applicable laws pertaining to access for persons with disabilities regardless of whether the #building# associated with the #public plaza# is existing or new.

37-73 - Kiosks and Open Air Cafes

LAST AMENDED
6/21/2016

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

(a) Kiosks

Where a kiosk is provided, it shall be a one-story temporary or permanent structure that is substantially open and transparent as approved by the Department of Buildings in conformance with the Building Code. Kiosks, including roofed areas, shall not occupy an area in excess of 100 square feet per kiosk. One kiosk is permitted for every 5,000 square feet of #publicly accessible open area#, exclusive of areas occupied by other approved kiosks or open air cafes. Kiosk placement shall not impede or be located within any pedestrian circulation path. Any area occupied by a kiosk shall be excluded from the calculation of #floor area#. Kiosks may be occupied only by #uses# permitted by the applicable district regulations such as news, book or magazine stands, food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the #publicly accessible open area#. Any kitchen equipment shall be stored entirely within the kiosk.

Kiosks must be in operation and provide service a minimum of 225 days per year. However, kiosks may operate for fewer days in accordance with conditions set forth in paragraph (c) of this Section.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in a #publicly accessible open area# through open windows.

(b) Open air cafes

Where an open air cafe is provided, it shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have umbrellas, temporary fabric roofs with no vertical supports in conformance with the Building Code, and removable heating lamps. Open air cafes shall occupy an aggregate area not more than 20 percent of the total area of the #publicly accessible open area#. #Publicly accessible open areas# less than 10 feet in width that are located between separate sections of the same open air cafe or between sections of an open air cafe and a kiosk that provides service for such cafe must be included in the calculation of the maximum aggregate area of the open air cafe. Open air cafes shall be located along the edge of the #publicly accessible open area#, except for open air cafes located within #publicly accessible open areas# greater than 30,000 square feet in area. Open air cafes may not occupy more than one third of any #street# frontage of the #publicly accessible open area# and may not contain any required circulation paths. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the #publicly accessible open area#, except where there are planters or walls approved pursuant to a prior certification for an open air cafe. Subject to the foregoing exception, fences, planters, walls, fabric dividers or other barriers that separate open air cafe areas from the #publicly accessible open area# or sidewalk are prohibited. All furnishings of an open air cafe, including tables, chairs, bussing stations, and heating lamps, shall be completely removed from the #publicly accessible open area# when the open air cafe is not in active use, except that tables and chairs may remain in the #publicly accessible open area# if they are unsecured and may be used by the public without restriction. No kitchen equipment shall be installed within an open air cafe; kitchen equipment, however, may be contained in a kiosk adjoining an open air cafe. An open air cafe

qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

The exterior corners of the border of the space to be occupied by an open air cafe shall be marked on the ground by a line painted with white latex traffic or zone marking paint. The line shall be one inch wide and three inches in length on each side of the cafe border from the point where the borders intersect at an angled corner. In addition, a line one inch wide and three inches long shall be marked on the ground at intervals of no more than five feet starting from the end point of the line marking the cafe corners.

Open air cafes must be in operation and provide service a minimum of 225 days per year.

Open air cafes shall be located at the same elevation as an adjoining #public plaza# and sidewalk area, except for platforms that shall not exceed six inches in height.

(c) Certification

Kiosks and open air cafes may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

(1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;

(2) such #use# complements desirable #uses# in the surrounding area;

(3) the owner of such #use# or the #building# owner shall be responsible for the maintenance of such kiosk or open air cafe, which shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted;

(4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;

(5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in this Section;

(6) for kiosks and open air cafes located within an existing #publicly accessible open area#, such #use# is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;

(7) a #sign# shall be provided in public view within the cafe area indicating the days and hours of operation of such cafe; and

(8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

(d) Process

An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including the layout and number of tables, chairs, restaurant equipment and heating lamps, as well as the storage location for periods when the kiosk or open air cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area#, each kiosk or open air cafe application must be accompanied by a compliance report in accordance with the requirements of Section 37-78, paragraph (c).

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air cafe, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section 37-625 (Design changes) shall be required, except that within the #Special Lower Manhattan District#, design changes to a #publicly accessible open area# pursuant to the provisions of Section 91-832 (Plaza improvements) as part of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades) or a certification pursuant to Section 91-837 (Subsequent design changes) may satisfy the requirements in paragraph (c)(6) of this Section.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the

property in the form of a legal instrument providing notice of the certification for the kiosk or open air cafe, pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air cafe within the #publicly accessible open area#.

37-74 - Amenities

LAST AMENDED
10/17/2007

All #public plazas# shall provide amenities, as listed in Sections 37-741 through 37-748, inclusive. All required amenities shall be considered permitted obstructions within the #public plaza#.

37-741 - Seating

LAST AMENDED
6/10/2009

Standards for seating within #public plazas# are intended to facilitate the provision of abundant, comfortable and accessible seating throughout the #public plaza#, including, more specifically, as follows:

(a) to provide a broad variety of seating types and configurations;

(b) to accommodate individual users engaged in solitary activities as well as groups engaged in social activities;

(c) to provide a comfortable and safe seating surface by providing smooth, even and level surfaces with rounded edges;

(d) to incorporate, to the maximum extent possible, a combination of fixed benches, moveable chairs, seating with backs, seat walls and ledges, and seating steps;

(e) to provide ample opportunity for social seating as a basic seating type that consists of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction.

There shall be a minimum of one linear foot of seating for each 30 square feet of #public plaza# area.

A minimum of one linear foot of the required seating for every two linear feet of #street# frontage must be located within 15 feet of the #street line#. At least 50 percent of this seating shall have backs and at least 50 percent of the seats with backs shall face the #street#.

Seating requirements may be satisfied by the following seating types: moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps. All #public plazas# shall provide at least two different types of seating. #Public plazas# greater than 5,000 square feet in area shall provide at least three different types of seating. #Public plazas# greater than 10,000 square feet in area must provide moveable seating as one of the required seating types.

Not more than 50 percent of the linear seating capacity may be in moveable seats that may be stored between the hours of sunset and sunrise, where the City Planning Commission has authorized a limitation on the hours of access pursuant to Section 37-727.

Devices or forms affixed or incorporated into planter ledges, steps, sills or other horizontal surfaces that would otherwise be suitable for seating that are intended to prevent or inhibit seating (such as spikes, metal bars, or pointed, excessively rough, or deliberately uncomfortable materials or forms) shall be prohibited.

Deterrents to skateboards, rollerblades and other wheeled devices are permitted on seating surfaces if they do not inhibit seating, maintain a minimum distance of five feet between deterrents, and are integrated into the seating surface at the time of manufacture or construction or should be constructed of materials that are consistent with the materials and finish quality of the seating surface.

The following standards shall be met for all required seating:

(1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(2) Seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (5) of this Section, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.

(3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.

(4) Moveable seating or chairs, excluding seating for open air cafes, may be credited as 24 inches of linear seating per chair. Moveable seating provided as a required amenity shall be provided in the amount of one chair per 200 square feet of #public plaza# area. One table shall be provided for every four such moveable chairs.

All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed or otherwise secured while the #public plaza# is open to the public; moveable chairs, however, may be removed during the nighttime hours of 9:00 p.m. to 7:00 a.m.

(5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of required seating in the #public plaza#. Seating steps shall not include any steps intended for circulation and must have a height not less than six inches nor greater than 30 inches and a depth not less than 18 inches. Seating walls shall have a height not greater than 18 inches; such seating walls, however, may have a height not to exceed 24 inches if they are located within 10 feet of an edge of the #public plaza#.

(6) Seating in open air cafes shall not count towards meeting the seating requirement of this Section.

(7) Seats that face walls must be a minimum of six feet from such wall.

37-742 - Planting and trees

LAST AMENDED
6/10/2009

The provisions of this Section are intended to facilitate a combination of landscaping elements in order to provide comfort, shade and textural variety.

At least 20 percent of the area of a #public plaza# shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls.

All #public plazas# shall provide a minimum of four trees. For a #public plaza# greater than 6,000 square feet in area, an additional four caliper inches in additional trees or multi-stemmed equivalents must be provided for each additional 1,000 square feet of #public plaza# area, rounded to the nearest 1,000 square feet.

For all #public plazas#, at least 50 percent of required trees shall be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings. Trees planted flush-to-grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for a minimum radius of 2 feet, 6 inches. Such porous surface shall be of sufficient strength and density to accommodate pedestrian circulation, including all requirements related to accessibility for the disabled, and shall be of a design that allows for tree growth. Installed fixtures such as lighting stanchions, electrical outlets or conduits shall not be located within the required porous area of any tree planted flush-to-grade.

Where trees are planted within a #public plaza#, they shall measure at least four inches in caliper at the time of planting, unless alternative, multi-stemmed equivalents are specified in the approved planting plans. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches.

Planting beds shall have a soil depth of at least 18 inches for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees. No planters or planting beds shall have bounding walls that exceed 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall adjoins two or more walking surfaces with different elevations. Any planting bed containing required trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls. Furthermore, each tree located within a planting bed shall be surrounded by a continuous permeable surface measuring at least five feet square. Any lawns or turf grass planting beds shall not exceed six inches above any adjacent walking surfaces.

All planted areas shall either be automatically irrigated or shall consist of species that do not require regular watering.

All planted areas located above subsurface structures such as #cellars# or garages shall have drainage systems to prevent collection and pooling of water within planted areas.

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #public plazas# in accordance with Section 26-41 (Street Tree Planting). The length of frontage of the #zoning lot# for the purpose of computing required #street#

trees may be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. If the Department of Parks and Recreation determines that the tree planting requirements of this paragraph are infeasible, the number of required #street# trees that cannot be planted shall be planted in accordance with the off-site tree provisions set forth in Section 26-41 or within the #public plaza#.

37-743 - Lighting and electrical power

LAST AMENDED
2/2/2011

#Public plazas# shall be illuminated to provide for safe use and enjoyment of all areas of the #public plaza#. Special attention should be provided in lighting steps and other changes in elevation and areas under tree canopies and permitted canopies within the #public plaza#.

#Public plazas# shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas, including sidewalks directly adjacent to the #public plaza#, and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. All lighting sources used to satisfy this illumination requirement shall be located outdoors on the subject #zoning lot#. Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise, including #public plazas# that are authorized to close at night. A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution, with light levels indicated at intervals of no more than every 20 square feet, shall be part of the required detailed design plans. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of a #public plaza#.

All lighting sources that illuminate the #public plaza# and are mounted on or located within #buildings# adjacent to the #public plaza# shall be shielded from direct view. In addition, all lighting within the #public plaza# area shall be shielded to minimize any adverse effect on surrounding

#residences#.

37-744 - Litter receptacles

LAST AMENDED
10/17/2007

One litter receptacle shall be provided for every 1,500 square feet of #public plaza# area, up to a maximum of 6,000 square feet. Plazas greater than 6,000 square feet in area must provide an additional litter receptacle for every additional 2,000 square feet of #public plaza# area. #Public plazas# that contain open air cafes or kiosks providing food service shall provide one additional litter receptacle for each 1,500 square feet of #public plaza# area occupied by such outdoor eating area. All litter receptacles must have a volume capacity of at least 25 gallons and shall be located in visible and convenient locations. All top or side openings must have a minimum dimension of 12 inches. Litter receptacles shall be provided within 50 feet of required seating areas in the #public plaza#.

37-745 - Bicycle parking

LAST AMENDED
10/17/2007

All #public plazas# shall provide parking for at least two bicycles. #Public plazas# greater than 10,000 square feet in size must provide parking for at least four bicycles. Bike racks must be provided on the sidewalk directly adjacent to the #public plaza# in accordance with Department of Transportation standards, unless the Department of Transportation has determined that the sidewalk area adjacent to the #public plaza# cannot accommodate the required bicycle parking.

37-746 - Drinking fountains

LAST AMENDED
10/17/2007

A minimum of one drinking fountain shall be provided in all #public plazas#.

37-747 - Public space signage

LAST AMENDED
10/17/2007

Entry and information plaques shall be provided, as described in Section 37-751 (Public space signage systems).

37-748 - Additional amenities

LAST AMENDED
10/17/2007

#Public plazas# between 5,000 and 10,000 square feet in area must provide one of the following additional amenities and #public plazas# greater than 10,000 square feet in area must provide at least three of the following additional amenities. All additional amenities shall be considered permitted obstructions within the #public plaza#.

(a) Artwork

Artwork that is provided as an additional amenity must integrate with the design of the #public plaza#. Artwork shall not interfere with public access, circulation or visual openness within the #public plaza# or between the #public plaza# and adjoining public areas. Artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#;

(b) Moveable tables and chairs, as described in paragraph (4) of Section 37-741;

(c) Water features (such as fountains, reflecting pools, waterfalls);

(d) Children's play area;

(e) Equipment provided as part of children's play areas must be designed and constructed in accordance with applicable United States Consumer Products Safety Commission standards and best practices, including installation of protective surfaces and barriers. All barriers surrounding play areas shall be designed to allow for the adequate supervision of children at play and shall in all cases be substantially transparent and no more than 3 feet, 6 inches in height;

(f) Game tables and associated seating; or

(g) Food service, including:

(1) food service in a retail space directly accessible from the major portion of the #public plaza#; or

(2) an open air cafe or kiosk, as described in Section 37-73.

#Public plazas# greater than 10,000 square feet in area and associated with a #commercial building# must include a food service as one of the three additional required amenities.

37-75 - Signs

LAST AMENDED
10/17/2007

37-751 - Public space signage systems

LAST AMENDED
12/19/2019

The following public space signage systems shall be required for all #public plazas#:

(a) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #public plaza#. On each #street# frontage occupied by the #public plaza#, a minimum of one entry plaque shall be provided for every 40 feet of linear #street# frontage occupied by the #public plaza#. The entry plaque shall contain:

(1) a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols page on the Department of City Planning website. Such symbol and required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York;

(2) lettering at least one inch in height stating the words “Open 24 hours” or, if a nighttime closing has been authorized, pursuant to Section 37-727, shall contain the words “Open” followed by the approved hours of operation; and

(3) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. It shall be in a position that clearly identifies the entry into the #public plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #public plaza#.

(b) Information plaque

An information plaque constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided. Information plaques shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk and shall have all required lettering located three feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. The information plaque shall consist of:

(1) a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols page on the Department of City Planning website. Such symbol and required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility.

Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; and

(2) the words, in lettering one-half inch in height, “Open 24 hours” or, if a nighttime closing has been authorized pursuant to Section 37-727, the words, in lettering one-half inch in height, “Open” followed by the approved hours of operation;

(3) in lettering three-eighths of an inch in height, the words “This public plaza contains:” followed by the total linear feet of seating, the type and quantity of trees, the number of bike racks, the number of drinking fountains and the number of any additional required amenities, such as moveable seating;

(4) in lettering three-eighths of an inch in height, the name of the current owner of the #building# and the name, address, phone number and email address of the person designated to maintain the #public plaza#;

(5) in lettering three-eighths of an inch in height, the statement, "Complaints or Questions: Call 311 and reference the #public plaza# at [insert building address]”; and

(6) the statement, "This public plaza is accessible to persons with disabilities."

(c) Hours of access plaque

On each #street# frontage occupied by the #public plaza# and where the City Planning Commission has authorized a limitation on the hours of access for a #public plaza#, pursuant to the provisions of Section 37-727, a minimum of one hours of access plaque shall be provided for every 40 linear feet of approved barrier that limits public access. The hours of

access plaque shall be located on the barrier that limits public access to the #public plaza# and shall consist of:

(1) a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols page on the Department of City Planning website. Such symbol and required text shall include the phrase "Open To Public" and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; and

(2) the statement: "Open" followed by the approved hours of operation.

All required public space signage shall be fully opaque, non-reflective and constructed of permanent, highly durable materials such as steel or stone.

All lettering provided on required public space signage shall be in a clear, bold, sans-serif, non-narrow font such as Arial, Helvetica or Verdana, solid in color with a minimum height of three-quarters of an inch, unless otherwise specified above, and shall highly contrast with the background color of the #sign#.

37-752 - Prohibition signs

LAST AMENDED
10/17/2007

To ensure a safe and comfortable environment for all #public plaza# users, a maximum of one prohibition or "Rule of Conduct" #sign# may be located within the #public plaza#. Such #sign# shall

not exceed one foot square in dimension, may not be freestanding, and shall contain no lettering greater than three-quarters of an inch in height.

Such #sign# shall not prohibit behaviors that are consistent with the normal public use of the #public plaza# such as lingering, eating, drinking of non-alcoholic beverages or gathering in small groups. No behaviors, actions, or items may be listed on such #sign# that are otherwise illegal or prohibited by municipal, State or Federal laws.

37-753 - Accessory signs

LAST AMENDED
6/10/2009

A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section 37-751, are permitted only as #accessory# to #uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS), except as provided below:

(a) each establishment fronting on the #public plaza# shall be permitted to have not more than one #sign# affixed to the #building# wall fronting on the #public plaza#.

(b) all #signs# shall be non-#illuminated#;

(c) all #signs# shall contain only the #building# or establishment name and address;

(d) all #signs# #accessory# to retail #uses# affixed to #building# walls may not exceed four square feet in size;

(e) not more than three #accessory# #signs# may be located within the #public plaza#, of which one may be freestanding. All such #signs#, including structures to which they are affixed, shall not be higher than three feet above the level of the adjoining public access area. Such #signs# shall not exceed an area of two square feet. In addition, no portion of such #sign#, including structures to which they are affixed, shall exceed a width of 16 inches facing a #street#, and 24 inches when not facing a #street#. For #corner public plazas#, such limitations shall apply to only one #street# frontage. If such #sign# is associated with a #building# used for office #use#, such #sign# shall contain only the names of principal building tenants and shall also contain the public space symbol as described in Section 37-751 and the words "Open to Public" in lettering at least two inches in height; and

(f) all #signs# located on permitted canopies or awnings within the #public plaza# shall contain only the #building# or establishment name and shall not exceed a height of one foot.

37-76 - Mandatory Allocation of Frontages for Permitted Uses

LAST AMENDED
6/6/2024

(a) Ground floor level uses

The frontage of all new #building# walls fronting on a #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall be subject to the following #use# provisions:

(1) The underlying #use# regulations shall be modified as follows:

(i) #dwelling units# shall not be permitted;

(ii) #uses# listed under Use Group III(A) shall not be permitted;

(iii) #uses# listed under Use Group IV shall be limited to those listed under Public Service Buildings, and Renewable Energy and Green Infrastructure;

(iv) guest rooms or suites associated with Transient Accommodations listed under Use Group V shall not be permitted; and

(v) #uses# listed under Use Group VII shall be limited in size to 5,000 square feet per establishment;

(2) All #uses# occupying such frontage shall:

(i) be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the establishment and the #public plaza#;

(ii) have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#; and

(iii) occupy such frontage for the life of the increased #floor area# of the bonused #development#.

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

As an alternative, where retail or service establishments located in an existing #building# front upon a #public plaza# or an #arcade# adjoining a #public plaza#, at least 50 percent of the total frontage of all #building# walls fronting on the #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall be allocated for occupancy at the ground floor level by #uses# permitted in accordance with paragraph (a)(1) subject to the provisions of paragraph (a)(2) of this Section, as permitted by the applicable district regulations.

(b) Public entrances

A public entrance to the principal use of the #building# associated with the #public plaza# shall be located within 10 feet of the major portion of the #public plaza#. Frontage on the #public plaza# that is occupied by a #building# entrance or lobby shall not exceed 60 feet or 40 percent of the total aggregate frontage of the new #building# walls on the major and minor portions of the #public plaza#, whichever is less, but in no case shall #building# entrances or lobbies occupy less than 20 feet of frontage on the #public plaza#.

(c) Transparency

All new #building# walls fronting on the major and minor portions of the #public plaza# shall be treated with clear, untinted transparent material for 50 percent of the surface area below 14 feet above the #public plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower. Any non-transparent area of a new or existing #building# wall fronting on the major or minor portion of a #public plaza# shall be treated with a decorative element or material or shall be screened with planting to a minimum height of 15 feet above the #public plaza#.

37-77 - Maintenance

LAST AMENDED
6/10/2009

The #building# owner shall be responsible for the maintenance of the #public plaza# including, but not limited to, the location of permitted obstructions pursuant to Section 37-726, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot#.

37-78 - Compliance

LAST AMENDED
2/2/2011

(a) Building permits

No foundation permit shall be issued by the Department of Buildings for any #development# or #enlargement# that includes a #public plaza#, nor shall any permit be issued by the Department of Buildings for any change to a #plaza#, #residential plaza# or #urban plaza# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of Sections 37-625 or 37-70, as applicable.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #public plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan and sections and elevations, as necessary to

demonstrate compliance with the provisions of Sections 37-625 or 37-70, as applicable.

All plans for #public plazas# or other #publicly accessible open areas# that are the subject of a certification pursuant to Section 37-625 shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the #public plaza#, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. No temporary or final certificate of occupancy shall be issued for any bonus #floor area# generated by a #public plaza# unless and until the #public plaza# has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning and certified to the Department of Buildings.

Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), any #residential plaza# or #urban plaza# for which a certification was granted pursuant to Article II, Chapter 3, or Article III, Chapter 7, between June 4, 2005 and June 4, 2007, and any #public plaza# for which a certification was granted prior to June 10, 2009, may be provided in accordance with the regulations in effect on the date of such certification.

(b) Periodic compliance reporting

No later than June 30 of the year, beginning in the third calendar year following the calendar year in which certification was made and at three-year intervals thereafter, the Director of the Department of City Planning and the affected Community Board shall be provided with a report regarding compliance of the #publicly accessible open area# with the regulations of Sections 37-625 or 37-70, as applicable, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed. Such report shall be provided by a registered

architect, landscape architect or professional engineer, in a format acceptable to the Director and shall include, without limitation:

(1) a copy of the original #public plaza# or design change certification letter and, if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;

(2) a statement that the #publicly accessible open area# has been inspected by such registered architect, landscape architect or professional engineer and that such open area is in full compliance with the regulations under which it was approved as well as the approved plans pertaining to such open area and, if applicable, the requirements of any other authorization or certification pursuant to this Chapter, or non-compliance with such regulations and plans;

(3) an inventory list of amenities required under the regulations under which the #publicly accessible open area# was approved and the approved plans pertaining to such open area and, if applicable, the requirements of any other authorization or certification pursuant to Section 37-70, together with an identification of any amenity on such inventory list for which inspection did not show compliance, including whether such amenities are in working order, and a description of the non-compliance;

(4) photographs documenting the condition of the #publicly accessible open area# at the time of inspection, sufficient to indicate the presence or absence, either full or partial, of the amenities on the inventory list of amenities.

The report submitted to the Director of the Department of City Planning shall be accompanied by documentation demonstrating that such report has also been provided to the affected Community Board.

Compliance reporting pursuant to this paragraph, (b), shall be a condition of all certifications granted pursuant to Section 37-70.

(c) Compliance reports at time of application

Any application for a certification or authorization involving an existing #publicly accessible open area# shall include a compliance report in the format required under paragraph (b) of this Section, based upon an inspection of the #publicly accessible open area# by a registered architect, landscape architect or professional engineer conducted no more than 45 days prior to the filing of such application.

The following conditions may constitute grounds to disapprove the application for certification or authorization:

(1) such report shows non-compliance with the regulations under which the #publicly accessible open area# was approved, conditions or restrictions of a previously granted certification or authorization, or with the approved plans pertaining to such #publicly accessible open area#; or

(2) the #publicly accessible open area# has been the subject of one or more enforcement proceedings for which there have been final adjudications of a violation with respect to any of the foregoing.

In the case of a certification, the Chairperson, or in the case of an authorization, the Commission, may, in lieu of disapproval, accept a compliance plan for the #publicly accessible open area#, which plan shall set forth the means by which future compliance will be ensured.

(d) Failure to comply

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to Section 37-70 or with approved plans related thereto, or failure to submit a required compliance report, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

(e) Special regulations for an #urban plaza# in the #Special Lower Manhattan District#

In addition, the Chairperson of the City Planning Commission may certify any #urban plaza# that is the subject of application N070416ZCM, filed in conjunction with application C070415ZSM, and such #urban plaza# may be provided in accordance with the regulations of Section 37–04, inclusive, in effect on April 23, 2007, as modified by the special regulations for such #urban plaza# as set forth in Article IX, Chapter 1 (Special Lower Manhattan District) and in the following provisions:

(1) #Floor area# bonus for an #urban plaza# in the #Special Lower Manhattan District#

A #floor area# bonus for such #urban plaza#, pursuant to Section 91-22, may be permitted for a #development# or #enlargement# located within 50 feet of the #street line# of a #street# subject to the regulations for #street wall# continuity Type 2B.

(2) #Street wall# regulations for an #urban plaza# in the #Special Lower Manhattan District#

The #street wall# regulations for #street wall# continuity "Type 2" in the #Special Lower Manhattan District# shall be superseded by #street wall# continuity Types 2A and 2B as indicated on Map 2 in Appendix A of Article IX, Chapter 1.

37-80 - ARCADES

LAST AMENDED
12/19/2019

The provisions of this Section shall apply to all #developments# an #enlargements# containing an #arcade# that qualifies for a #floor area# bonus pursuant to Sections 24-15, 33-14 or 43-14.

(a) General provisions

An #arcade# shall be #developed# as a continuous covered space extending along a #street line#, or #publicly accessible open area#. An #arcade# shall be open for its entire length to the #street line# or #publicly accessible open area#, except for #building# columns and tables and chairs provided pursuant to Section 37-81 (Moveable tables and Chairs). Such #arcade# shall be unobstructed to a height of not less than 12 feet, and either:

(1) have a depth not less than 10 feet nor more than 30 feet measured perpendicular to the #street line# or boundary of the #publicly accessible open area# on which it fronts, and extend for at least 50 feet, or the full length of the #street line# or boundary of the #publicly accessible open area# on which it fronts, whichever is the lesser distance; or

(2) on a #corner lot#, is bounded on two sides by the two intersecting #street lines#, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

(b) Permitted elevation

Such an #arcade# shall not at any point be above the level of the #street#, or #publicly accessible open area# that it adjoins, whichever is higher. Any portion of an #arcade# occupied by #building# columns shall be considered to be part of the area of the #arcade# for the

purposes of computing a #floor area# bonus.

(c) Permitted parking, drop offs or loading berths

No off-street parking spaces, passenger drop offs, driveways or off-street loading berths are permitted anywhere within an #arcade# or within 10 feet of any bonusable portion thereof. By certification, the Commission may permit such activity in the immediate vicinity of an #arcade# provided such activity will not adversely affect the functioning of the #arcade#. In no event shall such vehicular areas be eligible for an #arcade# bonus.

(d) Hours of operation

#Arcades# shall be accessible to the public at all times.

(e) Signage

An information plaque shall be provided that contains a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols page on the Department of City Planning website. Such symbol and required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York.

37-81 - Moveable Tables and Chairs

LAST AMENDED

Publicly accessible tables and chairs shall be considered permitted obstructions within an #arcade#, provided that such obstructions comply with the provisions of this Section.

The following provisions shall apply to all tables and chairs permitted by this Section.

(a) General requirements

Tables and chairs provided pursuant to this Section may be used by the public without restriction. All furnishings shall be moveable and made of high quality and durable materials. Tables and chairs shall not be chained, fixed, or otherwise secured between the hours of 7:00 a.m. and 9:00 p.m., and may be stored or secured between the hours of 9:00 p.m. and 7:00 a.m.

(b) Circulation requirements for tables and chairs

No furnishings, including storage of furnishings, shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths. For #arcades# with a depth of 10 feet or less, an unobstructed path of not less than three feet wide shall be provided, and for those with a depth greater than 10 feet, the width of such unobstructed path shall be increased to at least six feet. For the purpose of such calculation, the depth of an #arcade# shall be measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#.

37-90 - PARKING LOTS

LAST AMENDED
11/28/2007

37-91 - Applicability

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that contain 18 or more spaces or are greater than 6,000 square feet in area, as follows:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in an increase in:

(1) a total number of parking spaces #accessory# to #commercial# or #community facility# #uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) a total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#.

All #public parking lots# shall comply with the provisions of Section 37-921 (Perimeter landscaping).

The provisions of Section 37-90, inclusive, shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

For the purposes of Section 37-90, inclusive, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all landscaped areas required pursuant to this Section within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived pursuant to Sections 25-33, 36-23 or 44-23, as applicable, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #commercial# or #community facility# #uses# or curb cuts accessing #commercial# or #community facility# #uses# are shown on the site plan required pursuant to Section 36-57, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

A detailed plan or plans prepared by a registered landscape architect demonstrating compliance with the provisions of Section 37-90, inclusive, shall be submitted to the Department of Buildings. Such plans shall include grading plans, drainage plans and planting plans, and sections and elevations as necessary to demonstrate compliance with the provisions of this Section.

Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to November 28, 2007, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

37-92 - Landscaping

LAST AMENDED
12/6/2023

The provisions of Section 37-921 (Perimeter landscaping) shall apply to open #accessory# off-street parking facilities and #public parking lots# with 18 or more spaces or at least 6,000 square feet in area that front upon a #street#.

The provisions of Section 37-922 (Interior landscaping) shall additionally apply to open #accessory# off-street parking facilities and #public parking lots# with 36 or more spaces or at least 12,000 square feet in area.

However, where more than 75 percent of the parking spaces in such #accessory# off-street parking facility or #public parking lot# will be covered by solar canopies, the requirements of such Sections may be modified by the provisions of Section 37-923 (Alternative compliance for solar canopies).

37-921 - Perimeter landscaping

LAST AMENDED
6/6/2024

All open parking areas subject to the provisions of this Section shall be screened at the #street line# by a perimeter landscaped area at least seven feet in width measured perpendicular to the #street line#. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Walkways may also traverse the perimeter landscaped area in order to provide a direct connection between the

public sidewalk and a walkway within or adjacent to the open parking area. In the event a perimeter landscaped area is greater than seven feet in width, the first seven feet adjacent to the open parking area must comply with paragraphs (a) and (b) of this Section. The remainder of the landscaped perimeter area may comply with paragraphs (a) and (b) or be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material.

The perimeter landscaped area shall comply with the following requirements:

(a) Grading, drainage and soil

The open parking area shall be graded to allow stormwater runoff to drain into all required perimeter landscaped areas and planting islands required pursuant to Section 37-922 (Interior landscaping). The perimeter landscaped area shall be comprised of soil with a depth of at least two feet, six inches, measured from the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. The perimeter landscaped area shall have an inverted slope to allow a minimum of six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. A raised curb shall edge the perimeter landscaped area, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (a), would be infeasible for a perimeter landscaped area, such drainage provisions may be waived. In lieu thereof, such

perimeter landscaped area shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (b) of this Section shall apply to such perimeter landscaped areas, except that plantings need not be selected from the lists in Section 37-963.

(b) Plantings

(1) Parking lot frontage

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an #abutting# parking space. All required groundcover shall be selected from the list in Section 37-963

(2) Sidewalk frontage

The remainder of the perimeter landscaped area shall be densely planted with shrubs at a distance of 24 inches on center and maintained at a maximum height of three feet above the surface of the adjoining public sidewalk. All required shrubs shall be selected from the list in Section 37-963.

(3) Trees

One two-inch caliper tree shall be provided for every 25 feet of open parking area #street# frontage. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such perimeter trees shall be staggered wherever possible with #street# trees, but in no event shall perimeter trees be planted

closer than 15 feet on center or within three feet to a perimeter screening area curb. Furthermore, a radius distance of at least 20 feet shall be maintained between trunks of perimeter trees and #street# trees. If such distances cannot be maintained, the perimeter tree shall be waived in that location. However, if a #street# tree cannot be planted in the public sidewalk adjacent to the perimeter screening area because the Department of Parks and Recreation has determined that it is infeasible to plant a tree in such location, such tree shall be planted instead within the perimeter screening area adjacent to such portion of the public sidewalk and credited towards the amount of perimeter trees required pursuant to this paragraph. However, any perimeter tree within 15 feet of an elevated rail line or elevated highway shall be waived. All required perimeter trees shall be selected from the list in Section 37-961.

(c) Obstructions

Utilities and #signs# permitted in Sections 32-62, 32-63 or 42-62 may be located in the perimeter screening area. Ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open is permitted in the perimeter screening area, provided such fencing does not exceed four feet in height and is located at least five feet from the #street line#.

37-922 - Interior landscaping

LAST AMENDED
12/6/2023

All open parking areas subject to the provisions of this Section shall provide at least one tree for every eight parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be in addition to the trees required in the perimeter

screening area. Each such tree shall have a minimum caliper of three inches and be located in a planting island with a minimum area of 150 square feet of pervious surface.

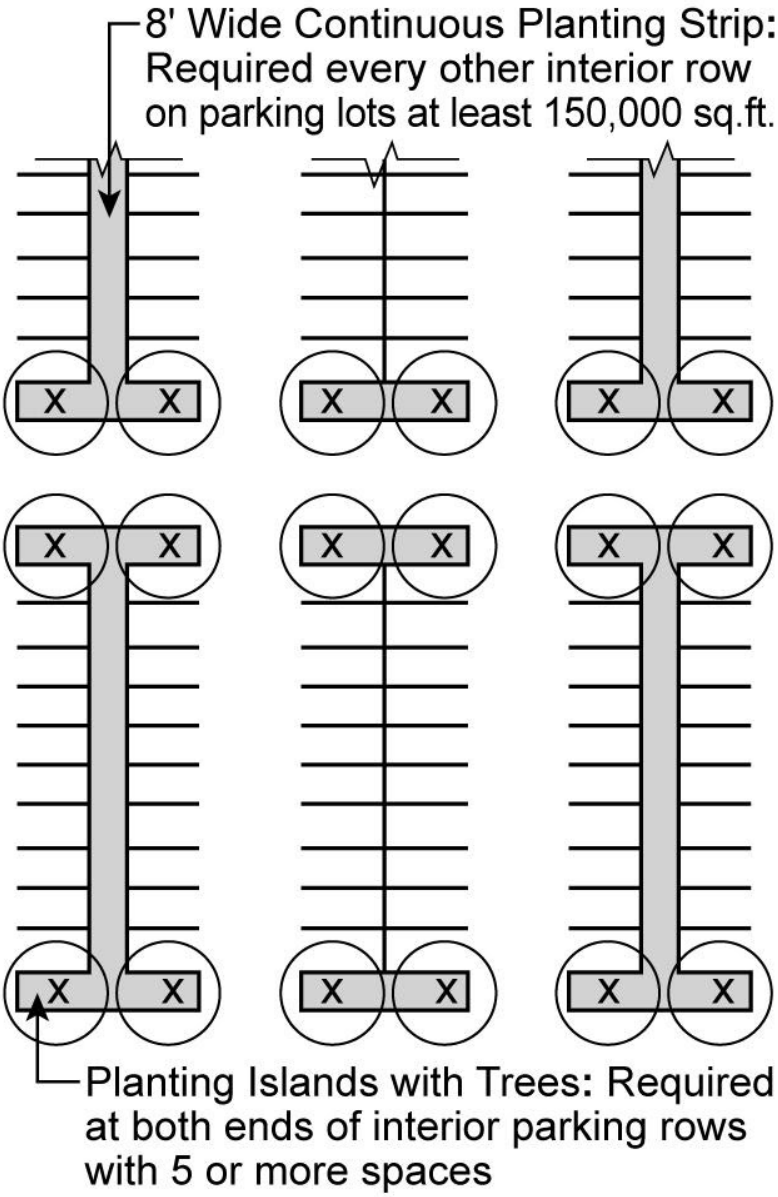
(a) Distribution

The following distribution rules shall apply:

(1) Each end space in a row of five or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of such end space;

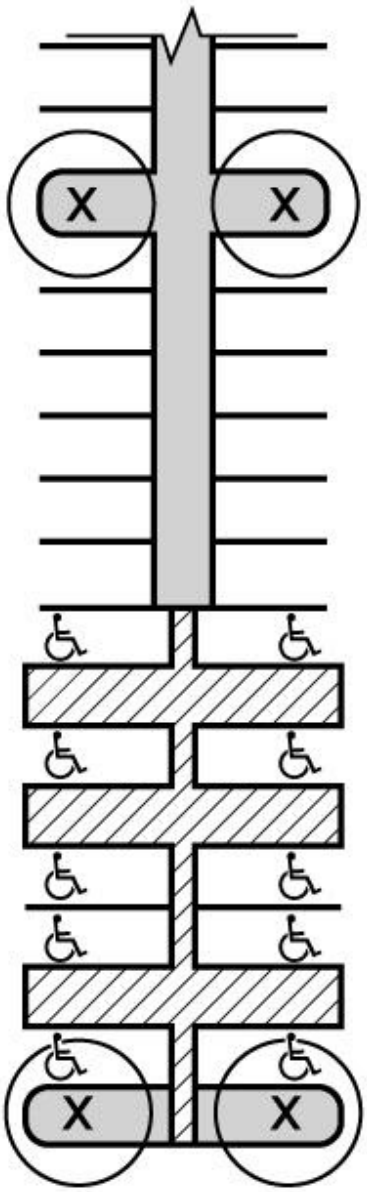
(2) No more than 15 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area; and

(3) For open parking areas at least 150,000 square feet in area, in addition to the requirements set forth in paragraphs (a)(1) and (a)(2) of this Section, every other row of parking spaces in which each space does not fully abut a perimeter landscaped area shall abut a planting island. Such planting island shall have a minimum width of eight feet and extend along the entire length of such row of parking spaces. Such planting islands may be traversed by walkways no more than three feet wide and spaced at least 50 feet apart.



(37-922a3)

(4) Planting islands required pursuant to paragraphs (a)(1) and (a)(3) may be discontinued where a pedestrian access lane is provided that serves no more than five parking spaces required by the Americans with Disabilities Act.



(37-922a4)

(5) Compliance with paragraphs (a)(1) and (a)(2) may be waived where the Commissioner of Buildings determines that tree planting in such locations would conflict with loading operations. Such trees shall be planted elsewhere in the open parking area.

(b) Grading, drainage and soil

The open parking area shall be graded to allow stormwater runoff to drain into all planting islands required pursuant to this Section and perimeter landscaped areas required pursuant to Section 37-921. Planting islands shall have an inverted slope to allow a minimum six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. Planting islands shall be comprised of soil with a depth of at least two feet, six inches, measured from the surface of the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. A raised curb shall edge the planting island, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (b), would be infeasible for an interior planting island, such drainage provisions may be waived. In lieu thereof, such planting island shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (c) of this Section shall apply to such planting islands, except that plantings need not be selected from the lists in Section 37-963.

(c) Plantings

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in

calculating the required depth of an #abutting# parking space. The remaining area of the planting island shall be densely planted with shrubs, maintained at a maximum height of three feet, at a distance of 24 inches on center. Planting islands which are bisected by pedestrian access lanes serving Americans with Disabilities Act parking spaces (as shown in paragraph (a)(4) of this Section) shall provide groundcover in lieu of shrubs. Each required tree shall be centered in a planted area measuring at least eight feet by eight feet. Multiple trees are allowed in a single planting island provided they are spaced no closer than 25 feet on center and there is at least 150 square feet of pervious area for each tree. Any area with a dimension of less than two feet shall not contribute to such 150 square foot minimum area. Required trees shall be located first in planting islands at the ends of parking rows required pursuant to paragraph (a)(1) of this Section, and then in planting islands that break up parking rows with more than 15 spaces required pursuant to paragraph (a)(2) of this Section. Any remaining required trees may be located in the continuous planting island required pursuant to paragraph (a)(3) of this Section or located in other planting islands within the open parking area. All required trees, shrubs and groundcovers shall be selected from the lists in Sections 37-962 and 37-963.

37-923 - Alternative compliance for solar canopies

LAST AMENDED
12/6/2023

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 Sections 37-921 or 37-922 may be modified as follows:

(a) the tree planting requirements of paragraph (b)(3) of Section 37-921 (Perimeter landscaping) need not apply where a solar canopy is proposed within 10 feet of a portion of a perimeter

landscaped area along a #street# frontage necessitating a tree; and

(b) the interior landscaping requirements of Section 37-922 (Interior landscaping) need not apply to such portion covered by a solar canopy.

37-93 - Maintenance

LAST AMENDED
11/28/2007

All on-site landscaping shall be maintained in good conditions at all times. Landscaped areas must be kept free of litter, and drainage components maintained in working order. In the event of the loss of any on-site landscaping, the owner of the #zoning lot# shall replace such landscaping by the next appropriate planting season. All landscaped areas must contain a built-in irrigation system or supply hose bibs within 100 feet of all planting islands.

37-94 - Refuse Storage

LAST AMENDED
11/28/2007

All site plans must show an area designated for refuse storage. Any container used for refuse storage must be enclosed and screened either within a #building# or an #accessory# #structure#. If refuse storage is located in a container or #accessory# #structure#, it must be located at least 50 feet from any #street line# and screened on all sides by a six foot high masonry wall, with one side consisting of an opaque, lockable gate.

37-95 - Modifications of Design Standards

LAST AMENDED
4/22/2009

37-951 - Modification of landscaping requirements

LAST AMENDED
4/22/2009

The requirements of Section 37-90 (PARKING LOTS), inclusive, may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, a high water table, or a City, State or Federal mandated brownfield remediation that requires the site to be capped. Where a high water table exists, the planting requirements of Section 37-90, inclusive, shall be complied with, except such planted areas need not be designed to absorb storm water runoff.

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

37-952 - Modification of design requirements by authorization

LAST AMENDED
4/22/2009

For #enlargements#, the City Planning Commission may authorize modifications or waivers of the maneuverability and curb cut standards of Section 36-57, and the landscaping requirements of Section 37-90 (PARKING LOTS), inclusive, for portions of the #zoning lot# occupied by existing open parking areas, provided the Commission finds that:

(a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;

(b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;

(c) the amount of interior planting islands and their distribution throughout the existing open parking area have been provided to the maximum extent practicable; and

(d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscaped architects in considering such modifications.

37-96 - Landscaping Selection Lists

LAST AMENDED
4/22/2009

37-961 - Selection list for perimeter trees

LAST AMENDED
4/22/2009

BOTANICAL NAME	COMMON NAME
Acer campestre	Hedge Maple*
Acer ginnala	Amur Maple*
Acer negundo	Boxelder*
Acer truncatum	Shantung Maple*
Amelanchier arborea	Downy Serviceberry
Amelanchier canadensis	Shadblow Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Betula lenta	Sweet Birch*
Betula nigra “Heritage”	Heritage River Birch*
Carpinus caroliniana	American Hornbeam
Cedrus atlantica	Atlas Cedar
Cedrus deodara	Deodar Cedar

Crataegus laevigata	English Hawthorn
Crataegus viridis	Green Hawthorn
Cornus mas	Cornelian Cherry*
Cornus racemosa	Gray Dogwood*
Cercis canadensis	Redbud
Hamamelis vernalis	Vernal Witchhazel
Hamamelis virginiana	American Witchhazel
Koelreuteria paniculata	Goldenraintree
Larix laricina	Tamarack
Magnolia stella	Star Magnolia
Magnolia virginiana	Sweetbay Magnolia
Maackia amurensis	Amur Maackia
Pinus virginiana	Virginia Pine

Prunus cerasifera	Purpleleaf Plum
Prunus 'Okame'	Okame Cherry
Prunus padus	European Birdcherry
Prunus sargentii	Sargent Cherry
Prunus serrulata “Kwanzan”	Japanese Flowering Cherry
Prunus virginiana “Schubert”	Schubert Cherry
Prunus x yedoensis	Yoshino Cherry
Rhus copallina	Shinning Sumac
Salix discolor	True Pussy Willow
Sambucus nigra	Black Elderberry
Syringa reticulata	Japanese Tree Lilac

* Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

37-962 - Selection list for interior trees

LAST AMENDED

4/22/2009

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red Maple[1]
Acer saccharinum	Silver Maple[1]
Acer x freemanii	Freeman Maple[1]
Catalpa speciosa	Northern Catalpa
Celtis occidentalis	Hackberry
Celtis laevigata	Sugar Hackberry
Eucommia ulmoides	Hardy Rubber Tree
Fraxinus americana	American Ash[1]
Fraxinus excelsior	European Ash[1]
Fraxinus pennsylvanica	Green Ash[1]

Gleditsia triacanthos inermis	Honeylocust
Ginkgo biloba	Ginkgo
Gymnocladus dioicus	Kentucky Coffeetree
Juglans nigra	Black Walnut
Larix decidua	European Larch
Larix laricina	American Larch
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip Tree
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Tupelo
Platanus occidentalis	American Sycamore
Platanus x acerifolia	London Planetree
Pyrus calleryana	Callery Pear[3]

Quercus bicolor	Swamp White Oak
Quercus imbricaria	Shingle Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Northern Red Oak
Taxodium distichum	Baldcypress
Ulmus americana	American Elm[1,2]
Ulmus carpinifolla	Smooth-leaf Elm[1,2]
Ulmus parvifolla	Lace Bark Elm[1,2]
Styphnolobium japonicum	Scholar Tree
Tilia americana	Basswood/American Linden
Zelkova serrata	Japanese Zelkova

1 Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

2 Only cultivars of elms that have been bred for resistance to Dutch Elm Disease

3 Excluding “Bradford” cultivar

37-963 - Selection list for ground covers and shrubs

LAST AMENDED

4/22/2009

GROUND COVERS	
BOTANICAL NAME	COMMON NAME
Asclepias tuberosum	Butterfly Weed
Calamagrostis stricta	Slimstem Reedgrass
Comptonia peregrina	Sweetfern
Cortaderia selloana “Pumilla”	Dwarf Pampas Grass
Euonymus coloratus	Euonymus
Festuca glauca	Blue Fescue Grass
Juniperus horizentalis	Creeping Juniper

Hibiscus moscheutos	Swamp Rose Mallow*
Iris pallida	Sweet Iris
Iris sibirica	Siberian Iris
Iris versicolor	Blue Flag Iris

SHRUBS	
BOTANICAL NAME	COMMON NAME
Abeliax grandiflora	Glossy Abelia
Aesculus parviflora	Bottlebrush Buckeye
Andromeda polifolia	Bog-rosemary
Aronia arbutifolia	Red Chokeberry
Aronia melanocarpa	Black Chokeberry
Baccharis halimifolia	Eastern Baccharis
Betula nana	Dwarf Birch

Betula pumila	Bog Birch
Calluna vulgaris	Scotch Heather
Castanea pumila	Chinkapin
Cephalanthus occidentalis	Buttonbush
Chamaecyparis spp.	Chamaecyparis
Clethra alnifolia	Summersweet
Cornus sericea	Redtwig Dogwood
Cornus sericea “Flaviramea”	Yellowtwig Dogwood
Cotoneaster dammeri	Bearberry Cotoneaster
Daphne cneorum	Rose Daphne
Daphne caucasica	Caucasian Daphne
Ericacarnea	Spring Heath
Euonymus fortunei	Wintercreeper Euonymus

Eubotrys racemosa	Swamp Doghobble
Gaylussaciabrachycera	Box Huckleberry
Hydrangea quercifolia	Oakleaf Hydrangea
Ilex crenata	Japanese Holly
Ilex glabra	Inkberry
Ilex verticillata	Winterberry
Itea virginica“Henry’s Garnet”	Virginia Sweetspire
Juniperus procumbens	Japgarden Juniper
Juniperus sabina	Savin Juniper
Juniperus squamata	Singleseed Juniper
Kalmia angustifolia	Sheep Laurel
Ledum groenlandicum	Labrador Tea
Leiophyllum buxifolium	Box Sandmyrtle

Leucothoe racemosa	Sweetbells Leucothoe
Microbiota decussata	Russian Arborvitae
Myrica gale	Sweetgale
Paxistima canbyi	Canby Paxistima
Pieris floribunda	Mountain Pieris
Rhododendron canadense	Rhodora
Rhododendron viscosum	Swamp Azalea
Rhododendron atlanticum	Coast Azalea
Rhus aromatica “Gro-Lo”	Gro-Lo Sumac
Rosa Palustris	Swamp Rose
Spirea x bumaldi ”Anthony Waterer”	Goldflame Spirea
Vaccinium macrocarpon	American Cranberry
Zenobia pulverenta	Dusty Zenobia

* Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article IV - Manufacturing District Regulations

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Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Statement of Legislative Intent

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Statement of Legislative Intent

41-00 - GENERAL PURPOSES OF MANUFACTURING DISTRICTS

LAST AMENDED
12/21/1989

The Manufacturing Districts established in this Resolution are designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

(a) To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related activities, with due allowance for the need for a choice of sites.

(b) To provide, as far as possible, that such space will be available for use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by generally prohibiting the use of such space for new residential development.

(c) To encourage manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Resolution restricts the emission of such nuisances, without regard to the industrial products and processes involved.

(d) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities, by restricting those manufacturing activities which involve danger of fire, explosions, toxic and

noxious matter, radiation and other hazards, or create offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, to those limited areas which are appropriate therefor.

(e) To protect manufacturing and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities.

(f) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.

(g) To protect light manufacturing and to encourage stability and growth in appropriate mixed-use areas by permitting light manufacturing and controlled residential uses to co-exist where such uses are deemed compatible.

(h) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of manufacturing and related development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

41-10 - PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

LAST AMENDED
4/9/1981

41-11 - M1 Light Manufacturing Districts (High Performance)

LAST AMENDED
9/21/2011

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. New residences are excluded from these districts, except for:

(a) joint living-work quarters for artists in M1-5B Districts;

(b) dwelling units in M1-5M and M1-6M Districts;

(c) dwelling units in M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, where authorized by the City Planning Commission, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development; and

(d) dwelling units in M1-6D Districts.

41-12 - M2 Medium Manufacturing Districts (Medium Performance)

LAST AMENDED
6/6/2024

These districts are designed for manufacturing and related activities which can meet a medium level of performance standards. Enclosure of such activities is not normally required except in areas along the boundary of a Residence District. No new residences are permitted.

41-13 - M3 Heavy Manufacturing Districts (Low Performance)

LAST AMENDED
12/15/1961

These districts are designed to accommodate the essential heavy industrial uses which involve more objectionable influences and hazards, and which, therefore, cannot reasonably be expected to conform to those performance standards which are appropriate for most other types of industrial development. No new residences or community facilities are permitted.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Use Regulations

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Chapter 2 - Use Regulations

42-00 - GENERAL PROVISIONS

LAST AMENDED
12/5/2024

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purposes of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII, VIII, IX and X, are permitted in #Manufacturing Districts# subject to the provisions of the following Sections:

(a) Sections 42-11 (Use Group I – Agriculture and Open Uses) through 42-20 (Use Group X – Production Uses) establish general #use# allowances in Use Groups I through X, including each #use# listed separately therein, by #Manufacturing District#, and additional provisions for certain #uses#, where applicable.

(b) Section 42-30 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS) sets forth special provisions applicable to certain #Manufacturing Districts#, including:

(1) M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, as set forth in Section 42-311 (Residential uses in M1-1D through M1-5D Districts);

(2) M1-6D Districts, as set forth in Section 42-312 (Use regulations in M1-6D Districts);

(3) M1-5M and M1-6M Districts, as set forth in Section 42-313 (Use regulations in M1-5M and M1-6M Districts);

(4) M1-1, M1-5 and M1-6 Districts in certain areas, as set forth in Section 42-314 (Use regulations in certain M1-1, M1-5 and M1-6 Districts);

(5) M1-5B Districts, as set forth in Section 42-315 (Use regulations in M1-5B Districts); and

(6) #Manufacturing Districts# with an A suffix, as set forth in Section 42-326 (Use regulations in Manufacturing Districts with an A suffix).

(c) Section 42-40 (PERFORMANCE STANDARDS) establishes performance standards that are applicable to certain #uses# listed in Use Groups I, IV, VI, VIII, IX and X.

(d) Section 42-50 (SUPPLEMENTARY USE REGULATIONS) sets forth supplementary #use# regulations and special provisions applying along district boundaries, including:

(1) enclosure of commercial or manufacturing activities, as set forth in Section 42-51;

(2) enclosure or screening of storage, as set forth in Section 42-52; and

(3) limitations on business entrances, show windows or #signs#, as set forth in Section 42-53.

(e) Section 42-60 (SIGN REGULATIONS), inclusive, sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (General Provisions), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

42-01 - Special Provisions for Adult Establishments

LAST AMENDED
10/13/2010

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

(a) #Adult establishments# are not permitted in a #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing# #uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.

(b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing# #uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

(c) No #adult establishment# shall be established less than 500 feet from another #adult establishment#.

(d) No more than one #adult establishment# permitted under this Section shall be established on a #zoning lot#.

(e) #Adult establishments# shall not exceed, in total, 10,000 square feet of #floor area# and #cellar# space not used for enclosed storage or mechanical equipment.

(f) #Adult establishments# which were established on October 25, 1995, and conform to all provisions of the Zoning Resolution relating to #adult establishments# other than the provisions of all or any combination of paragraphs (c), (d) and (e) of this Section, shall not be subject to the provisions of Section 52-77 (Termination of Adult Establishments).

For purposes of this Section, an #adult establishment# shall be established upon the date of a permit issued by the Department of Buildings therefor, or, in the case of an #adult establishment# in existence prior to August 8, 2001, as determined by the Department of Buildings, subject to rules as the Department of Buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.

42-10 - USE ALLOWANCES

LAST AMENDED
6/6/2024

The provisions of Sections 42-11 (Use Group I – Agriculture and Open Uses) through 42-20 (Use Group X – Production Uses), inclusive, establish #use# allowances by Use Group. A brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group. For Use Groups I, and III through X, #use# allowances by zoning district are summarized in Use

Group tables. For each #use# and zoning district, the tables contain up to two levels of notation in a particular cell:

(a) The top level will always contain a symbol and denotes:

(1) permitted as-of-right (“ ”);

(2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“ ”);

(3) allowed by special permit (“ ”) of the Board of Standards and Appeals or the City Planning Commission; or

(4) not permitted in the district (“–”).

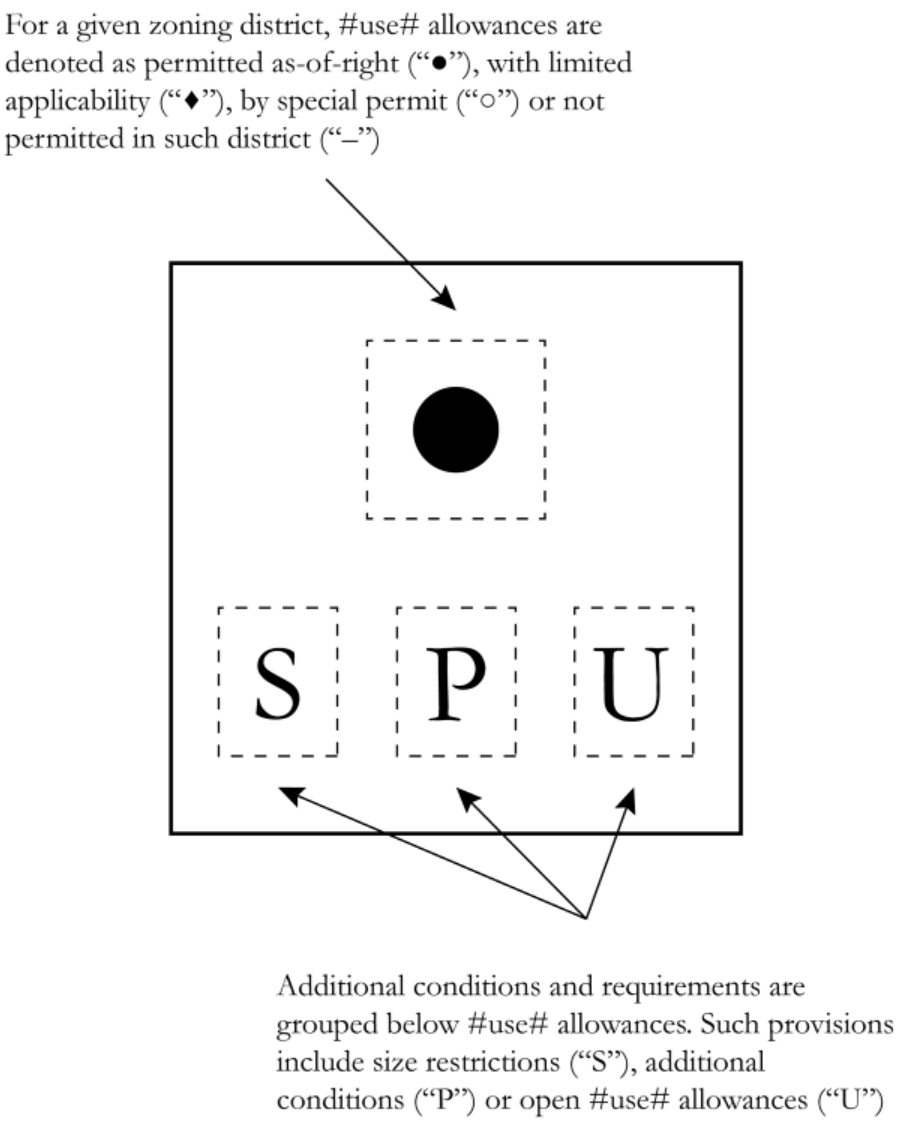
(b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:

(1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities;

(2) additional conditions (“P”), including environmental standards or other measures other than size restrictions or open #use# regulations; or

(3) open #use# allowances (“U”), including exemptions from enclosure rules and additional open #use# regulations. Such allowances may be supplemented or superseded by the provisions of Section 42-50 (SUPPLEMENTARY USE REGULATIONS), inclusive.

Such notations are illustrated in the following diagram:



Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions or open #use# allowances. However, all #uses#, where applicable, are subject to the provisions of Sections 42-30 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS), 42-40 (PERFORMANCE STANDARDS), and 42-50 (SUPPLEMENTARY USE REGULATIONS).

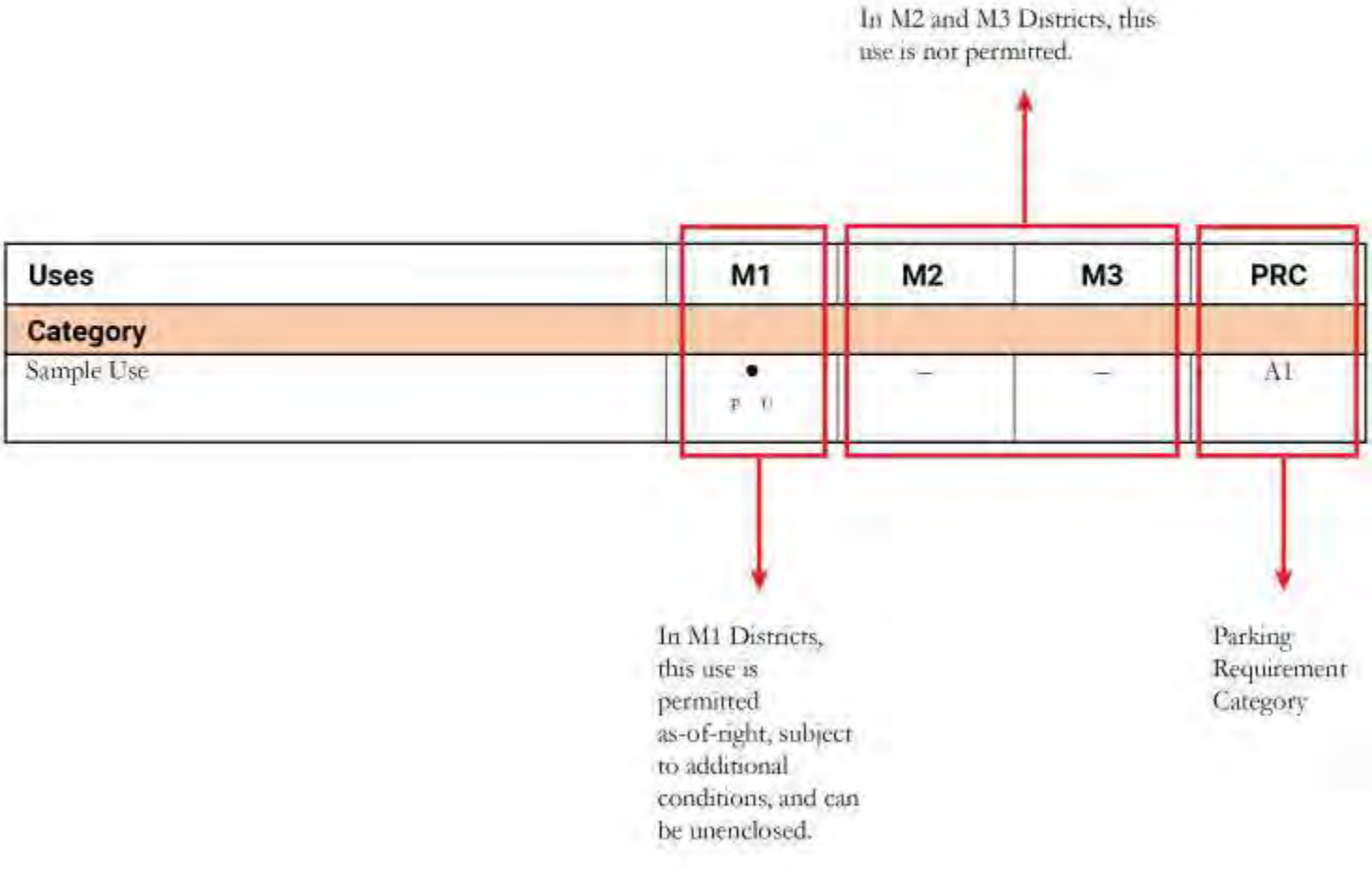
Use Group tables also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A through G refer to the classification of #commercial uses# and #manufacturing uses# to determine required accessory off-street parking spaces as set forth in the table

in Section 44-21 (General Provisions). Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as "N/A", no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions, additional conditions, or permission for unenclosed #uses#. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #use#:

ILLUSTRATIVE EXAMPLE



42-11 - Use Group I – Agriculture and Open Uses

LAST AMENDED
6/6/2024

M1 M2 M3

Use Group I consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth in the following Sections as follows:

(a) Section 42-111 (Use Group I – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 42-112 (Use Group I – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;

(c) Section 42-113 (Use Group I – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group table;

(d) Section 42-114 (Use Group I – uses permitted by special permit) for #uses# permitted only by special permit by the Board of Standards and Appeals, as denoted with " " in the Use Group table; and

(e) Section 42-115 (Use Group I – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

42-111 - Use Group I – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group I and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES). Where permitted as-of-right in a #Manufacturing District#, all #uses# listed as "Open Uses" in the table shall be unenclosed, except for ancillary #buildings or other structures#.

USE GROUP I – AGRICULTURE AND OPEN USES				
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions U = Open use allowances**				
Uses	**M1**	**M2**	**M3**	**PRC**
Agriculture				
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	? P U	? P U	? P U	G
Open Uses				
Cemeteries	?	–	–	N/A
Golf courses	?	–	–	*

Outdoor racket courts	? P	–	–	G
Outdoor skating rinks	?	?	?	G
#Public parks# or playgrounds or private parks	?	–	–	N/A
Sand, gravel, or clay pits	?	?	?	N/A

42-112 - Use Group I – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 42-111 (Use Group I – general use allowances), the following provisions shall apply:

(a) Agricultural #uses# in all #Manufacturing Districts# shall conform with the applicable performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

(b) Outdoor racket courts are permitted in M1 Districts provided that all lighting shall be directed away from nearby #residences#.

42-113 - Use Group I – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 42-111 (Use Group I – general use allowances), a #use# may be open or enclosed without restriction.

42-114 - Use Group I – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with " " in Section 42-111 (Use Group I – general use allowances), the provisions of this Section shall apply. Sand, gravel or clay pits, may be permitted in all #Manufacturing Districts#, by special permit of the Board of Standards and Appeals, in accordance with the provisions of Section 73-112 (Sand, gravel or clay pits).

42-115 - Use Group I – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 42-111 (Use Group I – general use allowances), the provisions of this Section shall apply. For golf courses, the portion of such facility used for golf course club houses shall be classified as PRC B3. All other portions of a golf course shall not be subject to any parking requirements.

42-12 - Use Group II - Residences

LAST AMENDED
12/5/2024

M1

Use Group II consists of #residences# of various types. In #Manufacturing Districts#, #residences# shall be allowed as follows:

(a) In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, in accordance with Section 42-311 (Residential uses in M1-1D through M1-5D Districts);

(b) In M1-6D Districts, in accordance with Section 42-312 (Use regulations in M1-6D Districts);

(c) In M1-5M and M1-6M Districts, in accordance with Section 42-313 (Use regulations in M1-5M and M1-6M Districts); and

(d) In certain M1-1, M1-5 and M1-6 Districts, in accordance with Section 42-314 (Use regulations in certain M1-1, M1-5 and M1-6 Districts).

42-13 - Use Group III – Community Facilities

LAST AMENDED
6/6/2024

M1 M2 M3

Use Group III consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 42-131 (Use Group III – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 42-132 (Use Group III – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables;

(c) Section 42-133 (Use Group III – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group tables; and

(d) Section 42-134 (Use Group III – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group tables.

42-131 - Use Group III – general use allowances

LAST AMENDED
12/5/2024

The following tables include #uses# classified as Use Group III and set forth their allowances by #Manufacturing District#. Such #uses# are categorized as #community facilities# with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section 42-10 (USE ALLOWANCES).

A. Community Facilities with Sleeping Accommodations

USE GROUP III(A) – COMMUNITY FACILITIES WITH SLEEPING ACCOMMODATIONS

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions U = Open use allowances

Uses	M1	M2	M3	PRC
Educational Institutions				
College or school student dormitories and fraternity or sorority student houses	–	–	–	E2
Faith-based Institutions and Facilities				
Monasteries, convents or novitiates	–	–	–	N/A
Rectories or parish houses with sleeping accommodations	–	–	–	N/A
Seminaries with sleeping accommodations	–	–	–	*
Health Institutions and Facilities				
#Long-term care facilities#	–	–	–	E3
#Non-profit hospital staff dwellings #	–	–	–	*
Other Institutions and Facilities				
Community centers or settlement houses with sleeping accommodations	–	–	–	B3
Non-commercial clubs with sleeping accommodations	–	–	–	B3

Philanthropic or non-profit institutions with sleeping accommodations	–	–	–	E3

B. Community Facilities without Sleeping Accommodations

USE GROUP III(B) – COMMUNITY FACILITIES WITHOUT SLEEPING ACCOMMODATIONS

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions U = Open use allowances

Uses	**M1**	**M2**	**M3**	**PRC**
Educational Institutions				
Colleges or universities, including professional schools but excluding business colleges or trade schools	–	–	–	*
#Schools#	?	–	–	G
Faith-based Institutions and Facilities				
Houses of worship	?	–	–	N/A
Parish houses without sleeping accommodations	?	–	–	N/A
Seminaries without sleeping accommodations	?	–	–	*
Health Institutions and Facilities				
Ambulatory diagnostic or treatment health care facilities	? P	–	–	A3

Non-profit or voluntary hospitals and related facilities, except animal hospitals	? P	–	–	E1
Proprietary hospitals and related facilities, except animal hospitals	? P	–	–	E1
Other Institutions and Facilities				
Community centers or settlement houses without sleeping accommodations	?	–	–	B3
Libraries	?	–	–	G
Museums	? P	? P	? P	G
Non-commercial art galleries	?	–	–	G
Non-commercial clubs without sleeping accommodations	?	–	–	B3
Non-commercial recreation centers	?	–	–	B3
Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities	?	–	–	B3
Welfare centers	?	–	–	B3

42-132 - Use Group III – uses subject to additional conditions

LAST AMENDED

6/6/2024

For #uses# denoted with a "P" in Section 42-131 (Use Group III – general use allowances), the following provisions shall apply:

(a) Ambulatory diagnostic or treatment health care facilities in all M1 Districts shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee 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 or ophthalmic dispensing.

(b) Non-profit, voluntary or proprietary hospitals and related facilities in M1 Districts, except animal hospitals, shall be limited to facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health.

(c) Museums in all #Manufacturing Districts# are permitted provided that they are ancillary to existing motion picture production studios or radio or television studios, and provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#. However, museums of any type may be permitted by special permit of the City Planning Commission, in accordance with Section 74-134 (Other community facility uses in M1 Districts).

42-133 - Use Group III – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with “ ” in Section 42-131 (Use Group III – general use allowances), the following provisions shall apply:

(a) #Schools# may be permitted in M1 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-133 (Schools).

(b) #Uses# listed in Use Group III(B), except for educational institutions, may be permitted in M1 Districts by special permit of the City Planning Commission, in accordance with Section 74-134 (Other community facility uses in M1 Districts).

42-134 - Use Group III – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section 42-131 (Use Group III – general use allowances), the provisions of this Section shall apply. For seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

42-14 - Use Group IV – Public Service Facilities and Infrastructure

LAST AMENDED
6/6/2024

M1 M2 M3

Use Group IV consists of #uses# that provide public services, including public safety buildings, and infrastructure. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 42-141 (Use Group IV – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 42-142 (Use Group IV – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with a "S" in the Use Group tables;

(c) Section 42-143 (Use Group IV – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables;

(d) Section 42-144 (Use Group IV – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group tables; and

(e) Section 42-145 (Use Group IV – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group tables.

42-141 - Use Group IV – general use allowances

LAST AMENDED
12/5/2024

The following tables include #uses# classified as Use Group IV and set forth their allowances by #Manufacturing District#. Such #uses# are categorized as public service facilities, utility infrastructure, or renewable energy and green infrastructure, as provided in paragraphs A, B and C of

this Section. Notations found in the tables are further described in Section 42-10 (USE ALLOWANCES).

A. Public Service Facilities

USE GROUP IV(A) – PUBLIC SERVICE FACILITIES				
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	**M1**	**M2**	**M3**	**PRC**
Public Service Buildings				
Court houses	?	?	?	A4
Fire or police stations	?	?	?	A4
Other Facilities				
Prisons	?	?	?	G

B. Infrastructure

USE GROUP IV(B) – INFRASTRUCTURE				
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	**M1**	**M2**	**M3**	**PRC**

Communication Infrastructure				
Radio or television towers, non-#accessory#	?	?	?	N/A
Telephone exchanges or other communications equipment structures	? P	? P	? P	N/A
Electric and Gas Infrastructure				
Electric power or steam generating plants	? P U	? P U	? P U	D2
Electric utility substations	? P U	? P U	? P U	N/A
Gas utility substations	? S U	? S U	? S U	N/A
Public utility stations for oil or gas metering or regulating	?	?	?	N/A
Terminal facilities at river crossings for access to electric, gas, or steam lines	?	?	?	N/A
Sewage, Storm Water and Waste Infrastructure				
Composting	? P U	? P U	? P U	D2
Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles	? P U	? P U	? P U	D2
Incineration or reduction of garbage, offal or dead animals	? P	? P	? P	D1
Radioactive waste disposal services involving the handling or storage of radioactive waste	? P	? P	? P	D1

Sewage disposal plants	?	?	? P	D1
Water or sewage pumping stations	?	?	?	N/A
Transportation Infrastructure				
Airports	?	?	?	N/A
Boat launching facilities for non-commercial pleasure boats	? U	? U	? U	N/A
Bus stations	?	?	?	N/A
Docks	? P U	? P U	? P U	G
Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	? P U	? P U	? P U	D2
Heliports	?	?	?	N/A
Mooring facilities for non-commercial pleasure boats	? U	? U	? U	N/A
Public transit or railroad electric substations	? P U	? P U	? P U	D2
Public transit yards, including accessory motor fuel pumps	? P U	? P U	? P U	D2

#Railroad right-of-way#	? U	? U	? U	N/A
Railroad passenger stations	?	?	?	N/A
Seaplane bases	?	?	?	N/A
Truck weighing stations	? P U	? P U	? P U	D2

C. Renewable Energy and Green Infrastructure

USE GROUP IV(C) – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE				
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	**M1**	**M2**	**M3**	**PRC**
Renewable Energy and Green Infrastructure				
#Energy infrastructure equipment#	? U	? U	? U	N/A
Public bicycle and micromobility parking	? U	? U	? U	N/A
Recycling, or organic material, receiving	? U	? U	? U	N/A

42-142 - Use Group IV – uses subject to size limitations

LAST AMENDED

6/6/2024

For #uses# denoted with an "S" in Section 42-141 (Use Group IV – general use allowances), the provisions of this Section shall apply. Gas utility substations in all #Manufacturing Districts# shall be limited to a site of not more than 10,000 square feet.

42-143 - Use Group IV – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 42-141 (Use Group IV – general use allowances), the following provisions shall apply:

(a) For telephone or other communications equipment structures in all #Manufacturing Districts#, and not existing on December 15, 1961, the height above #curb level# shall not exceed that attributable to #commercial# #buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.

(b) Docks for any vessels are permitted in all #Manufacturing Districts#, except that docks for #gambling vessels# may be permitted by special permit of the City Planning Commission, in accordance with Section 62-838 (Docks for gambling vessels).

(c) Where permitted, the following #uses# shall conform with the applicable performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare):

Composting

Docks

Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Electric utility substation

Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Incineration or reduction of garbage or slag piles

Public transit or railroad electric substations

Public transit yards

Radioactive waste disposal services involving the handling or storage of radioactive waste

Sewage disposal plants

Truck weighing stations.

42-144 - Use Group IV – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 42-141 (Use Group IV – general use allowances), a #use# may be open or enclosed without restriction.

42-145 - Use Group IV – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with " " in Section 42-141 (Use Group IV – general use allowances), the provisions of this Section shall apply.

(a) The following #uses# may be permitted by the Board of Standards and Appeals:

(1) Radio or television towers may be permitted in all #Manufacturing Districts#, in accordance with Section 73-141 (Radio or television towers).

(b) The following #uses# may be permitted by special permit of the City Planning Commission:

(1) Sewage disposal plants may be permitted in M1 or M2 Districts, in accordance with Section 74-143 (Sewage pumping stations and sewage disposal plants).

(2) Airports may be permitted in all #Manufacturing Districts#, in accordance with Section 74-144 (Airports).

(3) Bus stations may be permitted in all #Manufacturing Districts#, in accordance with Section 74-145 (Bus stations).

(4) Heliports may be permitted in all #Manufacturing Districts#, in accordance with Section 74-146 (Heliports).

(5) Railroad passenger stations may be permitted in all #Manufacturing Districts#, in accordance with Section 74-148 (Railroad passenger stations).

(6) Seaplane bases may be permitted in all #Manufacturing Districts#, in accordance with Section 74-149 (Seaplane).

42-15 - Use Group V – Transient Accommodations

LAST AMENDED
6/6/2024

M1 M2 M3

Use Group V consists of #uses# for transient occupancy of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 42-151 (Use Group V – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 42-152 (Use Group V – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;

(c) Section 42-153 (Use Group V – uses subject to open use allowances), for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group table; and

(d) Section 42-154 (Use Group V – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

42-151 - Use Group V – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group V and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

USE GROUP V – TRANSIENT ACCOMMODATIONS				
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	**M1**	**M2**	**M3**	**PRC**
Transient Accommodations				

#Motels#	? P	–	–	F1
Overnight camps	? U	? U	? U	G
#Tourist cabins#	? P	–	–	F1
#Transient hotels#	? P	–	–	*

42-152 - Use Group V – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 42-151 (Use Group V – general use allowances), the provisions of this Section shall apply. For the purposes of this Section, #transient hotels# shall also include #motels# and #tourist cabins#.

In M1 Districts, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section 74-153 (In M1 Districts) shall be applicable to:

(1) #development# of a #transient hotel#;

(2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 20, 2018, did not contain such #use#; or

(3) #enlargement# or #extension# of a #transient hotel# that existed prior to December 20, 2018, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

The provisions of this Section shall not apply to the following:

(1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;

(2) a #transient hotel# located within John F. Kennedy International Airport and LaGuardia Airport, which shall include property under the jurisdiction of the Port Authority of New York and New Jersey for airport use;

(3) a #transient hotel# in an M1-6D District, a #Special Mixed Use District# or any other Special Purpose District where an M1 District is paired with a #Residence District#, all of which shall instead be subject to the provisions of Section 32-153 (Use Group V – uses subject to additional conditions); or

(4) in an M1-2 District for a change of #use# to a #transient hotel# that occupies no more than 30 percent of the #floor area# on the #zoning lot# and where such #zoning lot# contains a minimum #lot area# of 100,000 square feet, comprises an entire #block#, and contains #buildings# with a minimum total of 500,000 square feet of #floor area# on

December 20, 2018.

(c) Within M1-5B Districts

Within an M1-5B District, a special permit pursuant to Section 74-153 (In M1 Districts) shall be required in conjunction with a special permit pursuant to Section 74-781 (Modifications by special permit of the City Planning Commission of uses in M1-5B Districts) except that a permit pursuant to Section 74-781 shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

(d) Existing #transient hotels#

(1) Any #transient hotel# existing prior to December 20, 2018, within an M1 District shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-153 (In M1 Districts) or other applicable Section of this Resolution.

(2) The provisions of paragraph (d)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021 to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021 and December 9, 2027.

(3) In the event a casualty damages or destroys a #transient hotel# within an M1 District that was in such #use# as of December 20, 2018, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying# #building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(e) Vesting

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, if on or before April 23, 2018, a building permit for a #development#, #enlargement# or #conversion# to a #transient hotel#, or a partial permit for a #development# of a #transient hotel# was lawfully issued by the Department of Buildings, such construction may be started or continued. In the event that construction has not been completed and a certificate of occupancy including a temporary certificate of occupancy, has not been issued by December 20, 2021, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

Any special permit approved by the City Council for a #transient hotel# prior to December 20, 2018, shall be permitted and this Section shall not apply to such #transient hotel#, subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution).

42-153 - Use Group V – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a “U” in Section 42-151 (Use Group V – general use allowances), the provisions of this Section shall apply. In all #Manufacturing Districts#, overnight camps may be unenclosed without restriction.

42-154 - Use Group V – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For #uses# denoted with “*” for parking requirement category (PRC) in Section 42-151 (Use Group V – general use allowances), the provisions of this Section shall apply. For #transient hotels#, #floor area# used for sleeping accommodations shall be classified as PRC F2. #Floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls or radio or television studios shall be classified as PRC B1.

42-16 - Use Group VI – Retail and Services

LAST AMENDED
6/6/2024

M1 M2 M3

Use Group VI consists of #uses# where goods or services are conveyed directly to consumers. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 42-161 (Use Group VI – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 42-162 (Use Group VI – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group tables;

(c) Section 42-163 (Use Group VI – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables;

(d) Section 42-164 (Use Group VI – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group tables; and

(e) Section 42-165 (Use Group VI – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group tables.

The provisions of Sections 42-162, 42-163 and 42-164, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-161 (Retail and service uses), or by special permit of the City Planning Commission, in accordance with Section 74-161 (Retail and service uses).

42-161 - Use Group VI – general use allowances

LAST AMENDED
6/6/2024

The following tables include #uses# classified as Use Group VI and set forth their allowances by #Manufacturing District#. Notations found in the tables are further described in Section 42-10 (USE ALLOWANCES).

The following tables are organized by retail trade establishments and general service establishments. Included in the retail trade establishment table, for reference purposes only, are the three-digit subsector categories from the retail trade sector (sectors 44-45) of the 2022 North American Industry Classification System (NAICS). Included in the general service establishments table, for reference purposes only, are the three-digit subsector categories from the relevant transportation and warehousing sector (48-49), information sector (51), finance and insurance sector (52), real estate and rental and leasing sector (53), professional, scientific, and technical services (54), management of companies and enterprises (55), administrative and support and waste management and remediation services sector (56), educational services (61), accommodation and food services sector (72) and other services sector (81) of the 2022 NAICS.

For each #use# under the three-digit subsector categories in retail and general service establishments, the four-digit industry group, five-digit NAICS industry or six-digit U.S. detail code is referenced. However, where such four-digit, five-digit or six-digit categories are not referenced after a #use#, the specified #use# is not a specific NAICS industry sector category or includes a group of existing categories.

USE GROUP VI – RETAIL TRADE ESTABLISHMENTS					
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances					
Uses (NAICS Code)		**M1**	**M2**	**M3**	**PRC**
Motor Vehicle and Parts Dealer (441)					
Automobile dealers (4411)		? U	? U	? U	A4
Other motor vehicle dealers (4412)	Boat dealers (441222)	? U	? U	? U	C

All other motor vehicle dealers (in 4412)		? U	? U	? U	C
Automotive parts, accessories and tire retailers (4413)			?	?	?	A2
Building Material and Garden Equipment and Supplies Dealer (444)					
Building material and supplies dealers (4441)	Lumber yards, retail (in 444180)		? U	? U	? U	A3
	All other building material and supplies dealers (in 4441)		? U	? U	? U	A3
Lawn and garden equipment and supplies retailers (4442)			? U	? U	? U	A2
Food and Beverage Retailers (445)					
Grocery and convenience retailers (4451)			? S	? S	? S	*
Specialty food retailers (4452)			? S	? S	? S	*
Beer, wine and liquor retailers (4453)			?	?	?	A2
Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)					
Furniture and home furnishing retailers (4491)			? S	–	–	A3
Electronics and appliance retailers (4492)			? S	–	–	A3
General Merchandise Retailers (455)					
Department stores (4551)			? S	–	–	A2

Warehouse clubs, supercenters, and other general merchandise retailers (4552)		? S	–	–	A2
Health and Personal Care Retailers (456)					
Health and personal care retailers (4561)		?	?	?	A2
Gasoline Stations and Fuel Dealers (457)					
Gasoline stations (4571)	#Automotive service stations#	? P U	? P U	? P U	N/A
	Electric vehicle charging and battery swapping	? U	? U	? U	N/A
	Boat fuel sales	? U	? U	? U	A4
Fuel dealers (4572)		? S P U	? S P U	? S P U	A3
Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)					
Clothing and clothing accessories retailers (4581)		? S	–	–	A2
Shoe retailers (4582)		?	–	–	A2
Jewelry, luggage, and leather goods retailers (4583)		?	–	–	A2
Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)					
Sporting goods, hobby, and musical instrument retailers (4591)	Sporting goods retailers (45911)	?	?	?	A2
	All other hobby and musical instrument retailers (in 4591)	? S	–	–	A2

Book retailers and news dealers (4592)	Book retailers	?	–	–	A2
	News dealers	? U	? U	? U	A2
Florists (4593)		? U	–	–	A2
Office supplies, stationery, and gift retailers (4594)		?	–	–	A2
Used merchandise retailers (4595)		?	?	?	A2
Miscellaneous retailers (4599)		?	?	?	A2

USE GROUP VI – SERVICE ESTABLISHMENTS

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions U = Open use allowances

Uses (NAICS Code)	M1	M2	M3	PRC
Postal Service (491) / Couriers and Messengers (492)				
Postal service (4911)	?	?	?	G
Couriers and express delivery services (4921)	?	?	?	A2
Local messengers and local delivery (4922)	?	?	?	A2
Telecommunications (517)				
Wired and wireless telecommunications (5171)	?	–	–	A2
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)				

Computing infrastructure providers, data processing, web hosting, and related services (5182)		?	?	?	A3
Credit Intermediation and Related Activities (522)					
Savings, loan and other financial services (5221, 5222 and 5223)		?	?	?	A3
Securities, Commodity Contracts, and Other Financial Investments and Related Activities (523)					
Securities, commodity contracts, and other financial investments and related activities (5231, 5232 and 5239)		?	?	?	A3
Insurance Carriers and Related Activities (524)					
Insurance carriers and related activities (5241 and 5242)		?	?	?	A3
Funds, Trusts and Other Financial Vehicles (525)					
Funds, trusts and other financial vehicles (5251 and 5259)		?	?	?	A3
Real Estate (531)					
Real estate (5311, 5312, and 5313)		?	?	?	A3
Rental and Leasing Services (532)					
Automotive equipment rental and leasing (5321)		? U	? U	? U	N/A
Consumer goods rental (5322)	Consumer electronics and appliances rental (53221)	?	?	?	A3
	Recreational goods rental (532284)	? U	? U	? U	A3

All other consumer goods rental (in 5322)	?	–	–	A3	
General rental centers (5323)		?	–	–	A3
Commercial and industrial machinery and equipment rental and leasing (5324)		? U	? U	? U	A3
Professional, Scientific, and Technical Services (541)					
Veterinary services (54194)		? P	? P	? P	A3
All other professional, scientific, and technical services (in 541)		?	?	?	A3
Management of Companies and Enterprises (551)					
Management of companies and enterprises (5511)		?	?	?	A3
Administrative and Support Services (561)					
Travel and reservation services (5615)		?	–	–	A3
Services to buildings and dwellings (5617)	Carpet and upholstery cleaning services (56174)	? P	? P	? P	D1
	All other services to buildings and dwellings (in 5617)	?	?	?	A3
All other administrative and support services (in 561)		?	?	?	A3
Educational Services (611)					
Business schools and computer and management training (6114)		?	–	–	A3

Technical and trade schools (6115)		? P	? P	? P	A3
All other schools and instruction (6116 and 6117)		?	–	–	A3
Food Services and Drinking Places (722)					
Special food services (7223)		?	?	?	A3
Eating or drinking establishments (7224 and 7225)		? U	? U	? U	*
Repair and Maintenance (811)					
Automotive repair and maintenance (8111)	#Heavy motor vehicle repair and maintenance shops#	? P	? P	? P	A4
	#Light motor vehicle repair and maintenance shops#	? P	? P	? P	A3
	Car washes (811192)	? P	? P	? P	N/A
Electronic and precision equipment repair and maintenance (8112)		?	?	?	A3
Commercial and industrial machinery and equipment repair and maintenance (8113)		? P	? P	? P	A3
Personal and Household Goods Repair and Maintenance (8114)	Bicycle and recreational boat repair	?	?	?	A3
	Recreational boat repair	? P U	? P U	? P U	A4

Home and garden equipment and appliance repair and maintenance (81141)		? P	? P	? P	A3
All other personal and household goods repair and maintenance (in 8114)		?	?	?	A3
Personal and Laundry Services (812)					
Personal care services (8121)	#Health and fitness establishments#	? U	? U	? U	A2
	All other personal care services (in 8121)	?	?	?	A2
Death care services (8122)	Funeral homes and funeral services (81221)	?	?	?	G
	Crematoriums	? P	? P	? P	A4
Drycleaning and laundry services (8123)	Personal laundry services	?	?	?	A2
	Personal dry cleaning services	? P	? P	? P	A2
	Industrial dry cleaning and laundry services	? P	? P	? P	D1
Other personal services (8129)	Pet care services (81291)	?	?	?	A2
	All other personal services (in 8129)	?	?	?	A3

42-162 - Use Group VI - uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an "S" in Section 42-161 (Use Group VI – general use allowances), a limit of 10,000 square feet of #floor area# per establishment shall apply except that:

(a) grocery and convenience retailers and food retailers in M1-4 Districts in Community District 1, in the Borough of the Bronx shall be limited to 30,000 square feet of #floor area# per establishment; and

(b) fuel dealers in all #Manufacturing Districts# shall be limited to 5,000 square feet of #floor area# per establishment.

42-163 - Use Group VI – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 42-161 (Use Group VI – general use allowances), the following provisions shall apply:

(a) For car washes in all #Manufacturing Districts#, reservoir space for not less than 10 automobiles per washing lane shall be provided on the #zoning lot#.

(b) Recreational boat repair services in all #Manufacturing Districts# shall be restricted to boats less than 100 feet in length.

(c) The following #uses# in all #Manufacturing Districts# shall conform to the performance standards as set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive:

#Automotive service stations#

Car wash

Carpet upholstery cleaning services

Commercial and industrial machinery and equipment repair and maintenance

Crematorium

Fuel dealers

#Heavy motor vehicle repair and maintenance shops#

Home and garden equipment and appliance repair and maintenance

Industrial dry cleaning and laundry services

#Light motor vehicle repair and maintenance shops#

Personal dry cleaning services

Technical and trade schools

Veterinary services.

42-164 - Use Group VI – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 42-161 (Use Group VI – general use allowances), a #use# may be open or enclosed without restriction, except that for eating or drinking establishments, such open #use# shall be limited to outdoor table service.

42-165 - Use Group VI – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with "*" for parking requirement category (PRC) in Section 42-161 (Use Group VI – general use allowances), the following provisions shall apply:

(a) Grocery and convenience retailers and specialty food retailers with 2,500 square feet or more of #floor area# per establishment shall be classified as PRC A1. Such retailers with less than 2,500 square feet of #floor area# are classified as PRC A2.

(b) Eating or drinking establishments, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and has a capacity of more than 200 persons, shall be classified as PRC B1. All other eating or drinking establishments shall be classified as PRC A2.

42-17 - Use Group VII – Offices and Laboratories

LAST AMENDED
6/6/2024

M1 M2 M3

Use Group VII consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. The provisions regulating #uses# classified in this Use Group, by #Manufacturing District# are set forth in the table below. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

USE GROUP VII – OFFICES AND LABORATORIES				
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	**M1**	**M2**	**M3**	**PRC**
Laboratories				
Laboratories	?	?	?	A3

Offices				
Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental	?	?	?	A3

42-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

LAST AMENDED
6/6/2024

M1 M2 M3

Use Group VIII consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 42-181 (Use Group VIII – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 42-182 (Use Group VIII – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group table;

(c) Section 42-183 (Use Group VIII – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;

(d) Section 42-184 (Use Group VIII – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group table;

(e) Section 42-185 (Use Group VIII – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with " " in the Use Group table;

and

(f) Section 42-186 (Use Group VIII – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

The provisions of Sections 42-182, 42-183 and 42-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

42-181 - Use Group VIII – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group VIII and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

USE GROUP VIII – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES
? = Permitted ? = Permitted with limitations ? = Special permit required **– = Not permitted** **S = Size restriction P = Additional conditions U = Open use allowances**

Uses	M1	M2	M3	PRC
Amusement and Recreation Facilities				
#Amusement or recreation facilities#	? U	? U	? U	*
#Select entertainment facilities#	? U	? U	? U	*
#Outdoor amusement parks#	? S U	? S U	? S U	C
Art Galleries and Studios				
Art galleries	?	?	?	A2
Art, music, dancing or theatrical studios	?	?	?	A2
Production or entertainment studios	?	?	?	B1
Entertainment and Sporting Venues				
Arenas or auditoriums	? S	? S	? S	B1
Drive-in theaters	?	?	?	N/A
Racetracks	?	?	?	B1
Stadiums	? S U	? S U	? S U	B1
Theaters	?	?	?	B1

Other Assembly Spaces				
Banquet, function or reception halls	?	?	?	B1
Gaming facilities	? P	? P	? P	B1
Historical exhibits	?	?	?	B1
Meeting halls	?	?	?	B1
Non-commercial clubs	?	?	?	B1
Observation decks	? U	? U	? U	B1
Outdoor day camps	? U	? U	? U	G
Publicly accessible spaces	? U	? U	? U	N/A
Riding academies or stables	? P U	? P U	? P U	A4
Trade expositions	? S	? S	? S	B1

42-182 - Use Group VIII – uses subject to size limitations

LAST AMENDED

6/6/2024

For #uses# denoted with an “S” in Section 42-181 (Use Group VIII– general use allowances), the specific size limitations shall be as follows:#

(a) Outdoor amusement parks# in all #Manufacturing Districts# are limited to 10,000 square feet of #lot area#. However, in M1 Districts, such #use# may exceed a lot area of 10,000 square feet by special permit by the Board of Standards and Appeals, in accordance with Section 73-183 (Outdoor Amusement Parks).

(b) Arenas, auditoriums or stadiums in all #Manufacturing Districts# are limited to a maximum capacity of 2,500 seats and trade expositions are limited to a rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings. Such facilities may exceed a capacity of 2,500 seats or 2,500 persons by special permit of the City Planning Commission, in accordance with Section 74-182 (Arenas, auditoriums, stadiums or trade expositions).

42-183 - Use Group VIII – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section 42-181 (Use Group VIII – general use allowances), the provisions of this Section shall apply.

(a) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025, pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023, and operating under a gaming license issued by the Gaming

Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

(b) In all #Manufacturing Districts#, riding academies or stables shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

42-184 - Use Group VIII – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 42-181 (Use Group VIII – general use allowances), a #use# may be open or enclosed without restriction, except that stables in all #Manufacturing Districts# shall be enclosed.

42-185 - Use Group VIII – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with “ ” in Section 42-181 (Use Group VIII – general use allowances), the following provisions shall apply:

(a) Drive-in theaters may be permitted in all #Manufacturing Districts# by special permit of the City Planning Commission as set forth in Section 74-183 (Drive-in theaters).

(b) Racetracks may be permitted in all #Manufacturing Districts# by special permit of the City Planning Commission, in accordance with Section 74-184 (Racetracks).

42-186 - Use Group VIII – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section 42-181 (Use Group VIII – general use allowances), the following provisions shall apply. #Amusement or recreation facilities# or #select entertainment facilities# that are enclosed shall be classified as PRC B1. Such #uses# that are unenclosed shall be classified as PRC C.

42-19 - Use Group IX – Storage

LAST AMENDED
6/6/2024

Use Group IX consists of #uses# that provide storage for materials, goods, and vehicles. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 42-191 (Use Group IX – general use allowances) which includes the compilation of #uses# in the Use Group tables;

(b) Section 42-192 (Use Group IX – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with " " in the Use Group tables;

(c) Section 42-193 (Use Group IX – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group tables; and

(d) Section 42-194 (Use Group IX – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group tables.

42-191 - Use Group IX – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group IX and sets forth their allowances by #Manufacturing District#. Such #uses# are categorized as general storage, specialized storage, or vehicle storage, as provided in paragraphs A, B and C of this Section. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

A. General Storage

USE GROUP IX(A) – GENERAL STORAGE

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions U = Open use allowances

Uses	M1	M2	M3	PRC
General Storage				
Building materials or contractors' yard	? P U	? P U	? P U	D2
Depositories for storage of office records, microfilm or computer tapes, or for data processing	?	?	?	D2
Micro-distribution facilities	–	–	–	D2
Moving or storage offices	? P	? P	? P	D2
#Self-service storage facility#	? P	? P	? P	D2
Trucking terminals or motor freight stations	? P U	? P U	? P U	D2
Warehouses	? P	? P	? P	D2
Wholesale establishments	? P	? P	? P	A4

B. Specialized Storage

USE GROUP IX(B) – SPECIALIZED STORAGE

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions U = Open use allowances

Uses	M1	M2	M3	PRC
Specialized Storage				
Coal or gas storage	? P U	? P U	? P U	D2
Explosives storage, when not prohibited by other ordinances	? P U	? P U	? P U	D2
Grain storage	? P U	? P U	? P U	D2
Junk or salvage yards, including auto wrecking or similar establishments	? P U	? P U	? P U	D2
Lumber yard	? P U	? P U	? P U	D2
Manure, peat or topsoil storage	? P U	? P U	? P U	D2
Petroleum or petroleum products, storage or handling	? P U	? P U	? P U	D2
Refrigerating plants	? P U	? P U	? P U	D2
Scrap metal, junk, paper or rags storage, sorting, or baling	? P U	? P U	? P U	D2

C. Vehicle Storage

USE GROUP IX(C) – VEHICLE STORAGE

? = Permitted ? = Permitted with limitations ? = Special permit required
– = Not permitted
S = Size restriction P = Additional conditions U = Open use allowances

Uses	M1	M2	M3	PRC
Vehicle Storage				
Boat storage	? P U	? P U	? P U	A4
Commercial or public vehicle storage, including #accessory# motor fuel pumps	? P U	? P U	? P U	D2
Dead storage of motor vehicles	? P U	? P U	? P U	N/A
#Public parking garages# or #public parking lots#	? P U	? P U	? P U	N/A

42-192 - Use Group IX – uses permitted with limited applicability

LAST AMENDED
6/6/2024

For #uses# denoted with “ ” in Section 42-191 (Use Group IX – general use allowances), the provisions of this Section shall apply.

(a) For #public parking garages# and #public parking lots#, the following provisions shall apply:

(1) In the #Manhattan Core#, such #uses are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

(2) In M1-1, M1-2, M1-3, M2-1, M2-2, or M3-1 Districts, #public parking garages# and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces pursuant to Section 74-194 (Public parking garages or public parking lots outside high density areas); and

(3) In M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section 74-195 (Public parking garages or public parking lots in high density central areas).

(b) Special provisions for self-storage facilities

In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of this Section. Designated areas in which #self-service storage facilities# are subject to the as-of-right provisions of this paragraph are shown on the maps in Subarea 1, and those in which such #uses# are subject to special permit of the City Planning Commission pursuant to Section 74-192 (Self-service storage facility in designated areas within Manufacturing Districts) are shown on the maps in Subarea 2.

A #self-service storage facility# shall, in Subarea 1 of APPENDIX J of this Resolution, be limited to establishments that provide an #industrial floor space# as defined in Section 12-10 (DEFINITIONS) or “business-sized” storage space as specified in paragraph (b)(2)(ii) of this

Section.

(1) On a #zoning lot# greater than or equal to 50,000 square feet in area, a #self-service storage facility# shall provide #industrial floor space# that is:

(i) equal in #floor area# or #cellar# space to 25 percent of the #lot area#;

(ii) located below the level of the third #story#, with at least 50 percent of such #industrial floor space# located on the ground floor, with such ground floor #story# located within five feet of #curb level#, or #base plane#, as applicable, and the remaining #industrial floor space# located on a level that is immediately above or below such #story#; and

(iii) provided with access to freight elevators and the #accessory# off-street loading berth required for such #industrial floor space# in accordance with the provisions of Section 44-566 (Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas).

(2) On a #zoning lot# that on December 19, 2017, is less than 50,000 square feet in area, a #self-service storage facility# shall provide:

(i) #industrial floor space# as specified in paragraph (b)(1) of this Section; or

(ii) #floor area# or #cellar# space containing securely subdivided space for lease within such #self-service storage facility#, where each subdivided space is not less than 100 square feet in area, and with a minimum clear height of eight feet. Such spaces shall be categorized as "business-sized" for the purposes of this Section and the number and sizes of such spaces shall be shown on plans filed with the

Department of Buildings. The total area of such business-sized storage space shall be equal in #floor area# or #cellar# space to 25 percent of the #lot area#.

(3) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (b)(1) or (b)(2)(i) of this Section, an information #sign# shall be provided. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building# containing the #industrial floor space#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the #building#, and at a height no less than four feet and no more than 5 feet 6 inches above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain the name and address of the building in lettering no less than three-quarters of an inch in height, and the following statement in lettering no less than one-half inch in height: "This building is subject to Industrial Floor Space regulations which require a minimum amount of space to be provided for specific industrial uses." The information #sign# shall include an Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (b)(4) of this Section is available to the public.

(4) On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (b)(1) or (b)(2)(i) of this Section, no later than June 30 of each year, beginning in the first calendar year in which a temporary or final certificate of occupancy was issued for the #industrial floor space#, the owner of the #building# subject to the #use# restrictions of this Section shall prepare a report on the existing conditions of the #building#. Such report shall be in a form provided by the Director of the Department of City Planning, and shall provide the following information at the designated Internet URL, or other widely accessible means of electronically transmitting

and displaying information to the public:

(i) the total #floor area# of the #industrial floor space# in the #building# required by this Section;

(ii) the name of each business establishment occupying #floor area# reserved for the #industrial floor space#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area# the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;

(iii) a description of each establishment, using the North American Industry Classification System (NAICS) code and number of employees;

(iv) the total amount of #industrial floor space# that is vacant, as applicable;

(v) the average annual rent for the portions of the #building#, in the aggregate, required to be #industrial floor space#; and

(vi) the number of new leases executed during the calendar year, categorized by lease duration, in five-year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning, by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local Council Member shall be included in such transmission.

A #self-service storage facility# shall, in Subarea 2 of APPENDIX J of this Resolution, be permitted by special permit of the City Planning Commission pursuant to Section 74-192 (Self-service storage facility in designated areas within Manufacturing Districts).

Any #self-service storage facility# existing on December 19, 2017, located in a designated area within #Manufacturing Districts#, as shown on the maps in APPENDIX J, shall be considered a conforming #use#, provided that the owner of such #self-service storage facility# has filed documentation satisfactory to the Department of Buildings that it existed on such date and met the definition of #self-service storage facility# set forth in Section 12-10. Any #enlargement# or #extension# to an existing conforming facility need not provide #industrial floor space#, business-sized storage, or apply for special permit of the City Planning Commission pursuant to Section 74-192, as applicable, provided there is no increase in #lot area# of the #zoning lot# as it existed on December 19, 2017. In the event that a #building# for which satisfactory documentation has been filed with the Department of Buildings is damaged or destroyed by any means, such #building# may be reconstructed on the same #zoning lot# and continue as a #self-service storage facility# without providing #industrial floor space# or business-sized storage, as applicable, provided that the #floor area# of such reconstructed #self-service storage facility# does not exceed the #floor area# permitted pursuant to the provisions of Section 43-10 (FLOOR AREA REGULATIONS), inclusive.

Any #self-service storage facility# existing on December 19, 2017, that does not file such documentation satisfactory to the Department of Buildings pursuant to the provisions of this Section shall be considered #non-conforming# and subject to the provisions of Article V (NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) of this Resolution.

42-193 - Use Group IX – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a "P" in Section 42-191 (Use Group IX – general use allowances), the following provisions shall apply:

(a) Boat storage shall be restricted to boats less than 100 feet in length.

(b) #Public parking garages# and #public parking lots# shall be subject to the provisions set forth in Section 44-025 (Applicability of regulations to public parking garages and public parking lots).

(c) All #uses# denoted with a "P" in Section 42-191 (Use Group IX – general use allowances), except boat storage, #public parking garages# and #public parking lots#, shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

42-194 - Use Group IX – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 42-191 (Use Group IX – general use allowances), a #use# may be open or enclosed except that:

(a) building materials or contractors' yard, including sales, storage, or handling of building materials, may be open or enclosed provided that any #yard# in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and

constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings;

(b) boat storage may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary; and

(c) #public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

42-20 - Use Group X – Production Uses

LAST AMENDED
6/6/2024

M1 M2 M3

Use Group X consists of #uses# engaged in the mechanical, physical, or chemical transformation of materials into new goods. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 42-201 (Use Group X – general use allowances) which includes the compilation of #uses# in the Use Group table; and

(b) Section 42-202 (Use Group X – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table.

The provisions of Section 42-202, except as otherwise specified in such Sections, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-211 (Production uses), or by special permit of the City Planning Commission, in accordance with Section 74-211

(Production uses).

42-201 - Use Group X - general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group X and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

Included in the #use# table, for reference purposes only, are the three-digit subsector categories from the manufacturing sector (sectors 31-33) of the 2022 North American Industry Classification System (NAICS). For each #use# under the three-digit subsector categories in manufacturing, the four-digit industry group, five-digit NAICS industry or six-digit U.S. detail code is referenced. However, where such four-digit, five-digit or six-digit categories are not referenced after a #use#, the specified #use# is not a specific NAICS industry sector category or includes a group of existing categories.

USE GROUP X – PRODUCTION				
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses (NAICS Code)	**M1**	**M2**	**M3**	**PRO**

Food Manufacturing (311)					
Animal food manufacturing (3111)		? P	? P	? P	D1
Sugar and confectionary product manufacturing (3113)	Sugar manufacturing (31131)	? P	? P	? P	D1
	All other sugar and confectionary product manufacturing (in 3113)	? P	? P	? P	D1
Animal slaughtering and processing (3116)		? P	? P	? P	D1
Seafood product preparation and packaging (3117)		? P	? P	? P	D1
All other food manufacturing (in 311)		? P	? P	? P	D1
Beverage and Tobacco Product Manufacturing (312)					
Beverage manufacturing (3121)	Distilleries (31214)	? P	? P	? P	D1
	All other beverage manufacturing (in 3121)	? P	? P	? P	D1
Tobacco manufacturing (3122)		? P	? P	? P	D1
Textile & Textile Product Mills (313–314)					
Textile mills (313)		? P	? P	? P	D1
Textile product mills (314)		? P	? P	? P	D1

Apparel Manufacturing (315)					
Apparel manufacturing (315)		? P	? P	? P	D1
Leather and Allied Product Manufacturing (316)					
Leather and hide tanning and finishing (3161)		? P	? P	? P	D1
Footwear manufacturing (3162)		? P	? P	? P	D1
Other leather and allied product manufacturing (3169)		? P	? P	? P	D1
Wood Product Manufacturing (321)					
Sawmills and wood preservation (3211)		? P	? P	? P	D1
Veneer, plywood, and engineered wood product manufacturing (3212)		? P	? P	? P	D1
Other wood product manufacturing (3219)		? P	? P	? P	D1
Paper Manufacturing (322)					
Pulp, paper, and paperboard mills (3221)		? P	? P	? P	D1
Converted paper product manufacturing (3222)	Stationary product manufacturing (32223)	? P	? P	? P	D1
	All other converted paper product manufacturing (in 3222)	? P	? P	? P	D1

Printing and Related Support Activities (323)					
Printing and related support activities (3231)		? P	? P	? P	D1
Petroleum and Coal Products Manufacturing (324)					
Petroleum and coal products manufacturing (3241)		? P	? P	? P	D1
Chemical Manufacturing (325)					
Pharmaceutical and medicine manufacturing (3254)		? P	? P	? P	D1
Soap, cleaning compound, and toilet preparation manufacturing (3256)	Soap and other detergent manufacturing (325611)	? P	? P	? P	D1
	All other soap, cleaning compound and toilet preparation manufacturing (in 3256)	? P	? P	? P	D1
All other chemical manufacturing (in 325)		? P	? P	? P	D1
Plastics and Rubber Products Manufacturing (326)					
Plastics and rubber products manufacturing (326)		? P	? P	? P	D1
Nonmetallic Mineral Product Manufacturing (327)					
Clay product and refractory manufacturing (3271)	Clay building material and refractories manufacturing (32712)	? P	? P	? P	D1
	All other clay product and refractory manufacturing (in 3271)	? P	? P	? P	D1

Glass and glass product manufacturing (3272)	Flat glass manufacturing (327211)	? P	? P	? P	D1
	Other pressed and blown glass and glassware manufacturing (327212)	? P	? P	? P	D1
	All other glass and glass product manufacturing (in 3272)	? P	? P	? P	D1
All other nonmetallic mineral product manufacturing (in 327)		? P	? P	? P	D1
Primary Metal Manufacturing and Fabricated Metal Product Manufacturing (331–332)					
Primary metal manufacturing (331)		? P	? P	? P	D1
Fabricated metal product manufacturing (332)	Cutlery and Handtool manufacturing (3322)	? P	? P	? P	D1
	All other fabricated metal product manufacturing (in 332)	? P	? P	? P	D1
Machinery Manufacturing (333)					
Agriculture, construction, and mining machinery manufacturing (3331)		? P	? P	? P	D1
All other machinery manufacturing (in 333)		? P	? P	? P	D1
Computer and Electronic Product Manufacturing (334)					
Computer and peripheral equipment manufacturing (334)		? P	? P	? P	D1
Electrical Equipment, Appliance, and Component Manufacturing (335)					

Electric lighting equipment manufacturing (3351)		? P	? P	? P	D1
Household appliance manufacturing (3352)	Small electrical appliance manufacturing (33521)	? P	? P	? P	D1
	Major household appliance manufacturing (33522)	? P	? P	? P	D1
All other electrical equipment and component manufacturing (in 335)		? P	? P	? P	D1
Transportation Equipment Manufacturing (336)					
Transportation equipment manufacturing (336)		? P	? P	? P	D1
Furniture and Related Product Manufacturing (337)					
Furniture and related product manufacturing (337)		? P	? P	? P	D1
Miscellaneous Manufacturing (339)					
Medical equipment and supplies manufacturing (3391)		? P	? P	? P	D1
Other miscellaneous manufacturing (3399)		? P	? P	? P	D1

42-202 - Use Group X – uses subject to additional conditions

LAST AMENDED

6/6/2024

For #uses# denoted with a “P” in Section 42-201 (Use Group X – general use allowances), the provisions of this Section shall apply. Permitted #uses# in all #Manufacturing Districts# shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive. However, beverage manufacturing establishments shall not be subject to the provisions of Section 42-47 (Performance Standards Regulating Fire and Explosive Hazards).

42-30 - SPECIAL PROVISIONS APPLICABLE TO CERTAIN AREAS AND DISTRICTS

LAST AMENDED
6/6/2024

42-31 - Special Regulations Applicable to Certain Districts

LAST AMENDED
12/5/2024

42-311 - Residential uses in M1-1D through M1-5D Districts

LAST AMENDED
12/5/2024

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, #residential uses# shall be permitted on #zoning lots# that include existing #residences# and are not located in either a designated area shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution

or within 100 feet of Third Avenue in Brooklyn. Such #residential use# shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and 44-022 (Applicability of regulations in M1-1D through M1-5D Districts)

For all other #zoning lots#, new #residences# or #enlargements# of existing #residences# may be permitted by authorization of the City Planning Commission provided the #zoning lot# existing on June 20, 1988, meets the criteria of paragraphs (a), (b) or (c) of this Section.

(a) On #zoning lots# containing #residential# or #community facility# #uses#, new #residences# or #enlargements# of existing #residences# may be authorized, provided:

(1) the #zoning lot# contains a #building# that has one or more #stories# of lawful #residential# or #community facility# #uses# and no more than one #story# of #commercial# or #manufacturing# #uses# therein;

(2) the #zoning lot# contains no other #commercial# or #manufacturing# #uses#; and

(3) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.

(b) On vacant #zoning lots#, new #residences# may be authorized, provided:

(1) the #zoning lot# has been vacant continuously since June 20, l988, or has been vacant continuously for five years prior to the date of application for such authorization;

(2) a #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by a #community facility building# or a #building# containing #residences#; and

(3) either of the following conditions exist:

(i) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 10,000 square feet of #lot area#, and 50 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#; or

(ii) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 5,000 square feet of #lot area#, and 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility# #uses#.

(c) On #land with minor improvements#, new #residences# may be authorized provided such #land with minor improvements# otherwise meets all the criteria for vacant #zoning lots# listed in paragraph (b) of this Section, except that new #residential use# shall not be authorized on #land with minor improvements# that:

(1) is used for parking, storage or processing in connection with a conforming, enclosed #commercial# or #manufacturing# #use# within the district; or

(2) has been so used within five years prior to the date of application, unless such land has not been so used since June 20, 1988.

(d) In determining eligibility for #residential use#, pursuant to paragraphs (a), (b) or (c) of this Section, the following regulations shall be applicable:

(1) In order to determine whether a #corner lot# meets the criteria of paragraph (a), (b) or (c) above, the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses# may be measured along any

#block# front upon which such #corner lot# has frontage.

(2) In determining the percent of the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility# #uses#, the length along the #block# front of every #zoning lot#, whether occupied or not, shall be measured and aggregated, and this total shall be divided by the aggregate length of the #block# fronts occupied by #zoning lots# containing lawful #residential# or #community facility# #uses#. Vacant #zoning lots# and #land with minor improvements# shall not be counted as #residential# or #community facility# frontage.

For the purpose of this Section, the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and no more than one #story# of #commercial# or #manufacturing# #use# shall be considered as a frontage of #residential# or #community facility# #uses#, and the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility# #use# and more than one #story# of #commercial# or #manufacturing# #uses# shall be considered as a frontage of #commercial# or #manufacturing# #uses#.

(3) New #residential use# shall not be authorized on any #floor area# that is vacant or that is occupied by a #commercial# or #manufacturing# #use#, except that in a #building designed for residential use# where at least 50 percent of the #floor area# is occupied by #residential use#, the #residential use# may be #extended#.

(4) In any #building#, no #residential use# may be located on or below a #story# occupied by a #commercial# or #manufacturing# #use#.

(5) For the purposes of this Section, a #through lot# fronting on no more than two #streets# shall be treated as if it consisted of two separate #zoning lots# with

#abutting# #rear lot lines# at a line midway between the two #street lines# upon which such #through lot# fronts. In the case of a #through lot# that fronts on more than two #streets#, the #through lot# portion shall first be considered as if it were so divided, and then any remaining portion shall be considered as if it were a separate #zoning lot#. Notwithstanding, in no event shall contiguous portions of a #through lot# that front on the same #street# be treated as if they were separate #zoning lots#.

Each resulting portion of such #through lot# on each #street# frontage shall be considered separately to determine whether it meets the criteria for new #residences# set forth in paragraphs (a), (b) or (c) of this Section, and only on such portion may new #residences# or #enlargements# of existing #residences# be authorized. Only the #lot area# of such portion shall be calculated in determining the permitted amount of #floor area# to be authorized pursuant to this Section.

(6) A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988, that have been vacant continuously since June 20, 1988, or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraph (b) or (c) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#. The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the requirements of paragraph (b)(3).

(e) In authorizing such #residential uses#, the Commission shall find that:

(1) the #residential uses# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards or other adverse impacts from current or previous #commercial# or #manufacturing# #uses#;

(2) there are no open #uses# listed under Sewage, Storm Water and Waste Infrastructure in Use Group IV(B) or Specialized Storage in Use Group IX(B) within 400 feet of the #zoning lot#;

(3) the #residential uses# will not adversely affect #commercial# or #manufacturing# #uses# in the district; and

(4) the authorization will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing# #zoning lots#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts) and 44-022 (Applicability of regulations in M1-1D through M1-5D Districts).

Regulations governing other #residential uses# in M1-D Districts are set forth in Article V, Chapter 2 (Non-conforming Uses).

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts) or of this Section.

42-312 - Use regulations in M1-6D Districts

LAST AMENDED
12/5/2024

All permitted #uses# in M1-6D Districts, as set forth in Sections 42-11 (Use Group I – Agriculture and Open Uses) through 42-20 (Use Group X – Production Uses) shall comply with the provisions set forth in this Section, inclusive.

(a) #Residential use#

#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions of this Section. For the purposes of this Section, a "qualifying #building#" shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

(1) #Residential use# as-of-right#

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(2) #Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential# #floor area# that existed within qualifying #buildings# on the #zoning lot# on April 25, 2011, provided that:

(i) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and

(ii) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential# #floor area# #converted# to #residential# vertical circulation and lobby space need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for a new #building# containing #residences#.

(b) #Community facility# #uses#

The regulations for Use Group III that are applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #uses# listed in Use Group III shall be permitted, except that #uses# listed in Use Group III(A) shall only be permitted in accordance with paragraphs (b)(1) or (b)(2) of this Section, as applicable.

For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed

on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

(1) #Uses# listed in Use Group III(A) shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(2) #Uses# listed in Use Group III(A) shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential# #floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:

(i) preservation of non-#residential# #floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and

(ii) #floor area# from #community facility# #uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential# #floor area# converted to vertical circulation and lobby space associated with a #use# listed in Use Group III(A) need not be replaced as non-#residential# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential# #floor area# that existed within qualifying #buildings# on April 25, 2011, on the

#zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #uses# listed in Use Group III(A), or for a new #building# containing such a #use#.

(c) #Commercial# and #manufacturing# #uses#

The regulations applicable in #Special Mixed Use Districts#, as set forth in Section 123-21 (Modifications to M1 use regulations) and Section 123-22 (Additional conditions for certain uses), shall apply except that the size limitations for #uses# listed in Use Group VI, shall not apply.

(d) Streetscape provisions

For the purposes of applying the underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS) to this Section, the streetscape regulations for C6 Districts shall apply in M1-6D Districts.#Ground floor level# #street frontages# along #wide streets# shall be considered #Tier C street frontages#. A #ground floor level# #street# frontage along any other #street# shall be considered a #Tier B street frontage#. Such #Tier B# provisions shall apply regardless of the zoning district designations on the same or an adjoining #block#, notwithstanding the exemptions within the definition of #Tier B street frontage#. Defined terms in this Section include those in Sections 12-10 and 32-301.

42-313 - Use regulations in M1-5M and M1-6M Districts

LAST AMENDED

In M1-5M and M1-6M Districts, the #conversion# of non-#residential buildings#, or portions thereof, erected prior to December 31, 1990, to #dwellimng units# or #community facilities# with sleeping accommodations, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings).

In M1-5M and M1-6M Districts, eating or drinking establishments, where such establishments provide entertainment with a cover charge or specified showtime, or includes a dance floor, and has a capacity of more than 200 persons, are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-162 (Eating or drinking establishments).

42-314 - Use regulations in certain M1-1, M1-5 and M1-6 Districts

LAST AMENDED
8/14/2025

(a) In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #use# regulations of an M1 District shall apply, except that #residential use# is allowed subject to the #bulk# regulations of Section 43-01 (Applicability of This Chapter) and the #accessory# off-street parking regulations of Section 44-024 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).

(b) In M1-5 and M1-6 Districts, except for M1-6D Districts, located within the rectangle formed by West 31st Street, Eighth Avenue, West 30th Street, and Sixth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted

#use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983.

Such #dwelling units# shall comply with the requirements of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists). For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

42-315 - Use regulations in M1-5B Districts

LAST AMENDED
12/5/2024

The regulations governing M1 Districts shall apply in M1-5B Districts except where the special #use# regulations set forth in paragraphs (a) and (b) of this Section, provide otherwise.

(a) #Joint living-work quarters for artists# in #buildings# in M1-5B Districts, provided:

(1) Such #building# was erected prior to December 15, 1961.

(2) The #lot coverage# of such #building# does not exceed 5,000 square feet except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet. However, such quarters may also be located in a #building# occupying more than 5,000 square feet of #lot area# if the entire #building# was held in cooperative

ownership by #artists# on September 15, 1970. #Joint living-work quarters for artists# are permitted in other #buildings or other structures# only by minor modification of the Chairperson of the City Planning Commission pursuant to paragraph (c)(5) of this Section or by authorization of the Commission pursuant to paragraph (d) of this Section.

(3) In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section, Section 74-781 (Modification by special permit of the Commission of uses in M1-5B Districts), or by authorization of the Commission pursuant to paragraph (d) of this Section.

(4) In #buildings# occupying more than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section, 74-781 or by authorization of the Commission pursuant to paragraph (d) of this Section.

(5) At least 30 percent of the gross roof area of a #building# containing 15 #joint living-work quarters for artists# shall be provided for recreational use. For each additional #joint living-work quarters for artists#, 100 square feet of additional roof area shall be provided for recreational use up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to paragraph (c) of this Section.

(6) In any #building# which, as a result of #zoning map# change CP-23167 is zoned M1-5B, any existing occupant of a #joint living-work quarters for artists# which cannot meet the qualifications of the Department of Cultural Affairs may remain as a lawful #use#. This lawful #use# is non-transferable and ceases immediately upon the vacating of such space. Such occupants must register with the Department of Cultural Affairs not later than August 31, 1983, in order to preserve their lawful status in their existing space.

(7) In a #building# for which an alteration permit for #joint living-work quarters for artists# was requested prior to April 27, 1976, such alterations may comply with the regulations effective prior to such date.

(b) #Uses# permitted in M1 Districts, pursuant to Sections 42-11 (Use Group I – Agriculture and Open Uses) through 42-20 (Use Group X – Production Uses), inclusive, shall be allowed below the floor level of the second #story# except that all eating or drinking establishments, as listed in Use Group VI, shall be limited to 5,000 square feet of floor area per establishment. Such #use# provisions may be modified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section or by the Commission pursuant to Section 74-781 (Modifications by special permit of the Commission of uses in M1-5B Districts).

(c) Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts

In M1-5B Districts, the requirements of paragraphs (a)(2), (a)(3), (a)(4) and (a)(5) or paragraph (b) of this Section may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

(1) The provisions of paragraphs (a)(3) or (a)(4) or paragraph (b) of this Section may be modified if the #floor area# below the level of the second #story# was vacant as of January 28, 1976, and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983.

(2) The provisions of paragraphs (a)(3) or (a)(4) of this Section may be modified, provided that:

(i) the #floor area# below the level of the second #story# was occupied by #joint living-work quarters for artists# as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the #building#, or the occupant of a #joint living-work quarters for artists# in the #building#, with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law, such a determination of #joint living-work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as-of-right for such quarters; or

(ii) the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.

(3) The provisions of paragraph (b) of this Section may be modified provided a #use# not otherwise permitted occupied the #floor area# below the level of the second #story# as of September 1, 1980, and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983.

(4) The requirements of paragraph (a)(5) of this Section may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost.

(5) The requirements of paragraph (a)(2) of this Section relating to #joint living-work quarters for artists# in #buildings# where the #lot coverage# is 5,000 square feet or more, or 3,600 square feet or more in #buildings# with frontage along Broadway, may be modified, provided that:

(i) such #floor area# was occupied on September 1, 1980, as #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;

(ii) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the #building#; and

(iii) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#, except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet.

(d) Modification by authorization of the City Planning Commission of use regulations in M1-5B DistrictsIn M1-5B Districts, the requirements of paragraphs (a)(2), (a)(3) and (a)(4) of this Section may be modified by authorization of the City Planning Commission, provided

that:such #non-residential building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;any alterations to the subject #building# required in connection with such #conversion# to #joint living-work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; anda program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.In order to grant an authorization, the City Planning Commission shall find that such modification of #use# requirements shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the subject #building# and to minimize adverse effects on the character of the surrounding area.

42-316 - Use regulations in Manufacturing Districts with an A suffix

LAST AMENDED
6/6/2024

In Manufacturing Districts with an A suffix, the applicable #use# regulations shall be modified as follows:

(a) In M1 Districts with an A suffix:

(1) all retail and service #uses# listed in Use Group VI shall be permitted, and no associated size limitations shall apply to grocery and convenience retailers and specialty food retailers;

(2) all recreation, entertainment and assembly space #uses# listed in Use Group VIII shall be permitted;

(3) all #community facility uses# without sleeping accommodations listed in Use Group III(B) shall be permitted.

(b) In M2 Districts with an A suffix, the #use# regulations for an M1 District without an A suffix shall apply, inclusive of performance standards, supplementary use regulations, and #sign# regulations. However, grocery and convenience retailers and specialty food retailers listed in Use Group VI shall be limited to 30,000 square feet of #floor area# per establishment.

(c) In M3 Districts with an A suffix, the following special permits by the Board of Standards and Appeals or the City Planning Commission shall not be applicable:

Section 73-161 (Retail and service uses)
Section 73-162 (Eating or drinking establishments)
Section 73-181 (Recreation, entertainment and assembly space uses)
Section 74-161 (Retail and service uses)
Section 74-181 (Recreation, entertainment, and assembly space uses)
Section 74-182 (Arenas, auditoriums, stadiums or trade expositions)
Section 74-183 (Drive-in theaters)
Section 74-184 (Racetracks).

(d) In all Manufacturing Districts with an A suffix, for #public parking garages# and #public parking lots#, as listed in Use Group IX, the following provisions shall apply:

(1) outside the #Greater Transit Zone#, #public parking garages# and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces

pursuant to Section 74-194 (Public parking garages or public parking lots outside high density areas); and

(2) inside the #Greater Transit Zone#, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section 74-195 (Public parking garages or public parking lots in high density central areas).

42-40 - PERFORMANCE STANDARDS

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, after December 15, 1961, any #use# thereafter established or changed to a #use# listed in Use Group I, IV, VI, VIII, IX or X, and every #building or other structure# or open area of a #zoning lot# thereafter #developed#, constructed, or used for any #use# listed in Use Group I, IV, VI, VIII, IX or X, shall comply with each and every performance standard governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat or glare applicable to the district in which such #use#, #building or other structure# or open area is located.

If any existing #use# or #building or other structure# is #extended#, #enlarged# or reconstructed after December 15, 1961, the applicable district regulations for each and every performance standard shall apply with respect to such #extended#, #enlarged#, or reconstructed portion or portions of such #use# or #building or other structure#.

In case of any conflict between the Use Groups and the performance standards, the latter shall control.

In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

42-41 - Performance Standards Regulating Noise

LAST AMENDED
6/6/2024

42-411 - Definitions

LAST AMENDED
6/6/2024

For the purposes of this Section, the following terms are defined:

Decibel

A “decibel" is a unit of measurement of the intensity of sound (the sound pressure level).

Impact noise analyzer

An “impact noise analyzer” is an instrument used in conjunction with the #sound level meter# to measure the peak intensities of short duration sounds.

Octave band

An “octave band” is one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such #octave bands# serve to define the sound in terms of its pitch components.

Octave band analyzer

An “octave band analyzer” is an instrument used in conjunction with a #sound level meter# to measure sound in each of eight #octave bands#.

Sound level meter

A “sound level meter” is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in #decibels#.

42-412 - Method of measurement

LAST AMENDED
6/6/2024

The “C” network and the “slow” meter response of the #sound level meter# shall be used. Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the #sound level meter#, shall be measured with the #impact noise analyzer# as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value

of the impact. For sounds so measured, the sound pressure levels set forth in Section 42-413 (Maximum permitted decibel levels) may be increased by six #decibels#.

42-413 - Maximum permitted decibel levels

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, the sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any #lot line#, the maximum permitted #decibel# levels for the designated #octave band# as set forth in the following table for the district indicated.

In the enforcement of this regulation, sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted #decibel# levels.

MAXIMUM PERMITTED SOUND PRESSURE LEVEL
(in #decibels#)

	District		
#Octave Band# (cycles per second)	M1	M2	M3
20 to 75	79	79	80
75 to 150	74	75	75

150 to 300	66	68	70
300 to 600	59	62	64
600 to 1,200	53	56	58
1,200 to 2,400	47	51	53
2,400 to 4,800	41	47	49
Above 4,800	39	44	46

42-414 - Special provisions applying along district boundaries

LAST AMENDED
6/6/2024

Whenever a #Manufacturing District# adjoins a #Residence District#, at any point at the district boundary or within the #Residence District#, the maximum permitted #decibel# levels in all #octave bands# shall be reduced by six #decibels# from the maximum levels set forth in the table in Section 42-413 (Maximum permitted decibel levels).

42-42 - Performance Standards Regulating Vibration

LAST AMENDED
6/6/2024

42-421 - Definitions

LAST AMENDED
6/6/2024

For the purposes of this Section, the following terms are defined:

Frequency
A "frequency" is the number of oscillations per second of a vibration.

Impact vibrations
"Impact vibrations" are earth-borne oscillations occurring in discrete pulses at or less than 100 pulses per minute.

Steady state vibrations
"Steady state vibrations" are earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 100 times per minute shall be considered to be #steady state vibrations#.

Three-component measuring system
A "three-component measuring system" is a device for recording the intensity of any vibration in three mutually perpendicular directions.

42-422 - Method of measurement

LAST AMENDED
6/6/2024

For the purpose of measuring vibration, a #three-component measuring system# approved by the Commissioner of Buildings shall be employed.

42-423 - Maximum permitted steady state vibration displacement

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, no activity shall cause or create a #steady state vibration# at any point on any #lot line#, with a displacement in excess of the permitted #steady state vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED STEADY STATE VIBRATION DISPLACEMENT
(in inches)

	District		
#Frequency# (cycles per second)	M1	M2	M3
10 and below	.0008	.0020	.0039
10 - 20	.0005	.0010	.0022
20 - 30	.0003	.0006	.0011
30 - 40	.0002	.0004	.0007
40 - 50	.0001	.0003	.0005

50 - 60	.0001	.0002	.0004
60 and over	.0001	.0001	.0004

42-424 - Maximum permitted impact vibration displacement

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, no activity shall cause or create an #impact vibration#, at any point on any #lot line#, with a displacement in excess of the permitted #impact vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED IMPACT VIBRATION DISPLACEMENT
(in inches)

	District		
#Frequency# (cycles per second)	M1	M2	M3
10 and below	.0016	.0040	.0078
10 - 20	.0010	.0020	.0044
20 - 30	.0006	.0012	.0022

30 - 40	.0004	.0008	.0014
40 - 50	.0002	.0006	.0010
50 - 60	.0002	.0004	.0008
60 and over	.0002	.0002	.0008

42-425 - Special provisions applying along district boundaries

LAST AMENDED
6/6/2024

Whenever an M2 or M3 District adjoins a #Residence District#, the #steady state# and #impact vibration# displacement, measured at the district boundary, shall not exceed the maximum permitted for an M1 District for the #frequencies# as set forth in the tables in Section 42-423 (Maximum permitted steady state vibration displacement) or Section 42-424 (Maximum permitted impact vibration displacement).

42-43 - Performance Standards Regulating Smoke, Dust and Other Particulate Matter

LAST AMENDED
6/6/2024

42-431 - Definitions

LAST AMENDED
6/6/2024

For the purposes of this Section, the following terms are defined:

Combustion for indirect heating
"Combustion for indirect heating" is the burning of fuel in equipment, such as steam boilers, water or air heaters, stills, or brew kettles, where there is no contact between the products of combustion and the materials being heated.

Dust
"Dust" is solid #particulate matter# capable of being air- or gas-borne.

Particulate matter
"Particulate matter" is any finely divided liquid or solid matter capable of being air- or gas-borne.

Process weight
"Process weight" is the total weight of all materials used in any process which discharges #dust# into the atmosphere. Such materials shall include solid fuels, but not liquid or gaseous fuels or combustion air.

Smoke
"Smoke" is any visible emission into the open air from any source, except emissions of an uncontaminated water vapor.

Smoke unit
A "smoke unit" is a measure of the quantity of #smoke# being discharged and is the number obtained by multiplying the #smoke# density in a #Standard Smoke Chart number# by the time of emission in minutes. For example, the emission of #Standard Smoke Chart number# 1 for one minute equals one #smoke unit#.

Standard Smoke Chart numbers

"Standard Smoke Chart numbers" are the numbers on the Standard Smoke Chart of the Department of Air Pollution Control that coincide most nearly with the grids on the Standard Smoke Chart indicating graduations of light-obscuring capacity of #smoke#.

42-432 - Maximum permitted emission of smoke

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, the density of emission of #smoke# during normal operations shall not exceed #Standard Smoke Chart number# 2, and the quantity of #smoke# shall not exceed a maximum of 10 #smoke units# per hour per stack in M1 Districts, 20 such units in M2 Districts, and 30 such units in M3 Districts. The method of measurement, additional limitations on the emission of #smoke# of a density not exceeding #Standard Smoke Chart number# 2, and the maximum permitted density and quantity of #smoke# during special operations such as building new fires, banking, or cleaning fires, soot blowing, or process purging, shall be determined in accordance with rules and regulations adopted by the Department of Environmental Protection.

42-433 - Maximum permitted emission of dust

LAST AMENDED
6/6/2024

(a) Related to #combustion for indirect heating#

In all #Manufacturing Districts#, the emission into the atmosphere of #dust# related to #combustion for indirect heating# from any source shall not exceed the maximum number of pounds of #dust# per million British thermal units heat input per hour as set forth herein:

(1) In M1 Districts

In M1 Districts, the maximum permitted emission shall be 0.50 pounds for minimum-size plants producing a heat input of 10 million or less British thermal units per hour and 0.15 for maximum size plants producing a heat input of 10,000 million or more British thermal units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.

(2) In M2 or M3 Districts

In M2 or M3 Districts, the maximum permitted emission for such minimum-size plants shall be 0.60 in M2 Districts and 0.70 in M3 Districts, and for such maximum-size plants shall be 0.16 in M2 Districts and 0.18 in M3 Districts. All intermediate values shall be determined from a straight line plotted on log graph paper.

(b) Related to processes

In all #Manufacturing Districts#, the emission into the atmosphere of process #dust# or other #particulate matter# which is unrelated to #combustion for indirect heating# or incineration shall not exceed 0.50 pounds per hour for 100 pounds of #process weight# or 50 pounds per hour for 100,000 pounds of #process weight#. All intermediate values shall be determined from a straight line plotted on log graph paper.

(c) Total limit on emission of #dust# or other #particulate matter# in M1 or M2 Districts

In M1 or M2 Districts the maximum amount of #dust# or other #particulate matter# from all sources including #combustion for indirect heating#, process #dust#, or combustion for

incineration which may be emitted from a single stack or vent shall not exceed 33 pounds per hour in M1 Districts, nor 250 pounds per hour in M2 Districts.

(d) Method of measurement and #dust# from incineration

In all #Manufacturing Districts#, the method of measurement and permitted emission of #dust# related to combustion for incineration shall not exceed the maximum allowances established under rules and regulations adopted by the Department of Environmental Protection.

(e) Prevention of wind-blown air pollution

In all #Manufacturing Districts#, all storage areas, yards, service roads, or other untreated open areas within the boundaries of a #zoning lot# shall be improved with appropriate landscaping or paving, or treated by oiling or any other means as specified in rules and regulations adopted by the Department of Environmental Protection, so that #dust# or other types of air pollution borne by the wind from such sources shall be minimized.

42-434 - General control over smoke and other particulate matter

LAST AMENDED
6/6/2024

In addition to the performance standards of regulating #smoke# and other #particulate matter#, the emission of such matter shall be so controlled in manner and quantity of emission as not to be detrimental to or endanger the public health, safety, comfort, or other aspects of the general welfare, or cause damage or injury to property.

42-44 - Performance Standards Regulating Odorous Matter

LAST AMENDED
6/6/2024

42-441 - In M1 or M2 Districts

LAST AMENDED
6/6/2024

In M1 or M2 Districts, the emission of odorous matter shall be in accordance with limits established by the Department of Environmental Protection. In addition to such limits, the emission of odorous matter in such quantities as to be readily detectable at any point along #lot lines# or to produce a public nuisance or hazard beyond #lot lines# is prohibited.

42-442 - In M3 Districts

LAST AMENDED
6/6/2024

In M3 Districts, the emission of odorous matter in such quantities as to produce a public nuisance or hazard at or beyond #lot lines# is prohibited.

42-45 - Performance Standards Regulating Toxic Noxious Matter

LAST AMENDED

6/6/2024

42-451 - Definitions

LAST AMENDED
6/6/2024

For the purposes of this Section, the following term is defined:

Toxic or noxious matter

"Toxic or noxious matter" is any solid, liquid, or gaseous matter, including but not limited to gases, vapors, #dusts#, fumes, and mists, containing properties which by chemical means are:

(a) inherently harmful and likely to destroy life or impair health; or

(b) capable of causing injury to the well-being of persons or damage to property.

42-452 - Regulation of toxic or noxious matter

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, the emission of #toxic or noxious matter# into the atmosphere shall be in accordance with limits established by the Department of Environmental Protection. In addition to such emission limits, the emission of such matter shall be so controlled that no concentration at or beyond #lot lines# shall be detrimental to or endanger the public health, safety, comfort, and other aspects of the general welfare, or cause damage or injury to property.

42-46 - Performance Standards Regulating Radiation Hazards

LAST AMENDED
6/6/2024

42-461 - Definitions

LAST AMENDED
11/19/1987

For the purposes of this Section, the following term is defined:

Fireproof containers

"Fireproof containers" shall include steel or concrete containers and shall not include lead or other low-melting metals or alloys, unless the lead or low-melting metal or alloys are completely encased in steel.

42-462 - Maximum permitted quantities of unsealed radioactive material

LAST AMENDED
6/6/2024

In M1 Districts, unsealed radioactive materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of one million

times the quantities set forth in Column 1 of the table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

In M2 Districts, such materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of 10 million times the quantities set forth in Column 1 of the table cited in this Section. In M3 Districts no limits as to such permitted quantities shall apply.

42-463 - Maximum permitted quantities of fissionable materials

LAST AMENDED
6/6/2024

In M1 or M2 Districts, no one of the following fissionable materials shall be assembled at any one point, place, or work area on a #zoning lot# in a quantity equal to or in excess of the amount set forth herein:

Material	Quantity
Uranium-233	200 grams
Plutonium-239	200 grams
Uranium-235	350 grams

In addition, any establishment which provides radiation waste disposal services in the nature of collection or storage of radioactive waste from other #manufacturing uses# shall be prohibited in M1 or M2 Districts.

42-464 - Administration and appeal

LAST AMENDED
6/6/2024

The Department of Health shall have exclusive jurisdiction to enforce and administer these hazards in accordance with the rules and regulations promulgated by the Board of Health. An appeal may be made to the Board of Health to permit the manufacture, utilization, or storage of unsealed radioactive materials or fissionable materials, in excess of the quantities set forth in Section 42-462 (Maximum permitted quantities of unsealed radioactive material) or Section 42-463 (Maximum permitted quantities of fissionable materials). In any case where the Board of Health determines that the radiation hazard on or beyond any #lot line# is remote and minimal, even in the event of an accident, the Board may permit such additional quantity.

42-47 - Performance Standards Regulating Fire and Explosive Hazards

LAST AMENDED
6/6/2024

42-471 - Definitions

LAST AMENDED

For the purposes of this Section, the following terms are defined:

Flammable or explosive

"Flammable or explosive" materials are materials which produce flammable or explosive vapors or gases under ordinary weather temperature, including liquids with an #open cup flash point# of less than 100 degrees F.

Free burning

"Free burning" materials are materials constituting an active fuel.

Intense burning

"Intense burning" materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution burn with great intensity.

Moderate burning

"Moderate burning" materials are materials which in themselves burn moderately and may contain small quantities of a higher grade of combustibility.

Open cup flash point

The "open cup flash point" is the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a Tagliabue open cup tester.

Original sealed containers

"Original sealed containers" are containers with a capacity of not more than 55 gallons.

Slow burning

"Slow burning" materials are materials which will not ignite or actively support combustion during an exposure for five minutes to a temperature of 1,200 degrees F. and which, therefore, do not constitute an active fuel.

42-472 - Classifications

LAST AMENDED
6/6/2024

For the purposes of this Section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified #open cup flash points# as set forth in this Section, and the Board of Standards and Appeals shall determine the rating of solids under this Section.

(a) Class I includes #slow burning# to #moderate burning# materials. This shall include all liquids with an #open cup flash point# of 182 degrees F. or more.

(b) Class II includes #free burning# to #intense burning# materials. This shall include all liquids with an #open cup flash point# between 100 and 182 degrees F.

(c) Class III includes materials which produce #flammable or explosive# vapors or gases under ordinary weather temperature. This shall include all liquids with an #open cup flash point# of less than 100 degrees F.

(d) Class IV includes materials which decompose by detonation, including but not limited to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; and strong oxidizing agents such as perchloric acid, perchlorates, chlorates, chlorites, or hydrogen peroxide in concentrations greater than 35 percent.

42-473 - Regulations applying to Class I materials or products

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, Class I materials or products may be stored, manufactured, or utilized in manufacturing processes or other production.

42-474 - Regulations applying to Class II materials or products

LAST AMENDED

Class II materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class II materials or products shall be stored, manufactured, or utilized subject to the following limitations:

(1) such storage, manufacture or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;

(2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot lines# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code; and

(3) the storage of Class II materials or products shall be limited to 100,000 gallons.

(b) In M2 Districts

In M2 Districts, Class II materials or products may be manufactured or utilized without limitation. The storage of Class II materials or products shall be limited to 200,000 gallons, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

(1) Special provisions applying along district boundaries

In M2 Districts and within 100 feet of the district boundary of a #Residence

District#, a #Commercial District# or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in Section 42-474, paragraph (a), for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class II materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

42-475 - Regulations applying to Class III materials or products

LAST AMENDED
6/6/2024

Class III materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class III materials or products shall not be manufactured in any event, and shall be stored or utilized subject to the following limitations:

(1) such storage or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;

(2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot line# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code;

(3) the final manufactured product shall have a rating of Class I; and

(4) the storage of Class III materials or products shall be limited to 50,000 gallons.

(b) In M2 Districts

In M2 Districts, Class III materials or products shall not be manufactured in any event and shall be stored or utilized subject to the following limitations:

(1) the final manufactured product shall have a rating of Class II; and

(2) the storage of Class III materials or products shall be limited to 100,000 gallons, except that such limitation shall not apply to storage in underground tanks and storage of finished products in #original sealed containers#.

(3) In M2 Districts, and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class III materials or products shall be stored or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class III materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 400 feet of a #Residence District#, a #Commercial District# or an M1 District, the provisions set forth in paragraph (a) of this Section for M1 Districts shall apply. In M3 Districts and within 300 feet of the district boundary of an M2 District, no more than 200,000 gallons of Class III materials or products may be stored, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

42-476 - Regulations applying to Class IV materials or products

LAST AMENDED
6/6/2024

Class IV materials or products shall not be manufactured in any #Manufacturing District# and may be utilized in manufacturing processes or other production in any #Manufacturing District# only when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. No storage of Class IV materials or products is permitted in any #Manufacturing District# except such #accessory# storage as may be authorized by such special permit for the utilization of such materials or products in manufacturing processes or other production.

42-477 - Regulations applying to oxygen manufacture, storage, or utilization

LAST AMENDED

Oxygen, gaseous or liquid, shall not be manufactured in any #Manufacturing District# except when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. Oxygen, gaseous or liquid, may be stored or utilized in all #Manufacturing Districts# in accordance with the provisions set forth in the Administrative Code and subject to the following limitations:

(a) In M1 Districts

In M1 Districts, the total quantity of such oxygen stored shall not exceed 150,000 cubic feet at standard temperature and pressure.

(b) In M2 Districts

In M2 Districts, the total quantity of such oxygen stored shall not exceed 500,000 cubic feet at standard temperature and pressure.

(c) In M3 Districts

In M3 Districts, the total quantity of such oxygen stored is unlimited.

42-48 - Performance Standards Regulating Humidity, Heat or Glare

LAST AMENDED
6/6/2024

42-481 - Regulation applying to M1 Districts

LAST AMENDED
6/6/2024

In M1 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond any #lot line#.

42-482 - Regulation applying to M2 Districts

LAST AMENDED
6/6/2024

In M2 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out within an enclosure and in such a manner as not to be perceptible at or beyond any #lot line#.

42-483 - Regulation applying to M3 Districts

LAST AMENDED
6/6/2024

When an M3 District adjoins any other district, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond the district boundary.

42-50 - SUPPLEMENTARY USE REGULATIONS

LAST AMENDED
6/6/2024

42-51 - Enclosure of Commercial or Manufacturing Activities

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, all commercial or manufacturing activities established by #development#, #enlargement#, #extension# or change of #use#, except storage of materials or products, shall be subject to the provisions of this Section with respect to enclosure, except as otherwise specifically provided in the Use Groups permitted in the district, and in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-street Loading Berths). With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#. The storage of materials or products shall be subject to the provisions of Section 42-52 (Enclosure of Screening or Storage).

#Accessory uses# may be open or enclosed, notwithstanding any limitations on the principal #use#, provided that any open #accessory uses# are customarily found in connection with such principal #use#.

42-511 - In M1 Districts

LAST AMENDED
6/6/2024

M1

In the district indicated, all such activities shall be located within #completely enclosed buildings#, provided, however, that #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

42-512 - In M2 or M3 Districts

LAST AMENDED
6/6/2024

M2 M3

In the districts indicated, all such activities within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#, provided, however, that #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. All such activities beyond 300 feet of a #Residence District# boundary may be conducted outside a #completely enclosed building#, and any enclosure requirements set forth in Sections 42-11 through 42-20 need not apply.

42-513 - Drive-through facilities

LAST AMENDED

6/6/2024

In all districts, as indicated, #accessory# drive-through facilities shall be permitted for any #use# listed in Use Group VI, as set forth in Section 42-16 (Use Group VI – Retail and Services).

42-52 - Enclosure or Screening of Storage

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, all storage of materials or products established by #development#, #enlargement#, #extension#, change of #use#, or any new open storage or any increase in the portion of a #zoning lot# used for open storage, shall conform to the provisions of this Section. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.

With respect to the #enlargement# or #extension# of existing storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such storage.

42-521 - In M1 Districts

LAST AMENDED
6/6/2024

M1

In the district indicated, storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

Beyond 200 feet of a #Residence District# boundary, open storage of materials or products may be conducted outside a #completely enclosed building#, and any enclosure requirements set forth in Sections 42-11 through 42-20 need not apply.

42-522 - In M2 or M3 Districts

LAST AMENDED
6/6/2024

M2 M3

In the districts indicated, and within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height. Beyond 200 feet of a #Residence District# boundary, open storage of materials or products need not be screened. In either instance, any enclosure requirements set forth in Sections 42-11 through 42-20 need not apply.

42-53 - Limitations on Business Entrances, Show Windows or Signs

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, the location of primary business entrances, #show windows#, or #signs# shall be subject to the provisions of this Section. For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto, shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot#, notwithstanding the 100 foot limitation in the definition of #corner lots# in Section 12-10 (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

(a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;

(b) service entrances, or other entrances less than 3 feet, 6 inches in width;

(c) windows other than #show windows#; or

(d) ventilators, fire escapes or other appurtenances required by law.

42-531 - For zoning lots with single frontage

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, for #zoning lots# with single frontage, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage within 20 feet of

frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof located within the #Manufacturing District# is less than 30 feet in length, such minimum distance shall be reduced to 10 feet.

For #zoning lots# with a frontage of more than 30 feet, an application may be made to the Board of Standards and Appeals to reduce such minimum distance to 10 feet, as provided in Section 73-50 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

42-532 - For corner lots

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage of a #corner lot# within 75 feet of frontage on the same side of the #street# in a #Residence District#.

However, primary business entrances, #show windows#, or #signs# may be located on frontage less than 75 feet, but not less than 20 feet, from a #Residence District# boundary:

(a) if the total length of the #block# face containing such frontage is less than 220 feet; or

(b) if such frontage adjoins frontage on a #corner lot# in a #Residence District#; or

(c) if such frontage is separated from frontage in the #Residence District# by one or more #zoning lots# with single frontage.

42-533 - Exceptions for integrated developments divided by district boundaries

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Manufacturing District#, if the Commissioner of Buildings finds that the #zoning lot# on which the business entrance, #show window# or #sign# is to be located:

(a) is divided by a boundary between the #Manufacturing District# and a #Residence District#; or

(b) is presently in the same ownership as adjoining property located in a #Residence District#, and no #building# in the #Residence District# exists, or will in the future be erected, within a distance of 75 feet from the #Manufacturing District#, as evidenced by deed restrictions filed in an office of record binding the owner and his heirs and assigns.

42-60 - SIGN REGULATIONS

LAST AMENDED
6/6/2024

42-61 - Definitions

LAST AMENDED
6/6/2024

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

42-62 - Permitted Signs

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, #signs# are permitted subject to the provisions of the following Sections:

Section 42-63 (Surface Area and Illumination Provisions)

Section 42-64 (Permitted Projection or Height of Signs)

Section 42-65 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 42-66 (Special Provisions Applying Along District Boundaries)

Section 42-67 (Additional Sign Regulations for Adult Establishments)

Section 42-68 (Signs Erected Prior to December 13, 2000).

However, notwithstanding any provision of this Section, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility# #uses# of a civic, philanthropic, educational or religious nature, are permitted in all districts, as indicated, without limitation.

42-63 - Surface Area and Illumination Provisions

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted #signs# shall be subject to the restrictions on #surface area# and illumination as set forth in this Section, provided that the following #signs# shall be exempted from such restrictions on #surface area#:

> #Illuminated# non-#flashing signs#, other than #advertising signs#, located in a window within a #building#, with a total #surface area# not exceeding eight square feet on any #zoning lot# and limited to not more than three such #signs# in any window.

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

No #illuminated sign# shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences# or #joint living-work quarters for artists#.

42-631 - Total surface area of signs

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, the total #surface area# of all permitted #signs#, including non-#illuminated# or #illuminated signs#, shall not exceed the limitation established for non-#illuminated signs#, as set forth in Section 42-632.

42-632 - Non-illuminated signs

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding six times the #street# frontage of the #zoning lot#, in feet, but in no event more than 1,200 square feet for each #sign#, are permitted.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed six times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

42-633 - Illuminated or flashing signs

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, #illuminated# or #flashing# #advertising signs# are not permitted.

#Illuminated# or #flashing signs#, other than #advertising signs#, and #accessory# or #advertising# #signs with indirect illumination# are permitted, provided that the total #surface area# of all such #signs#, in square feet, shall not exceed:

(a) for #illuminated# or #flashing signs# other than #advertising signs#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet; and

(b) for #accessory# or #advertising# #signs with indirect illumination#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet.

42-64 - Permitted Projection or Height of Signs

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section, inclusive.

42-641 - Permitted projection

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-642 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except that:

(a) in M1-5B, M1-5M and M1-6M Districts, for each establishment located on the ground floor, non-#illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.

(b) for #zoning lots# occupied by more than two theaters designed, arranged and used for live performances of drama, music or dance and located within the area bounded by West 34th Street, Eighth Avenue, West 42nd Street and Tenth Avenue, permitted #signs# may project across a #street line# no more than 4 feet, 6 inches, provided the height of any such #signs# shall not exceed 55 feet above #curb level#.

42-642 - Additional regulations for projecting signs

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

(a) Non-#illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment contained therein.

(b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# shall project more than 48 inches above nor more than 12 inches below such marquee.

42-643 - Height of signs

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, permitted #signs# shall not extend to a height greater than 40 feet above #curb level#, provided that non-#illuminated signs# or #signs with indirect illumination# may extend to a maximum height of 75 feet.

42-65 - Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, the provisions of paragraphs (a), (b) and (c), or paragraph (d), of this Section, shall apply for #signs# near designated arterial highways or certain #public parks#.

(a) Within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, #signs# that are within view of such arterial highway or #public park# shall be subject to the following provisions:

(1) no permitted #sign# shall exceed 500 square feet of #surface area#; and

(2) no #advertising sign# shall be allowed; nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed.

(b) Beyond 200 feet from such arterial highway or #public park#, the #surface area# of such #signs# may be increased one square foot for each linear foot such sign is located from the arterial highway or #public park#.

(c) The more restrictive of the following shall apply:

(1) any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming# #use# status pursuant to Section 52-83 (Non-conforming Advertising Signs), to the extent of its size existing on May 31, 1968; or

(2) any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968, and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on November 1, 1979. All #advertising signs# not in conformance with the standards set forth herein shall terminate.

(d) Within one-half mile of any boundary of the City of New York, permitted #signs# and #advertising signs# may be located along any designated arterial highway that is also:

(1) a "principal route" or "toll crossing" that prohibits direct vehicular access to abutting land and provides complete separation of conflicting traffic flows; and

(2) a through truck route designated by the New York City Department of Transportation; and

(3) that crosses a boundary of the City of New York, without regard to the provisions of paragraphs (a), (b) and (c) of this Section, provided any such permitted or #advertising sign# otherwise conforms to the regulations of this Chapter including, with respect to an #advertising sign#, a location not less than 500 feet from any other #advertising sign#, except that, in the case of any such permitted or #advertising sign# erected prior to August 7, 2000, such #sign# shall have #non-conforming# #use# status pursuant to Sections 52-82 (Non-conforming Signs Other Than Advertising Signs) and 52-83 with respect to all other regulations of this Chapter to the extent of the degree of #non-conformity# of such #sign# as of August 7, 2000, including, with respect to an #advertising sign#, its location within 500 feet of any other such #advertising sign#.

Upon application, the requirements of paragraphs (a), (b) and (c) of this Section shall be waived, provided that the Chairperson of the City Planning Commission certifies that such waiver is limited

to a single non-#flashing sign# other than an #advertising sign#, located on a #zoning lot# not less than one and one-half acres and, all other permitted #signs#, other than #advertising signs# located on such #zoning lot#, that are subject to the provisions of this Section, conform with all the #sign# regulations applicable in C1 Districts.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

42-651 - Advertising signs on waterways

LAST AMENDED
6/6/2024

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Manufacturing Districts# and within view from an arterial highway.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

42-66 - Special Provisions Applying Along District Boundaries

LAST AMENDED
6/6/2024

42-661 - Restrictions along district boundary located in a street

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one-half acre or more, #advertising signs# that face at an angle of less than 165 degrees away from such #Residence District# or park boundary shall not be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth in Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.

42-662 - Restriction on angle and height above curb level

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, and within 500 feet of the boundary of a #Residence District# or #Commercial District#, except C7 or C8 Districts, any illuminated portion of any #sign# shall face at

an angle of more than 90 degrees away from such boundary line and a #sign with indirect illumination# may extend only to a height of 58 feet above #curb level#.

42-67 - Additional Sign Regulations for Adult Establishments

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted #signs#, other than #advertising signs#, for #adult establishments# shall conform with the provisions of this Chapter, except that the maximum #surface area# of all #signs#, other than #advertising signs#, for #adult establishments# shall not exceed, in the aggregate, three times the #street# frontage of the #zoning lot#, but in no event more than 150 square feet per establishment, of which no more than 50 square feet may be #illuminated# and no portion thereof may be #flashing#.

No #signs# for #adult establishments# shall be permitted on the roof of any #building#, nor shall such #signs# extend above #curb level# at a height greater than 25 feet.

42-68 - Signs Erected Prior to December 13, 2000

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, a #sign# erected prior to December 13, 2000, shall have #non-conforming use# status pursuant to Sections 52-82 (Non-conforming Signs Other Than Advertising Signs) or 52-83 (Non-conforming Advertising Signs) with respect to the extent of the degree of #non-conformity# of such #sign# as of such date with the provisions of Sections 42-52, 42-53 and 42-54, where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. In all such districts, as indicated, a #sign# other than an #advertising sign# erected prior to December 13, 2000, shall also have #non-conforming use# status pursuant to Section 52-82 with respect to the degree of #non-conformity# of such #sign# as of such date with the provisions of Section 42-55, paragraphs (a)(1) and (b), where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. Nothing herein shall be construed to confer #non-conforming use# status upon any #advertising sign# located within 200 feet of an arterial highway or of a #public park# with an area of one-half acre or more, and within view of such arterial highway or #public park#, or where such #advertising sign# is located at a distance from an arterial highway or #public park# with an area of one-half acre or more which is greater in linear feet than there are square feet of #surface area# on the face of such #sign#, contrary to the requirements of Section 42-55, paragraph (b). The #non-conforming use# status of signs subject to Section 42-55, paragraphs (c)(1), (c)(2) and (d), shall remain unaffected by this provision.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

42-69 - Sign Regulations in M1-6D Districts

LAST AMENDED
6/6/2024

In M1-6D Districts, #signs# are permitted subject to the #sign# regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Bulk Regulations

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Chapter 3 - Bulk Regulations

43-00 - APPLICABILITY AND GENERAL PROVISIONS

LAST AMENDED
12/15/1961

43-01 - Applicability of This Chapter

LAST AMENDED
12/5/2024

The #bulk# regulations of this Chapter apply to any #building or other structure# on any #zoning lot# or portion of a #zoning lot# located in any #Manufacturing District#. The #bulk# regulations of this Chapter shall also apply to any portion of a #zoning lot# in a #Manufacturing District# that is #developed# or #enlarged# with an open #use#. 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.

43-02 - Applicability in Special Situations

LAST AMENDED
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section 74-74.

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section 75-41. In addition, the #development# or #enlargement of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to 74-61.

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

43-03 - Street Tree Planting in Manufacturing Districts

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, all #developments#, or #enlargements# of 20 percent or more in #floor area#, excluding #developments# or #enlargements# in Use Groups IV(B), IX(B) or X, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# from a #manufacturing# #use# to a #commercial# or #community facility# #use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving:

From Use Group VI

Automotive repair and maintenance#

Automotive service stations#

Industrial drycleaning and laundry services

From Use Group IX

All #uses# listed under Use Group IX(A) and IX(C).

43-04 - Outdoor Table Service Areas

LAST AMENDED

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency shall be permitted within any required sidewalk widening areas.

43-10 - FLOOR AREA REGULATIONS

LAST AMENDED
12/15/1961

43-11 - Definitions

LAST AMENDED
11/19/1987

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

43-12 - Maximum Floor Area Ratio

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

Section 43-121 (Expansion of existing manufacturing buildings)

Section 43-122 (Maximum floor area ratio for community facilities)

Section 43-13 (Floor Area in Manufacturing Districts With an A Suffix)

Section 43-14 (Floor Area Bonus for Public Plazas and Arcades)

Section 43-15 (Existing Public Amenities for which Floor Area Bonuses Have Been Received)

Section 43-16 (Special Provisions for Zoning Lots Divided by District Boundaries)

Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts)

Section 43-62 (Bulk Regulations in M1-6D Districts)

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Districts	Maximum Permitted #Floor Area Ratio#
M1-1	1.00
M1-2* M1-4 M2-1 M2-3 M3	2.00
M1-3 M1-5 M2-2 M2-4	5.00

M1-6	10.00

* In Community District 1, in the Borough of Queens, in the M1-2 District bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, and a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue and 24th Street, the maximum #floor area ratio# shall be increased to 4.0 provided that such additional #floor area# is limited to #referenced commercial and manufacturing uses#

For #zoning lots# containing both #community facility use# and #manufacturing# or #commercial# #use#, the total #floor area# used for #manufacturing# or #commercial# #use# shall not exceed the amount permitted in the table in this Section or by the bonus provisions in Sections 43-13 or 43-14.

Except where authorized by express provisions of this Resolution, the maximum #floor area ratio# shall not exceed the amount set forth in this Section, or Section 43-13, as applicable, by more than 20 percent.

43-121 - Expansion of existing manufacturing buildings

LAST AMENDED
5/29/2019

M1 M2 M3

In all districts, as indicated, where a #building or other structure# used for a conforming #manufacturing# #use# was in existence prior to December 15, 1961, such #building or other structure# may be expanded for a #manufacturing# #use#. Such expansion may consist of an #enlargement#, or additional #development#, on the same #zoning lot#, provided that:

(a) the resulting total #floor area# shall not be greater than:

(1) 150 percent of the #floor area# existing on December 15, 1961; or

(2) 110 percent of the maximum #floor area# otherwise permitted under the provisions of Section 43-12 (Maximum Floor Area Ratio).

(b) the resulting #floor area ratio# shall not exceed the highest of:

(1) 150 percent of the maximum #floor area ratio# otherwise permitted under the provisions of Section 43-12;

(2) 110 percent of the #floor area ratio# existing on December 15, 1961; or

(3) a #floor area ratio# of 2.4, provided that in the event this paragraph, (b)(3), is utilized, the City Planning Commission shall administratively certify and the City Council approve, that such expansion will not adversely affect the surrounding area.

Within M3-2 Districts in the portion of Queens Community District 2 located within a Subarea 2 Designated Area (as set forth in APPENDIX J of this Resolution), the provisions of this Section shall also apply where a #building or other structure# on a #zoning lot# larger than two acres used for a conforming #manufacturing# #use# was in existence prior to December 31, 1965.

The parking reduction provisions of Section 44-26 (Special Provisions for Expansion of Existing Manufacturing Buildings) shall apply to such expansion.

43-122 - Maximum floor area ratio for community facilities

LAST AMENDED
9/21/2011

M1

In the districts indicated, for any #community facility# #use# on a #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum Permitted #Floor Area Ratio#
M1-1	2.40
M1-2	4.80
M1-3 M1-4 M1-5	6.50
M1-6	10.00

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, for any #zoning lot# containing both #residential use# and #community facility# #use#, the total #floor area# used for #residential use# shall not exceed the amount permitted in Section 43-61 (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts).

43-123 - Floor area increase for an industrial space within a self-service storage facility

LAST AMENDED
6/6/2024

In M1-1 Districts in designated areas in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, for any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (1) or (2)(i) of Section 42-192 (Use Group IX – uses permitted with limited applicability), the maximum permitted #floor area# for #commercial# or #manufacturing# #uses# on the #zoning lot# pursuant to the provisions of Section 43-12 (Maximum floor area ratio), inclusive, may be increased by a maximum of 25 percent of the #lot area# or up to 20,000 square feet, whichever is less.

43-13 - Floor Area in Manufacturing Districts With an A Suffix

LAST AMENDED
6/6/2024

43-131 - Definitions

LAST AMENDED
6/6/2024

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS), except where explicitly stated otherwise in individual provisions in this Chapter.

Qualifying uses

“Qualifying uses” shall include certain #commercial# and #manufacturing uses# eligible for higher permitted #floor area ratio# in M2 and M3 Districts with an A suffix.

In M2 Districts with an A suffix such #uses# shall include #referenced commercial and manufacturing uses#.

In M3 Districts with an A suffix, such #uses# shall include #qualifying uses# in M2 Districts with an A suffix, as well as the following;

> From Use Group IV
> All #uses# listed under Use Group IV(B) and IV(C)
>
> From Use Group IX
> All #uses# listed under Use Group IX, other than #self-service storage facilities#.

43-132 - Floor area regulations in M1 Districts with an A suffix

LAST AMENDED
6/6/2024

In M1 Districts with an A suffix, the maximum #floor area ratio# for all permitted #uses# shall be as set forth in the following table.

District	Maximum Permitted #Floor Area Ratio#
M1-1A	2.00
M1-2A	3.00
M1-3A	4.00
M1-4A	5.00
M1-5A	6.50
M1-6A	8.00

M1-7A	10.00
M1-8A	12.00
M1-9A	15.00

43-133 - Floor area regulations in M2 or M3 Districts with an A suffix

LAST AMENDED
6/6/2024

In M2 and M3 Districts with an A suffix, the maximum #floor area ratio# for #qualifying uses#, and for all other all permitted #uses# shall be as set forth in the respective columns of the following tables.

Districts	**Maximum permitted #floor area ratio# for #qualifying uses#**	**Maximum permitted #floor area ratio# for other #uses#**
M2-1A	2.00	1.00
M2-2A	3.00	2.00
M2-3A	4.00	3.00
M2-4A	5.00	4.00

On a #zoning lot# greater than or equal to 5,000 square feet in #lot area#, where the #floor area ratio# exceeds that permitted for other #uses#, at least 50 percent of the #floor area# on the ground floor level shall be allocated to #qualifying uses# and provided with access to any required #accessory# off-street loading berths. The ground floor level shall refer to a #building's# lowest #story# where the level of the finished floor is located within five feet of the adjoining sidewalk.

Districts	**Maximum permitted #floor area ratio# for #qualifying uses#**	**Maximum perm #floor area rati other #uses#**
M3-1A	2.00	1.00 or 10,000 s feet of #floor are whichever is less

M3-2A	3.00	1.00 or 10,000 s feet of #floor are whichever is less

43-14 - Floor Area Bonus for Public Plazas and Arcades

LAST AMENDED
6/6/2024

M1-6 M1-7A M1-8A M1-9A

(a) Public Plazas

In the districts indicated, except for M1-6D Districts, for each square foot of #public plaza# provided on a #zoning lot#, in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.

(b) Arcades

In the districts indicated, except for M1-6D Districts, for each square foot of #arcade# provided on a #zoning lot#, the total #floor area# permitted on the #zoning lot# under the provisions of Section 43-12 may be increased by three square feet. However, the provisions of this Section shall not apply to #zoning lots# that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan.

43-15 - Existing Public Amenities for which Floor Area Bonuses Have Been Received

LAST AMENDED
10/17/2007

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

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

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received, by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing #publicly accessible open areas#

The Commission may, upon application, authorize the closing of an existing #publicly accessible open area# for which a #floor area# bonus has been received, during certain nighttime hours pursuant to Section 37-727 (Hours of access).

(d) Elimination or reduction of existing public amenities

No existing #arcade#, #publicly accessible open area# or other public amenity, open or

enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

43-16 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different maximum #floor area ratios#, the provisions set forth in Article VII, Chapter 7 shall apply.

43-17 - Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts

LAST AMENDED
12/5/2024

M1-5B

In the district indicated, no #building# containing #joint living-work quarters for artists# shall be #enlarged#.

Mezzanines are allowed within individual quarters, in #buildings# with an existing #floor area ratio# of 12.0 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain, provided that such mezzanines do not exceed 33 and 1/3 percent of the gross #floor area# of such individual quarters. Such mezzanines shall not be included as #floor area# for the purpose of calculating minimum required size of a #joint living-work quarters for artists#.

In the district indicated no #building# containing #joint living-work quarters for artists# shall be subdivided into quarters of less than 1,200 square feet except where no #story# contains more than one #joint living-work quarters for artists# unless modified pursuant to Section 43-171 (Minor modifications).

However, the minimum size requirement may be replaced by the requirements of Section 15-024 (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists) for #joint living-work quarters for artists#:

(a) for which a determination of #residential# or #joint living-work quarters for artists# occupancy on September 1, 1980, has been made pursuant to paragraphs (a)(6) or (c) of Section 42-315 (Use regulations in M1-5B Districts); or

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

(c) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

#Joint living-work quarters for artists# existing on September 1, 1980, may not be divided subsequently into quarters of less than 1,200 square feet, unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

In the districts indicated, two or more #buildings# which are separated by individual load-bearing walls and contain #joint living-work quarters for artists#, each of which #building# conforms to the

regulations set forth in Section 42-315 may be combined to produce a #lot area# covered by #buildings# in excess of 3,600 square feet.

43-171 - Minor modifications

LAST AMENDED
2/2/2011

On application, the Chairperson of the City Planning Commission may grant minor modifications to the requirements of Section 43-17 relating to #joint living-work quarters for artists# size, provided that the Chairperson of the City Planning Commission had administratively certified to the Department of Buildings that the division of one or more #stories# into #joint living-work quarters for artists# with an area of at least 1,200 square feet cannot be accomplished without practical difficulties because the #floor area# of such #story#, exclusive of exterior walls and common areas, is within five percent of a multiple of 1,200 square feet.

The applicant must send a copy of any request for a modification pursuant to this Section to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting.

43-20 - YARD REGULATIONS

LAST AMENDED
1/28/1971

43-21 - Definitions

LAST AMENDED
11/19/1987

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

43-22 - Level of Yards

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#. However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent# except as otherwise provided in Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

43-23 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

LAST AMENDED
12/5/2024

In all #Manufacturing Districts#, the obstructions set forth in Sections 23-311 (Permitted obstructions in all yards, courts and open areas) and 23-341 (Permitted obstructions in required rear yards or rear yard equivalents), as well as the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

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

(1) Fences;

(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;

(3) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that the height of all equipment shall not exceed a height of 23 feet above #curb level#;

(4) Steps;

(5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

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

(1) Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. However, in M Districts with an A suffix, the height of such obstruction shall be modified so that such #building# shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#. In addition, in all districts, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, shall be permitted upon such #building#, or portion thereof, pursuant to Section 43-42 (Permitted Obstructions);

(2) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#; or

(3) Solar energy systems affixed to solar canopies and located over parking spaces associated with #public parking lots#, automobile rental establishments, or commercial or public utility vehicle parking facilities, as permitted, provided that the height shall not exceed 15 feet above the level of the adjoining grade.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

43-24 - Measurement of Yard Width or Depth

LAST AMENDED
12/15/1961

In all #Manufacturing Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

43-25 - Minimum Required Side Yards

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, no #side yards# are required. However, if an open area extending along a #side lot line# is provided, it shall be at least eight feet wide.

43-26 - Minimum Required Rear Yards

LAST AMENDED
4/30/2008

M1 M2 M3

In all districts, other than districts with an A suffix, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 43-27 (Special Provisions for Shallow Interior Lots), 43-28 (Special Provisions for Through Lots) or 43-31 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 43-261 (Beyond one hundred feet of a street line).

For districts with an A suffix, the provisions of Section 43-262 shall apply. However, such provisions shall be modified by the provisions of 43-27 (Special Provisions for Shallow Interior Lots), 43-28 or 43-31.

43-261 - Beyond one hundred feet of a street line

LAST AMENDED
4/30/2008

M1 M2 M3

In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# or #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT

(33-261.1, 43-261.1)



ZONING LOT BOUNDED BYTWO OR MORE STREETS
(NEITHER A CORNER LOT NOR A THROUGH LOT)
(33-261.2, 43-261.2)

43-262 - Minimum rear yards for Manufacturing Districts with an A suffix

LAST AMENDED
6/6/2024

In Manufacturing Districts with an A suffix, a #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

REQUIRED DEPTH OF REAR YARD

Height above #base plane#	Required depth
Below 65 feet	10
Above 65 feet	15

Above 125 feet	20

In addition, where a portion of a #side lot line# beyond 100 feet of the #street line# coincides with a #rear lot line# of an adjoining #zoning lot#, such #side lot line# shall be considered a #rear lot line# and a #rear yard# shall be required with a minimum depth in accordance with the provisions of this Section.

43-27 - Special Provisions for Shallow Interior Lots

LAST AMENDED
6/6/2024

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, if an #interior lot#:

(1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(2) is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of a #zoning lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of less than 50 feet.

(b) For districts with an A suffix

For districts with an A suffix, if an #interior lot#, or portion thereof, has a depth of less than 95 feet at any point, and such shallow condition was in existence on December 15, 1961, the depth of a required #rear yard#, or portion thereof, may be reduced by six inches for each foot by which the depth of such #zoning lot# is less than 95 feet. No #rear yard# is required on any such #interior lot#, or portion thereof, with a maximum depth of less than 50 feet.

43-28 - Special Provisions for Through Lots

LAST AMENDED
6/6/2024

M1 M2 M3

(a) In all districts, other than districts with an A suffix, no #rear yard# regulations shall apply on any #through lot# which extends less than 110 feet in maximum #lot depth# from #street# to #street#. However, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided, except that in the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required:

(1) an open area with a minimum #lot depth# of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;

(2) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; or

(3) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(b) For districts with an A suffix

For districts with an A suffix, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

43-29 - Special Provisions Applying Along Railroad Right-of-way

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, along such portion of a #rear lot line# which coincides with a boundary of a #railroad right-of-way#, no #rear yard# shall be required.

43-30 - SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts#, except where such district boundaries are also the boundaries of #railroad rights-of-way# or cemeteries.

43-301 - Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, along such portion of the boundary of a #Manufacturing District# which coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such an open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

43-302 - Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

LAST AMENDED
6/6/2024

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, along such portion of the #rear lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 30 feet in depth shall be provided within the #Manufacturing District#. Such an open area shall not be used for storage or processing of any kind.

(b) For districts with an A suffix

For districts with an A suffix, where the portion of a #rear lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than 30 feet above #curb level# and at least 20 feet in depth shall be provided.

43-303 - Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District

LAST AMENDED
6/6/2024

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, along such portion of a #side lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street loading or for storage or processing of any kind.

(b) For districts with an A suffix

For districts with an A suffix, where the portion of a #side lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than #curb level# and at least eight feet in depth shall be provided.

43-304 - Required front yards along district boundary located in a street

LAST AMENDED
10/25/1967

M1-1 M1-2 M1-3 M1-4 M2 M3

In the districts indicated, if the boundary of an adjoining #Residence District# is located at the center line of a #street# less than 60 feet wide, a #front yard# not higher than #curb level# and at least 20 feet in depth shall be provided along any #front lot line# forming the boundary between a #zoning lot# located within the #Manufacturing District# and that portion of the #street# in which the district boundary is located.

43-31 - Other Special Provisions for Rear Yards

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, the #rear yard# requirements set forth in Section 43-26 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

43-311 - Within 100 feet of corners

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

43-312 - Along short dimension of block

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, whenever a #front lot line# of a #zoning lot# coincides with the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

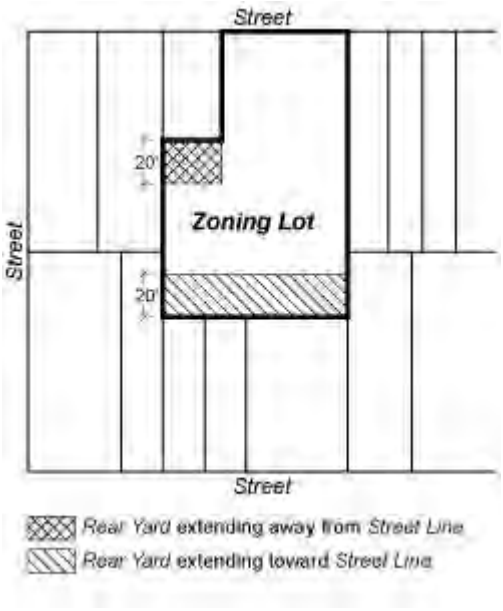
43-313 - For zoning lots with multiple rear lot lines

LAST AMENDED
4/30/2008

M1 M2 M3

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

(a) A #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.

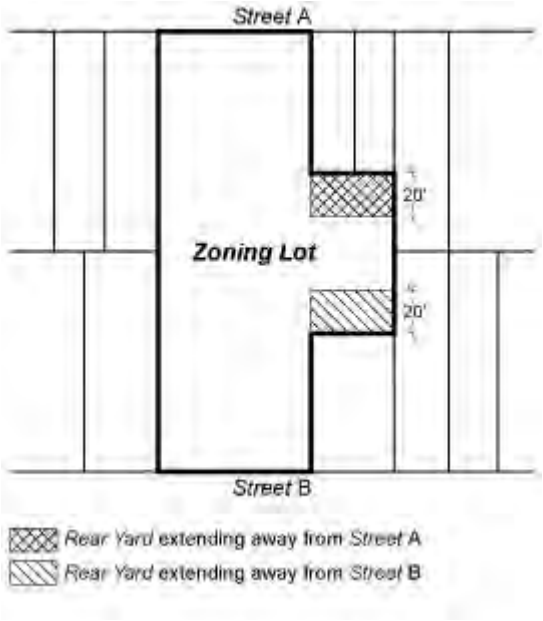


(33-303a, 43-313a)

(b) No #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

(c) For portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to

such #rear lot line# shall be used to determine compliance with this Section.



(33-303c, 43-313c)

43-32 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different #yard# regulations, the provisions set forth in Article VII, Chapter 7, shall apply.

43-33 - Modifications of Rear Yard Regulations

LAST AMENDED
4/30/2008

M1 M2 M3

In all districts, as indicated, the regulations set forth in Section 43-313 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

43-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/15/1961

43-41 - Definitions

LAST AMENDED
11/19/1987

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

43-42 - Permitted Obstructions

LAST AMENDED
12/5/2024

In all #Manufacturing Districts#, the obstructions set forth in Section 23-411 (General permitted obstructions), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks) or 43-44 (Alternate Front Setbacks), or 43-46 (Height and Setback Provisions for Districts With an A Suffix).

(a) Elevator or stair bulkheads (including shafts and vestibules, roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;

(2) the aggregate area of such obstructions, including any screening, does not exceed 50 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (3) of this Section;

(3) the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building# and the height of such obstructions shall

not exceed:

(i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;

(ii) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and

(4) all equipment shall be subject to the applicable provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(b) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(c) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;

(d) Spires or belfries;

(e) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(f) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:

(1) the highest point of the wind turbine assembly does not exceed 55 feet;

(2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and

(3) in districts where #residences# or #joint living-work quarters for artists# are permitted as-of-right, by special permit or by authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet.

43-43 - Maximum Height of Front Wall and Required Front Setbacks

LAST AMENDED
8/14/2025

M1 M2 M3

In all districts, other than districts with an A suffix, if the front wall or any other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# as set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure#, except as otherwise set forth in this Section, shall not exceed the maximum height above #curb level# set forth in the table. Above such maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table.

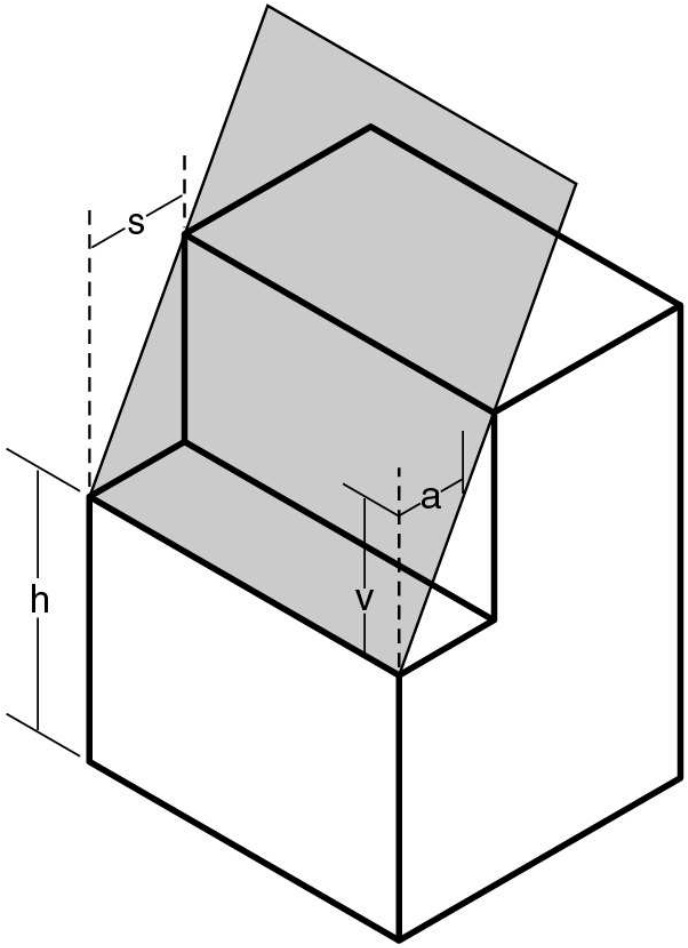
The regulations of this Section shall apply, except as otherwise provided in Sections 43-42 (Permitted Obstructions), 43-44 (Alternate Front Setbacks) or 43-45 (Tower Regulations). In M1-1 Districts, for #community facility buildings#, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above the #street line# shall be 35 feet, and in M1-4 Districts, for #community facility buildings#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

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 or other structure# within the #Initial Setback Distance#	#Sky Exposure Plane#				
			Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
				On #Narrow Street#		On #Wide street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Horizontal Distance	Vertical Distance	Horizonta Distance
Within M1-1 Districts							
20	15	30 feet or 2 #stories#, whichever is less	30	1 to	1	1 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts							
20	15	60 feet or 4 #stories#, whichever is less	60	2.7 to	1	5.6 to	1

Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts

20	15	85 feet or 6 #stories#, whichever is less	85	2.7 to	1	5.6 to	1



a - Horizontal distance
s - *Initial setback distance*
h - Height of *sky exposure plane* above *street line*
v - Vertical distance

Sky Exposure Plane

SKY EXPOSURE PLANE

(23 - 641, 24 - 522, 33 - 432, 43 - 43)

43-44 - Alternate Front Setbacks

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, other than districts with an A suffix, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in this Section or in Sections 43-42 (Permitted Obstructions) or 43-45 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table in this Section. The #sky exposure plane# shall be measured from a point above the #street line#.

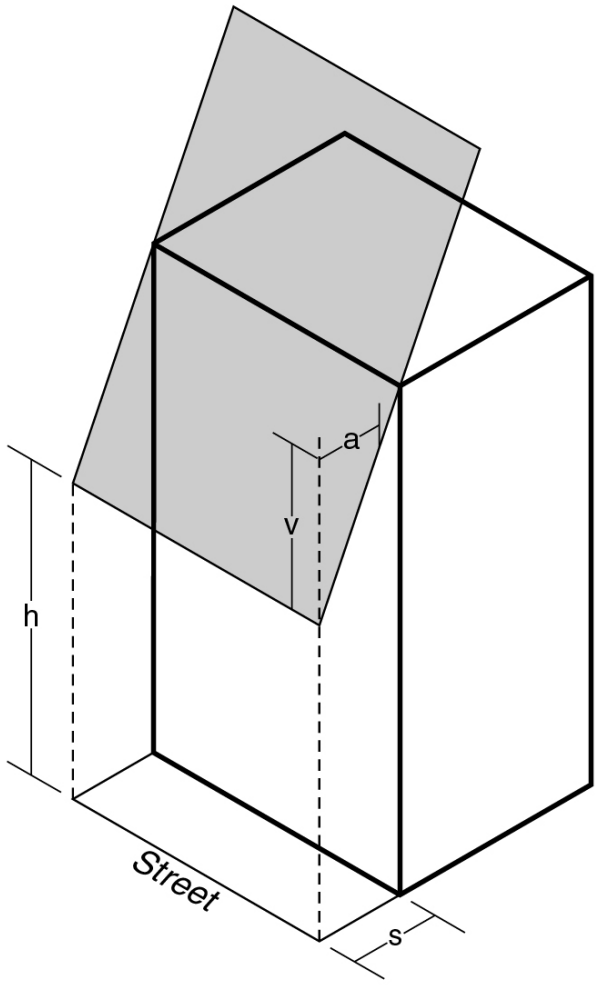
In an M1-6 District, if the open area provided under the terms of this Section is a #public plaza#, such open area may be counted toward the bonus provided for a #public plaza#, pursuant to Section 43-14 (Floor Area Bonus for Public Plazas and Arcades).

In M1-1 Districts, for #community facility buildings# the height above the #street line# shall be 35 feet.

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)	Alternate #Sky Exposure Plane#

Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)					
	On #Narrow Street#		On #Wide Street#			
	On #Narrow Street#	On #Wide Street#	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
Within M1-1 Districts						
15	10	30	1.4 to	1	1.4 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts						
15	10	60	3.7 to	1	7.6 to	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts						
15	10	85	3.7 to	1	7.6 to	1



a - Horizontal distance

h - Height of *sky exposure plane* above *street line*

s - Depth of the optional front open area

v - Vertical distance

Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE

(23 - 64, 24 - 53, 33 - 442, 43 - 44)

43-45 - Tower Regulations

LAST AMENDED

6/6/2024

M1-3 M1-4 M1-5 M1-6

In the districts indicated, other than districts with an A suffix, any #building# or #buildings#, or portion thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 43-451 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

If all of the #buildings# on a #zoning lot# containing such tower do not occupy at any level more than the maximum percent of the #lot area# set forth in this Section or Section 43-451 for towers, the tower may occupy any portion of the #zoning lot# located 20 feet or more from the #street line# of a #narrow street# or 15 feet or more from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

43-451 - Towers on small lots

LAST AMENDED
12/15/1961

M1-3 M1-4 M1-5 M1-6

In the districts indicated, a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

43-46 - Height and Setback Provisions for Districts With an A Suffix

LAST AMENDED
6/6/2024

For M Districts with an A suffix, a #building or other structure# shall not exceed the maximum base heights or maximum #building# height set forth in paragraph (a) of this Section. A setback is required for all portions or #buildings or other structures# that exceed the maximum base height specified in paragraph (a) and shall be provided in accordance with paragraph (b). In districts without a maximum height limit, the tower provisions set forth in paragraph (c) shall apply.

(a) Maximum base heights and maximum #building# heights

The table below sets forth the maximum base heights and maximum #building or other structure# heights.

MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

District	**Maximum Base Height (in feet)**	**Maximum Height of #Buildi Structures# (in feet)**
M1-1A M2-1A M3-1A	45	65
M1-2A M2-2A M3-2A	65	95
M1-3A M2-3A	95	125
M1-4A M2-4A	125	155
M1-5A	155	205
M1-6A	155	245
M1-7A	155	325

M1-8A M1-9A	155	N/A

In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum building heights established in such table by 25 percent.

(b) Any portion of a #building# above the maximum base height shall provide a setback with a depth of at least 10 feet from any #street wall# fronting on a #wide street# and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, such setback requirement may be modified as follows:

(1) the depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately;

(2) the depth of such required setbacks may include the depth of recesses in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, does not exceed 30 percent of the #aggregate width of #street wall# at any level;

(3) these setback provisions are optional for any #building that either is located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#; and

(4) dormers may penetrate a required setback area, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height#. Such dormers need not decrease in width as the height above the maximum base height increases.

(c) Towers

For #buildings# in M1-8A and M1-9A Districts, no maximum height limit shall apply. However, any portion of a #building# above a height of 350 feet shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#.

43-47 - Modification of Height and Setback Regulations

LAST AMENDED
6/6/2024

(a) For #zoning lots# adjoining #public parks#

M1 M2 M3

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the height and setback regulations as set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the

provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) For #zoning lots# containing certain #community facility uses#

M1

In the district indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 43-41 to 43-45, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

43-48 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 43-45 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7 shall apply.

43-50 - COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

LAST AMENDED

12/15/1961

43-51 - Minimum Dimensions of Courts for Buildings Containing Community Facility Uses

LAST AMENDED

2/2/2011

M1

In the district indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility# #uses#:

Section 24-61 (General Provisions and Applicability)

Section 24-62 (Minimum Dimensions of Courts)

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance Between Required Windows and Walls or Lot Lines)

Section 24-66 (Modifications of Court Regulations or Distance Requirements)

Section 24-67 (Permitted Obstructions in Courts).

43-60 - SUPPLEMENTARY REGULATIONS

LAST AMENDED

12/21/1989

43-61 - Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts

LAST AMENDED
12/5/2024

In M1-1D through M1-5D Districts, where #residential# #uses# are permitted pursuant to Article IV, Chapter 2, the #bulk# regulations of a C2 District mapped within an R5 District shall apply.

43-62 - Bulk Regulations in M1-6D Districts

LAST AMENDED
12/5/2024

In M1-6D Districts, the #bulk# regulations of a C6-4A District shall apply except that the maximum height of a #building or other structure# within 100 feet of a #wide street# shall be 290 feet

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Accessory Off-Street Parking and Loading Regulations

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 4 - Accessory Off-Street Parking and Loading Regulations

44-00 - GENERAL PURPOSES AND DEFINITIONS

LAST AMENDED
12/15/1961

44-01 - General Purposes

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets for the increasing number of people driving to work in areas outside the high density central areas, to relieve congestion on streets in industrial districts, to help prevent all-day parking in residential and commercial areas adjacent to manufacturing areas, and to provide for better and more efficient access to and from industrial establishments within the City, and thus to promote and protect public health, safety, and general welfare.

44-02 - Applicability

LAST AMENDED
12/6/2023

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to #manufacturing#, #commercial# or #community facility# #uses#, as set forth in the provisions of the various Sections. In limited instances certain regulations also apply to #public parking garages# and #public parking lots#.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

44-021 - Applicability of regulations in the Manhattan Core and the Long Island City area

LAST AMENDED
12/5/2024

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

44-022 - Applicability of regulations in M1-1D through M1-5D Districts

LAST AMENDED
12/5/2024

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility# #uses#, and the parking regulations applicable to R5 Districts, as set forth in Article II, Chapter 5, shall apply to

#residences#.

44-023 - Applicability of regulations in M1-6D Districts

LAST AMENDED
12/5/2024

In M1-6D Districts, the parking regulations governing M1 Districts shall apply to #commercial# and #manufacturing# #uses#. For #residential# and #community facility# #uses#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, shall apply.

In addition, parking regulations shall be modified by Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), as applicable.

44-024 - Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens

LAST AMENDED
12/5/2024

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #accessory# off-street parking regulations of an M1 District shall apply, except that the #accessory# off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to #residential uses#.

44-025 - Applicability of regulations to public parking garages and public parking lots

LAST AMENDED
12/5/2024

The following provisions of this Chapter shall apply to #public parking garages# and #public parking lots# in addition to #accessory# off-street parking facilities:

Section 44-352 (Restrictions on the use of parking spaces in public parking garages and public parking lots)

Section 44-423 (Calculating floor area in parking facilities with lift systems, or in automated parking facilities)

Section 44-43 (Location of Access to the Street)

Section 44-44 (Surfacing)

Section 44-45 (Screening)

Section 44-47 (Parking Lot Maneuverability and Curb Cut Regulations)

44-03 - Definitions

LAST AMENDED
11/19/1987

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

44-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

44-11 - General Provisions

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 44-12 (Maximum Size of Accessory Group Parking Facilities).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Section 73-47 (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

44-12 - Maximum Size of Accessory Group Parking Facilities

LAST AMENDED

6/23/1966

M1 M2 M3

In all districts, as indicated, no #accessory# #group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section 44-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-13 - Modification of Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 44-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

(a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;

(b) is located on a street not less than 60 feet in width; and

(c) if #accessory# to a #commercial# or #manufacturing# #use#, has adequate reservoir space at the entrances to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
6/23/1966

M1 M2 M3

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces, in accordance with the provisions of Section 73-46 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/5/2024

44-21 - General Provisions

LAST AMENDED
12/5/2024

M1 M2 M3

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 in this Section for all #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility# #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#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

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

(a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 44-232 (Waiver of Requirements for Spaces Below Minimum Number) or, for certain #uses#, below the #lot area# or establishment size thresholds set forth in Section 44-233 (Waiver of requirements for certain small zoning lots or establishments);

(b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (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 44-43 (Location of Access to the Street).

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

Parking Requirement Category	**Type of Requirement**
PRC-A	square feet of #floor area#
PRC-B	person-rated capacity
PRC-C	square feet of #lot area#
PRC-D	square feet of #floor area#, or number of employees
PRC-E	number of beds
PRC-F	guest rooms or suites
PRC-G	other

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

Parking Requirement Category	**PRC - A**				**PRC - B**			**C**
	A1	**A2**	**A3**	**A4**	**B1**	**B2**	**B3**	

Unit of Measurement	**per square feet of #floor area#** 1				**per persons-rated capacity**			**per square feet of #lot area#** 3,4
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#	1 per 200	1 per 300	1 per 300 2	1 per 600	1 per 8	1 per 8	1 per 10	1 per 500
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#	None required	None required	None required	None required	None required	None required	None required	None required

1 For ambulatory diagnostic or treatment facilities listed in Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements.

2 Parking requirements for #uses# in PRC-A3 may be reduced by permit of the Board of Standards and appeals in accordance with the provisions of Section 73-44.

3 In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

4 In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion used as skating runs and #accessory# #buildings#. The #floor area# of #accessory# #buildings# shall be considered #lot area# for the purpose of these requirements.

Parking Requirement Category	**PRC - D**		**PRC - E**			**PRC - F**	
	D1	**D2**	**E1**	**E2**	**E3**	**F1**	**F2**

Unit of Measurement	**per square feet of #floor area# or per employees** 5		**per bed**			**per guest room or suites**	
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#	1 per 1,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 2,000 sq ft or 1 per 3 employees, whichever will require a lesser number of spaces	1 per 5 6	n/a	n/a	1 per 1	1 per 8
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#	None required	None required	1 per 10 6				None required

5 For predominantly open storage of miscellaneous #uses# or predominantly open #manufacturing# #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

6 Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

Parking Requirement Category	**PRC - G**					
	Agricultural #uses#	**Outdoor racket courts**	**Outdoor skating rinks**	**Seminaries**	**#Schools#**	**Museums commercial a**
Unit of Measurement	**per square feet of #lot area# used for selling purposes**	**per court**	**per square feet of #lot area#**	**per square feet of #floor area# used for classrooms, laboratories, student centers or offices**	**per square feet of #floor area#**	**per square fe area**

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#	1 per 1,000	1 per 2	1 per 800	1 per 1,000	None required	None re
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#	None required	None required	None required	None required		

Parking Requirement Category	**PRC - G (continued)**							
	Court houses	**Fire or Police stations**	**Prisons**	**Docks**	**Camps, overnight and day**	**Post Offices**	**Funeral Establishments**	**Riding or**
Unit of Measurement	**per square feet of #floor area#**	**per square feet of #floor area#**	**per beds-rated capacity**	**see Section 62-43**	**per square feet of #lot area# or per employees**	**per square feet of #floor area#**	**per square feet of #floor area#**	**per sq #flo**
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 Districts without an A suffix M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#	1 per 600	None required	1 per 10	see Section 62-43	1 per 2,000 or 1 per 3	1 per 1,200	1 per 400	None

M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 Districts without an A suffix M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#	None required	None required	None required	None required

44-22 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section ~~44-~~21 (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

44-23 - Waiver of Requirements for Spaces Below Minimum Number or Certain Small Zoning Lots, Developments or Enlargements

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, the requirements for accessory off-street parking spaces shall be subject to the waiver provisions of this Section.

44-231 - Exceptions to application of waiver provisions

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-232 (Waiver of requirements for spaces below minimum number) shall not apply to the following types of #uses#:

(a) #Uses# within parking requirement category D;

(b) The following #commercial# #uses# in parking requirement categories F or G:

Camps, overnight or day

#Motels# or #tourist cabins#

44-232 - Waiver of requirements for spaces below minimum number

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section 44-231 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to #commercial# #uses#, or #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:

District	Number of Spaces
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 M1, M2, M3 Districts with an A suffix outside the #Greater Transit Zone#	15

M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1, M2, M3 Districts with an A suffix within the #Greater Transit Zone#	40

44-233 - Waiver of requirements for certain small zoning lots or establishments

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, the parking requirements of Section 44-21 (General Provisions) for certain #uses# shall be waived in accordance with this Section:

(a) For #uses# in PRC-D1, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 7,500 square feet or the number of employees is fewer than 15;

(b) For #uses# in PRC-D2, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 10,000 square feet or the number of employees is fewer than 15; and

(c) For camps, overnight or day, parking requirements, no #accessory# off-street parking requirements shall apply where either the #lot area# is less than 10,000 square feet or the number of employees is fewer than 10.

44-24 - Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, the requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report, and may base a determination on such report.

44-25 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED

12/5/2024

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

44-26 - Special Provisions for Expansion of Existing Manufacturing Buildings

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, whenever an existing #manufacturing# #building# is expanded pursuant to the provisions of Section 43-121 (Expansion of existing manufacturing buildings), the City Planning Commission may reduce, up to a maximum of 40 spaces, the parking requirements of Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Regulations), provided the Commission certifies:

(a) that because of site limitations such a reduction is necessary for the proper design and operation of the #manufacturing# #building#; and

(b) that off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by the expansion.

44-27 - Parking Regulations for Zoning Lots Containing Self-Service Storage Facilities in Designated Areas

LAST AMENDED
12/5/2024

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Section 44-21 (General Provisions) are modified as set forth in this Section for all #uses# within the #industrial floor space#.

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (d)(1) or (d)(2)(i) of Section 42-193 (Use Group IX – use subject to additional conditions), #accessory# off-street parking spaces, open or enclosed, shall not be required for #uses# within #industrial floor space#, where all such #uses# occupy less than 10,000 square feet of #floor area# or have fewer than 15 employees. For #industrial floor space# on such #zoning lots# where such #uses#, in total, occupy at least 10,000 square feet of #floor area# or have 15 or more employees, #accessory# off-street parking spaces, open or enclosed, shall be required for all #uses# within the #industrial floor space# at the rate of one space per 2,000 square feet of #floor area#, or one space per three employees, whichever will require fewer spaces.

44-30 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

44-31 - General Provisions

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 44-32 (Off-site Spaces for All Permitted Uses)

Section 44-33 (Joint and Shared Facilities)

Section 44-34 (Additional Regulations for Required Spaces When Provided Off-site)

Section 73-45 (Modification of Off-site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

44-32 - Off-site Spaces for All Permitted Uses

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required

spaces shall be not more than 600 feet from the nearest boundary of the #zoning lot# on which such #use# is located.

44-33 - Joint and Shared Facilities

LAST AMENDED
9/9/2004

44-331 - Joint facilities

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

(a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements).

(b) all such spaces conform to the provisions of Section 44-32 (Off-site Spaces for All Permitted Uses); and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

44-34 - Additional Regulations for Required Spaces When Provided Off-Site

LAST AMENDED
9/9/2004

M1 M2 M3

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 44-32 (Off-site Spaces for All Permitted Uses) or 44-33 (Joint and Shared Facilities), the following additional regulations shall apply:

(a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.

(b) Such spaces shall conform to all applicable regulations of the district in which they are located.

44-35 - Restrictions on Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots

LAST AMENDED

44-351 - Restrictions on use of accessory off-street parking spaces

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

In all districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:

(a) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section 44-37 (Electric Vehicle Charging), including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed;

(b) #car sharing vehicles#;

(c) vehicles stored by automobile rental establishments; or

(d) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

44-352 - Restrictions on use of parking spaces in public parking garages and public parking lots

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, off-street parking spaces in #public parking garages# and #public parking lots# may be made available for electric charging, or allocated to #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking, only as follows:

(a) In all districts, all spaces within a #public parking garage# or #public parking lot# may be allocated to publicly available electric vehicle charging facilities, including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed.

(b) In all districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to:

(1) #car sharing vehicles#;

(2) vehicles stored by automobile rental establishments; or

(3) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

44-36 - Restrictions on Automotive Repairs and Sale of Motor Fuel

LAST AMENDED
12/6/2023

M1 M2 M3

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil, or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces. However where such parking spaces are provided in a #building or other structure#, minor automotive repairs (not including body work) are permitted.

44-37 - Electric Vehicle Charging

LAST AMENDED
12/5/2024

In all districts, as indicated, electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces.

44-40 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

44-41 - General Provisions

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of Section 44-40, inclusive.

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

44-42 - Size and Identification of Spaces

LAST AMENDED
12/6/2023

44-421 - Size of spaces

LAST AMENDED
12/6/2023

M1 M2 M3

(a) Minimum maneuvering space

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, except as follows:

(1) Standard attended facilities

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 the Department of Buildings, or where the 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 applicant'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.

(2) Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

(3) #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one parking space. The term "tray" shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in an #automated parking facility# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

(b) Driveway access

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

(c) Minimum size for each parking space

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

44-422 - Identification of car sharing vehicles

LAST AMENDED
12/6/2023

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(a) “Total parking spaces in facility:” which shall specify the total number of parking spaces permitted within such parking facility; and

(b) “Maximum number of car sharing vehicles:” which shall specify the total number of #car sharing vehicles# permitted within such parking facility.

44-423 - Calculating floor area in parking facilities with lift systems, or in automated parking facilities

LAST AMENDED
12/6/2023

For enclosed #accessory# off-street parking facilities, or #public parking garages#, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section 12-10, or as otherwise modified in this Resolution, as applicable, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

44-43 - Location of Access to the Street

LAST AMENDED
6/21/1973

M1 M2 M3

In all districts, as indicated, the entrances and exits of all permitted or required #accessory# #group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning Commission certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings or the City Planning Commission may refer such matter to the Department of Transportation for a report and may base its determination on such report.

The waiver provisions of Section ~~44-24~~ (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

44-44 - Surfacing

LAST AMENDED
12/6/2023

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced, and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# #group parking facility# shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material.

44-45 - Screening

LAST AMENDED
6/6/2024

M1 M2 M3

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:

(a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated across a #street#) by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees 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

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open;

(b) shall be maintained in good condition at all times;

(c) may be interrupted by normal entrances or exits; and

(d) shall have no #signs# hung or attached thereto other than those permitted in Section 42-62 (Permitted Signs).

Paragraph (a) shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

44-46 - Accessory Off-street Parking Spaces in Public Parking Garages

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for Public Parking Garages), 74-193 (Public parking garages or public parking lots outside high density areas) or 74-194 (Public parking garages or public parking lots inside high density areas).

44-47 - Parking Lot Maneuverability and Curb Cut Regulations

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, the provisions of this Section shall apply to:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:

(1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility# #use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

For the purposes of this Section, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards set forth in paragraphs (b) and (c) of Section 36-57.

44-48 - Parking Lot Landscaping

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, all #developments# and #enlargements# containing #commercial# or #community facility# #uses# and new open parking areas #accessory# to #commercial# or #community facility# #uses# shall comply with the provisions of Section 37-90 (PARKING LOTS), inclusive.

44-49 - Cross Access Connections in Manufacturing Districts in the Borough of Staten Island

LAST AMENDED
6/10/2009

M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots in accordance with the provisions of Section 36-58 (Cross Access Connections in the Borough of Staten Island), inclusive.

44-50 - OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in manufacturing and industrial areas within the City, and thus to promote and protect public health, safety, and general welfare.

44-51 - Permitted Accessory Off-street Loading Berths

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections 44-562 (Location of access to the street), 44-563 (Restrictions on location of berths near Residence Districts), 44-564 (Surfacing) and 44-565 (Screening).

44-52 - Required Accessory Off-street Loading Berths

LAST AMENDED
12/5/2024

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #development# or #enlargements# after December 15, 1961, for the #community facility#, #commercial# or #manufacturing# #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargements#.

For the purposes of applying the requirements set forth in the table to #enlargements#, such provisions shall apply to the #floor area# of the #enlarged# portion of such #building# or, for open #uses#, to the #lot area# allocated to such #enlarged# #use#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Loading Requirement Categories (LRC).

Loading Requirement Category	**#Use# or Use Group**
LRC – A	All #uses# listed under Use Groups IX(A), IX(B) and X
LRC – B	All #uses# listed under Use Group VI, except automotive equipment rental and leasing, automotive repair and maintenance, or gasoline stations; all #uses# listed under Use Group VIII

LRC – C	All #uses# listed under Use Groups V and VII; court houses listed under Use Group IV(A)
LRC – D	Hospitals and related facilities listed under Use Group III(B); prisons listed under Use Group IV(A)
LRC – E	Funeral establishments listed under Use Group VI

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR ENLARGEMENTS

Loading Requirement Category	**Districts**	
	M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2 Districts without an A suffix **M1, M2 M3 Districts with an A suffix outside the #Greater Transit Zone#**	**M1-3 M1-5 M1-6 M2-2 M2-4 Districts without an A suffix** **M1, M2 M3 Districts with an A suffix within the #Greater Transit Zone#**
LRC-A	First 8,000 sq. ft. : None Next 17,000 sq. ft. : 1 Next 15,000 sq. ft. : 1 Next 20,000 sq. ft. : 1 Each additional 80,000 sq. ft. : 1	First 15,000 sq. ft. : None Next 25,000 sq. ft. : 1 Next 40,000 sq. ft. : 1 Each additional 80,000 sq. ft. : 1
LRC-B	First 8,000 sq. ft. : None Next 17,000 sq. ft. : 1 Next 15,000 sq. ft. : 1 Next 20,000 sq. ft. : 1 Next 40,000 sq. ft. : 1 Each additional 150,000 sq. ft. : 1	First 25,000 sq. ft. : None Next 15,000 sq. ft. : 1 Next 60,000 sq. ft. : 1 Each additional 150,000 sq. ft. : 1
LRC-C	First 25,000 sq. ft. : None Next 75,000 sq. ft. : 1 Next 200,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1	First 100,000 sq. ft. : None Next 200,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1

LRC-D1	First 10,000 sq. ft. : None Next 290,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1
LRC E	First 10,000 sq. ft. : None Next 20,000 sq. ft. : 1 Any additional amount : 1

1 Requirements in this table are in addition to area utilized for ambulance parking.

44-53 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, the requirements set forth in Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 44-562 (Location of access to the street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

44-54 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

44-55 - Joint Loading Berths Serving Two or More Buildings

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#, provided that:

(a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Section 44-52 (Required Accessory Off-street Loading Berths);

(b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and

(c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

44-56 - Additional Regulations for Permitted or Required Berths

LAST AMENDED

6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section, inclusive.

44-561 - Size of required loading berths

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways, or entrances to or exits from such off-street berths. Loading requirement categories (LRC) shall be as set forth in Section 44-52 (Required Accessory Off-street Loading Berths).

		Length	Width	Vertical Clearance
LRC-A	with less than 10,000 sq. ft. of #floor area#	37	12	14
LRC-A	with 10,000 sq. ft. or more of #floor area#	50	12	14
LRC-B		37	12	14
LRC-C		37	12	12

LRC-D		37	12	12
LRC-E		25	10	8

44-562 - Location of access to the street

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

The waiver provisions of Section ~~44-~~53 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

44-563 - Restrictions on location of berths near Residence Districts

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths on to the #street# shall be less than 30 feet from the district boundary.

44-564 - Surfacing

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

44-565 - Screening

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths which are located on #zoning lots# adjacent to the boundary of a #Residence District# shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:

(a) a strip at least four feet wide, densely planted with shrubs or trees which are 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

(b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

(1) shall be maintained in good condition at all times;

(2) may be interrupted by normal entrances or exits; and

(3) shall have no #signs# hung or attached thereto other than those permitted in Section 42-62 (Permitted Signs).

44-566 - Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas

LAST AMENDED
6/6/2024

M1-1 M1-2 M1-4 M2-1 M2-2 M3-1 M3-2

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Sections 44-52 (Required Accessory Off-street Loading Berths) and 44-581 (Size of required loading berths) are modified as set forth in this Section.

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (d)(1) or (d)(2)(i) of Section 42-193 (Use Group IX – use subject to additional conditions), all required #accessory# off-street loading berths for a #self-service storage facility# shall have a minimum length of 37 feet. The dimensions of off-street loading berths shall not include driveways, or entrances to or exits from such off-street loading berths.

The number of #accessory# off-street loading berths required for #uses# occupying #industrial floor space# shall be as set forth in the following table:

#Floor Area# (in square feet)	Required Loading Berths
First 15,000	None
Next 25,000	1
Next 40,000	1
Each additional 80,000 or fraction thereof	1

44-60 - BICYCLE PARKING

LAST AMENDED
12/6/2023

M1 M2 M3

In all districts, as indicated, the provisions of Section 36-70 (BICYCLE PARKING), inclusive, shall apply to all permitted #commercial# and #residential uses#. In addition, for #manufacturing# #uses#, #accessory# bicycle parking spaces shall be excluded from the definition of #floor area#, provided that:

(a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by one bicycle parking space per 10,000 square feet of #floor area#; and

(b) the #accessory# bicycle parking spaces provided meet the standards for #accessory# bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces);

However, in no event shall #accessory# bicycle parking spaces be excluded from the calculation of #floor area# in the case of #single-# or #two-family residences# or in the case of #accessory# bicycle parking spaces provided off-site pursuant to Section 36-74 (Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory# #group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory# #group parking facility# does not count as #floor area#.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article V - Non-Conforming Uses and Non-Complying Buildings

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Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Statement of Legislative Intent

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Chapter 1 - Statement of Legislative Intent

51-00 - PURPOSE OF REGULATIONS GOVERNING NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

LAST AMENDED
10/25/1995

The zoning districts established in this Resolution (as set forth in the district regulations in Articles II, III and IV and on the zoning maps) are designed to guide the future use of the City's land by encouraging the development of desirable residential, commercial and manufacturing areas with appropriate groupings of compatible and related uses and thus to promote and to protect public health, safety and general welfare.

As a necessary corollary, in order to carry out such purposes, non-conforming uses which adversely affect the development of such areas must be subject to certain limitations. The regulations governing non-conforming uses set forth in this Chapter are therefore adopted in order to provide a gradual remedy for existing undesirable conditions resulting from such incompatible non-conforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, these regulations are designed to restrict further investment in such uses, which would make them more permanent establishments in inappropriate locations.

In the case of a few objectionable non-conforming uses which are detrimental to the character of the districts in which such uses are located, a reasonable statutory period of life is established for such uses, in order to permit the owner gradually to make his plans for the future during the period when he is allowed to continue the non-conforming uses of his property, thereby minimizing any loss, while at the same time assuring the public that the district in which such non-conformity exists will eventually benefit from a more nearly uniform character.

In the case of buildings not complying with the bulk regulations of this Resolution, the regulations governing non-complying buildings set forth in this Chapter are adopted in order to permit the appropriate use of such buildings but to prevent the creation of additional non-compliances or increases in the degree of existing non-compliances.

These regulations are thus designed to preserve the character of the districts established in this Resolution in the light of their peculiar suitability to particular uses, and thus to promote and protect public health, safety and general welfare.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Non-Conforming Uses

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 2 - Non-Conforming Uses

52-00 - DEFINITIONS AND GENERAL PROVISIONS

LAST AMENDED
12/15/1961

52-01 - Definitions

LAST AMENDED
11/19/1987

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

52-02 - Applicability of Article V, Chapter 2

LAST AMENDED
10/10/2013

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

52-10 - CONTINUATION OF NON-CONFORMING USE

LAST AMENDED
12/15/1961

52-11 - General Provisions

LAST AMENDED
12/15/1961

A #non-conforming# #use# may be continued, except as otherwise provided in this Chapter.

52-20 - REPAIRS OR ALTERATIONS

LAST AMENDED
12/15/1961

52-21 - Repairs and Incidental Alterations

LAST AMENDED
12/15/1961

Repairs to both structural and non-structural parts or #incidental alterations# may be made in a #building or other structure# substantially occupied by a #non-conforming# #use#, or in connection with a permitted change or #extension# of a #non-conforming# #use#.

52-22 - Structural Alterations

LAST AMENDED
6/6/2024

No structural alterations shall be made in a #building or other structure# substantially occupied by a #non-conforming# #use#, except when made:

(a) in order to comply with requirements of law; or

(b) in order to accommodate a conforming #use#; or

(c) in order to conform to the applicable district regulations on performance standards; or

(d) in the course of an #enlargement# permitted under the provisions of Section 52-40 (ENLARGEMENTS OR EXTENSIONS), inclusive; or

(e) in the course of an alteration to improve the energy performance of the #building or other structure#, including, but not limited to, the addition of solar energy systems, energy storage systems, or #qualifying exterior wall thickness#;

(f) or except as set forth in Section 52-80 (REGULATIONS APPLYING TO NON-CONFORMING SIGNS), inclusive.

52-30 - CHANGE OF NON-CONFORMING USE

LAST AMENDED
12/15/1961

52-31 - General Provisions

LAST AMENDED
12/5/2024

For the purposes of this Chapter, a change of #use# is a change to another #use# listed in the same or any other Use Group. However, a change in ownership or occupancy shall not, by itself, constitute a change of #use#.

Except as provided in this Section, a #non-conforming# #use# may be changed to any conforming #use#, and the applicable district #bulk# regulations and #accessory# off-street parking requirements shall not apply to such change of #use# or to alterations made in order to accommodate such conforming #use#, but shall apply to any #enlargement#.

In #Mandatory Inclusionary Housing areas# and where made applicable pursuant to the provisions of Section 74-05 (General Provisions for Special Permit Uses), the #affordable housing# requirements of paragraph (a) of Section 27-131 (Mandatory Inclusionary Housing), except maximum #floor area ratio#, shall apply to such change of #use#.

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

A #non-conforming# #use# may be changed to another #non-conforming# #use# only in accordance with the provisions of this Chapter.

Any such change of #use# permitted by this Chapter shall conform to the applicable district regulations on #accessory# off-street loading berths as set forth in Section 52-41 (General Provisions) and on #accessory# #signs#, except that in #Residence Districts# such change shall conform to the regulations on #accessory# #signs# applicable in a C1 District.

In the #Manhattan Core#, a #non-conforming# #use# may be changed to an automobile rental establishment as listed in Use Group VI, or to a #public parking garage# or #public parking lot# as listed in Use Group IX, only pursuant to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), a #non-conforming# #use# may be changed to a #public parking garage# or #public parking lot# in Use Group IX only pursuant to the provisions of Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming# #use# on the ground floor in such #building# may be changed only to a conforming #use#.

52-32 - Land with Minor Improvements

LAST AMENDED
12/15/1961

In all #Residence# and #Commercial Districts#, a #non-conforming# #use# of #land with minor improvements# may be changed only to a conforming #use#.

52-33 - Certain Uses in Residence Districts

LAST AMENDED
6/6/2024

52-331 - Buildings designed for residential use

LAST AMENDED
6/6/2024

In all #Residence Districts#, a #non-conforming# #use# that is:

(a) listed in Use Groups IV, VI, VII, VIII, IX or X and not permitted as-of-right within C7 Districts; and

(b) which is located in a #building designed for residential use#,

may be changed only to a #use# permitted in #Residence Districts#.

52-332 - Other buildings or structures in Residence Districts

LAST AMENDED
6/6/2024

In all #Residence Districts#, a #non-conforming# #use# that is listed in Use Groups IV, VI, VII, VIII, IX or X and not permitted as-of-right within C7 Districts, and which is not subject to the provisions of Sections 52-32 (Land with Minor Improvements) or 52-331 (Buildings designed for residential use), may be changed either to a conforming #use# or:

(a) to any #commercial# #use# permitted as-of-right within C7 Districts, other than those listed in Use Group V, in which case any subsequent change of #use# shall conform to the provisions of Section 52-34 (Commercial Uses in Residence Districts); or

(b) in accordance with the provisions of the following table:

From Use Group	To Use Group

VI, VII, VIII, IX(A), IX(C)	VI, VII, VIII, IX(A), IX(C)
IV, IX(B), X	V, VI, VII, VIII, IX, X

provided that such changed #use# shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed #use#, or the storage of materials or products #accessory# to any changed #use#, which is not located within a #completely enclosed building#, shall be screened by a solid wall or fence (including solid entrance or exit gates) at least eight feet in height. Whenever a #use# located within a #completely enclosed building# is changed to another #use#, no activity related to such changed #use#, including the storage of materials or products, shall be located outside of such #building#.

In no event shall any change of #use# permitted in paragraph (b) of this Section extend the statutory period of useful life applicable under the provisions of Section 52-74 (Uses Objectionable in Residence Districts).

52-34 - Commercial Uses in Residence Districts

LAST AMENDED
6/6/2024

In all #Residence Districts#, a #non-conforming# #use# that is listed in Use Groups IV, VI, VII, VIII, IX or X and permitted as-of-right within C7 Districts, may be changed, initially or in any subsequent change, only to a conforming #use# or to a #commercial# #use# permitted as-of-right in C1 Districts, other than those listed in Use Group V. In the case of any such change any associated size limitation denoted with an “S” in the underlying Use Group tables, need not apply. Eating or drinking

establishments where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, thus permitted as a change of #use#, shall be subject to the enclosure provisions of Section 32-411 (In C1, C5, C6-5 or C6-7 Districts).

52-35 - Certain Uses in Commercial Districts

LAST AMENDED
6/6/2024

In all #Commercial Districts#, a #non-conforming# #use# that is listed in Use Groups IV, VI, VII, VIII, IX or X and not permitted as-of-right within C7 Districts, and which is not subject to the provisions of Section 52-32 (Land with Minor Improvements), may be changed either to a conforming #use# or:

(a) to any #commercial# #use# permitted as-of-right within C7 Districts, other than those listed in Use Group V, in which case any subsequent change of #use# shall conform to the provisions of Section 52-36 (Non-Conforming Commercial Uses in Commercial Districts); or

(b) in accordance with the provisions of the following table:

From Use Group	To Use Group
VI, VII, VIII, IX(A), IX(C)	VI, VII, VIII, IX(A), IX(C)
IV, IX(B), X	IV, VI, VII, VIII, IX, X

provided that such changed #use# shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed #use# or any storage of materials or products

#accessory# to any changed #use# shall be located within a #completely enclosed building#. Whenever a #use# located within a #completely enclosed building# is changed to another #use#, no activity related to such changed #use#, including the storage of materials or products, shall be located outside of such #building#.

52-36 - Non-Conforming Commercial Uses in Commercial Districts

LAST AMENDED
6/6/2024

In #Commercial Districts#, any #non-conforming# #commercial# #use# is listed in Use Groups IV, VI, VII, VIII, IX or X and permitted as-of-right within C7 Districts, may be changed, initially or in any subsequent change, only to a conforming #use# or to any #commercial# #use# permitted as-of-right in C2 Districts, other than those listed in Use Group V.

52-37 - Non-Conforming Commercial Uses in Manufacturing Districts

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, any #non-conforming# #commercial# #use# may be changed, initially or in any subsequent change, only to a conforming #use# or to any #use# listed in Use Groups VI or VIII, other than an #outdoor amusement park#.

52-38 - Special Regulations for Adult Establishments

LAST AMENDED
10/25/1995

In all districts, a #non-conforming# #use# may not be changed, initially or in any subsequent change, to an #adult establishment#, except as provided in Sections 32-01 or 42-01 (Special Provisions for Adult Establishments).

52-40 - ENLARGEMENTS OR EXTENSIONS

LAST AMENDED
12/15/1961

52-41 - General Provisions

LAST AMENDED
12/5/2024

A #non-conforming# #use# may be #enlarged# or #extended# within the district in which such #non-conforming# #use# is located only in accordance with the provisions of this Chapter. However, a #non-conforming# #single-# or #two-family residence# in an R3, R4 or R5 District may be #enlarged# or #extended# in accordance with the #bulk# regulations specified for the district in which it is located. Furthermore, #enlargements# or #extensions# designed exclusively to permit conformity with the regulations on performance standards, designed in order to improve energy performance, or designed in order to provide required #accessory# off-street parking spaces or off-street loading berths on the same #zoning lot# as the #use# to which such spaces or berths are #accessory# are not subject to the restrictions set forth herein.

For the purposes of this Section and Sections 52-31 (General Provisions) and 52-42 (C6, C8 or Manufacturing Districts), the applicable district regulations on #accessory# off-street parking spaces or loading berths shall be determined in accordance with the following tables. The term "required" as used in this Section shall mean some or all of, but not more than, the number of spaces or berths which would be required or permitted by such applicable district regulations for #development# for such #use#.

APPLICABLE OFF-STREET PARKING REGULATIONS FOR NON-CONFORMING COMMERCIAL OR MANUFACTURING USES

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
R1 R2 R3 R4 R5 R6 R7-1	M3-1
C1-1 C1-2 C1-3 C1-4	M3-1
C2-1 C2-2 C2-3 C2-4	M3-1
C3	M3-1
C4-1 C4-2 C4-3 C4-4	M3-1
C7	M3-1

C8-1 C8-2 C8-3	M3-1
M1-1 M1-2 M1-3	M3-1
M2-1 M2-2	M3-1
R7-2 R7-3 R7A R7B R7D R7X R8 R9 R10 R11 R1	M3-2
C1-5 C1-6 C1-7 C1-8 C1-9	M3-2
C2-5 C2-6 C2-7 C2-8	M3-2
C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12	M3-2
C5	M3-2
C6	M3-2
C8-4	M3-2
M1-4 M1-5 M1-6	M3-2
M2-3 M2-4	M3-2

APPLICABLE OFF-STREET PARKING REGULATIONS FOR NON-CONFORMING RESIDENTIAL OR COMMUNITY FACILITY USES

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
C8-1 C8-2 C8-3	R5
M1-1 M1-2 M1-3	R5
M2-1 M2-2	R5
M3-1	R5
C8-4	R10
M1-4 M1-5 M1-6	R10
M2-3 M2-4	R10
M3-2	R10

APPLICABLE OFF-STREET LOADING REGULATIONS

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
R1 R2 R3 R4 R5 R6	M2-1
C1 mapped within R1 R2 R3 R4 R5 R6	M2-1
C2 mapped within R1 R2 R3 R4 R5 R6	M2-1
C3	M2-1
C4-1 C4-2 C4-3	M2-1
C7	M2-1
C8-1 C8-2	M2-1
M1-1 M1-2 M1-4	M2-1
R7 R8 R9 R10	M2-2
C1 mapped within R7 R8 R9 R10	M2-2
C2 mapped within R7 R8 R9 R10	M2-2

C1-6 C1-7 C1-8 C1-9	M2-2
C2-6 C2-7 C2-8	M2-2
C4-4 C4-5 C4-6 C4-7	M2-2
C5	M2-2
C6	M2-2
C8-3 C8-4	M2-2
M1-3 M1-5 M1-6	M2-2

For #non-conforming# #use# in #Residence Districts#, #accessory# off-street parking spaces or loading berths shall be subject to the provisions of Sections 25-65 or 25-77 (Screening).

In the #Manhattan Core#, #enlargements# or #extensions# of #non-conforming# #uses# which involve the provision of off-street parking are subject to the regulations set forth in Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #enlargements# or #extensions# are subject to the regulations set forth in Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming# #use# on the ground floor in such #building# may be changed only to a conforming #use#.

52-42 - C6, C8 or Manufacturing Districts

LAST AMENDED
6/6/2024

Except for the #use# of #land with minor improvements#, in #Commercial Districts# or #Manufacturing Districts#, a #use# which is #non-conforming# with respect to the applicable district regulations on performance standards, may be #enlarged# or #extended#, provided that:

(a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming# #use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#; provided, however, that in no event shall any such #enlargement# or #extension# create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying# #building or other structure#;

(b) such #enlarged# or #extended# portion conforms to the applicable district regulations on performance standards and on #accessory# off-street parking spaces and loading berths, as set forth in Section 52-41 (General Provisions); and

(c) such #non-conformance# with the performance standards was not self-created.

In the specified districts, such #use# may be #extended# into any #floor area# where it would be permitted as a changed #use# under the provisions of Section 52-35 (Manufacturing or Related Uses in Commercial Districts), provided that the applicable district regulations on performance standards and #accessory# off-street loading berths, as set forth in Section 52-41 (General Provisions), shall apply to such #extended# #floor area#.

52-43 - Residence Districts Except R1 and R2 Districts

LAST AMENDED
6/6/2024

In all #Residence Districts#, except R1 and R2 Districts, a fire station may be #enlarged# or #extended#, provided that:

(a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming# #use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#;

(b) such #enlargement# or #extension# shall not create a #non-compliance# or increase the degree of #non-compliance#; and

(c) such #enlarged# or #extended# portion conforms to the applicable district regulations on #accessory# off-street parking spaces as set forth in Section 52-41 (General Provisions).

#Community facility# #bulk# regulations as set forth in Article II, Chapter 4, shall apply to such #enlarged# or #extended# fire stations.

52-44 - Non-Conforming Residential Uses in M1 Districts

LAST AMENDED
12/5/2024

In an M1 District, a #non-conforming# #residential use# occupying at least 50 percent of the #floor area# of a #building# which was #designed for residential use# and erected prior to December 15, 1961, may be #extended# on the ground floor level provided that no #dwelling unit# or #rooming unit# may be located on or below a #story# occupied by a #commercial# or #manufacturing# #use#. The total number of #dwelling units# shall be that which would be permitted through the provisions of Section 23-50 (DENSITY REGULATIONS), inclusive, in accordance with the applicable geography.

52-45 - Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts

LAST AMENDED
12/5/2024

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, a #building# containing #non-conforming# #residential uses# may be #enlarged# and the #residential uses# #extended# thereby, provided that no non-#residential uses# exist above the level of the first #story# ceiling.

Such #enlargement# is subject to all of the following regulations:

(a) The total amount of #residential# #floor area# in the #building# shall not exceed 500 square feet additional to the #residential# #floor area# in existence on December 21, 1989, or the applicable #floor area ratio# for an R5 District, whichever is less.

(b) All remaining #bulk# regulations of a C2 District mapped within an R5 District shall apply.

#Enlargements# in excess of those permitted in this Section may be permitted by authorization of the City Planning Commission, pursuant to the regulations of Section 42-311 (Residential uses in M1-1D through M1-5D Districts).

52-50 - DAMAGE OR DESTRUCTION

LAST AMENDED
12/15/1961

52-51 - General Provisions

LAST AMENDED
6/6/2024

Except as set forth in Section 52-80 (REGULATIONS APPLYING TO NON-CONFORMING SIGNS), inclusive, if a #non-conforming# #building or other structure# is damaged, destroyed or demolished, the provisions set forth in Sections 52-52 to 52-56, inclusive, shall apply.

However, if a #non-conforming# #single-# or #two-family residence# in an R3, R4, or R5 District is damaged, destroyed or demolished, such #building# may be continued in #use# and reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations.

52-52 - Land with Minor Improvements

LAST AMENDED
2/2/2011

In all districts, if a #non-conforming# #building or other structure# or other improvement located on #land with minor improvements# is damaged or destroyed by any means, including but not limited to, any demolition ordered or permitted by the Department of Buildings, to the extent of 25 percent or more of the assessed valuation of all #buildings or other structures# or other improvements thereon (as determined from the assessment rolls effective on the date of damage or destruction), such #non-conforming# #use# shall terminate, and the #zoning lot# shall thereafter be used only for a conforming #use#.

52-53 - Buildings or Other Structures in All Districts

LAST AMENDED
12/15/1961

52-531 - Permitted reconstruction or continued use

LAST AMENDED
9/21/2011

In all districts, if any #building#, except a #building# subject to the provisions of Section 52-54 (Buildings Designed for Residential Use in Residence Districts), or of Section 52-56 (Multiple Dwellings in M1-1D Through M1-5D Districts), which is substantially occupied by a #non-conforming# #use#, is damaged or destroyed by any means, including any demolition as set forth in Sections 52-50 et seq., to the extent of 50 percent or more of its total #floor area#, such #building# may either:

(a) be repaired or #incidentally altered#, and the existing #non-conforming# #use# may be continued; or

(b) be reconstructed, but only for a conforming #use#; provided, however, that in no event shall any such reconstruction create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying# #building#.

However, where the damage or destruction is so great that the provisions in Sections 54-41 and 54-42 relating to Damage, Destruction or Demolition in Non-Complying Buildings also apply, the latter Sections shall govern the permitted #bulk# of the reconstructed #building#.

In addition, the alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any portion thereof, shall be considered a #development# for the purposes of the provisions set forth in Section 11-23 (Demolition and Replacement).

In applying the provisions of this Section to damaged or destroyed structures, substantially utilized by a #non-conforming# #use#, any appropriate measure of the size of such structures shall be substituted for #floor area# in determining the extent of damage or destruction.

In the event that any demolition, damage or destruction of an existing #building# produces an unsafe condition requiring a Department of Buildings order or permit for further demolition of #floor area# to remove or rectify the unsafe condition, and the aggregate #floor area# demolished, damaged or destroyed including that ordered or permitted by the Department of Buildings constitutes 50 percent or more of the total #floor area# of such #building#, then such #building# may be repaired or reconstructed only in accordance with the provisions of paragraph (a) or (b) in this Section.

For the purposes of this Section, any #single-family# or #two-family residence# located within an M1-1D, M1-2D, M1-3D, M1-4D, M1-5D or M1-6D District and existing on June 20, 1988, shall be a conforming #use#.

For the purposes of this Section, #buildings# that #abutted# one another on a single #zoning lot# on the date of such damage or destruction shall be considered a single #building#.

52-532 - Use of alternative formula

LAST AMENDED
12/15/1961

In any case where the applicant alleges that #floor area# is an inappropriate measure of the extent of damage or destruction, and elects to substitute reconstruction costs for #floor area#, an application may be made to the Board of Standards and Appeals to determine the extent of such damage or destruction.

If the Board finds that the costs of reconstructing the damaged or destroyed portion of such #building# to its previous condition exceed 50 percent of the costs of reconstructing the entire #building# to the condition existing on the date of such damage or destruction, the provisions of Section 52-531 (Permitted reconstruction or continued use) shall apply. In determining reconstruction costs, the cost of land shall be excluded.

52-54 - Buildings Designed for Residential Use in Residence Districts

LAST AMENDED
3/28/1985

In all #Residence Districts#, if the #floor area# occupied by #non-conforming# #uses# within a #building designed for residential use# is damaged or destroyed by any means, including but not limited to, any demolition ordered or permitted by the Department of Buildings, to the extent of 25 percent or more of such #floor area#, such #building# may be continued in #use# or reconstructed only in accordance with the provisions of Section 52-53 (Buildings or Other Structures in All Districts) except that the 25 percent ratio set forth in this Section shall apply instead of the 50 percent ratio set forth in Section 52-53.

52-55 - Lesser Damage or Destruction

LAST AMENDED

2/2/2011

In the event that a #building or other structure# substantially occupied or utilized by a #non-conforming# #use# is damaged or destroyed to a lesser extent than that specified in Sections 52-51 to 52-54, inclusive, relating to Damage, Destruction or Demolition, the #building or other structure# may be restored and the #non-conforming# #use# of such #building or other structure# or #zoning lot# may be continued, provided that such restoration shall not create a #non-compliance# or increase the degree of #non-compliance#, if any, existing prior to such damage, destruction or demolition.

52-56 - Multiple Dwellings in M1-1D Through M1-5D Districts

LAST AMENDED
12/5/2024

In the case of damage or destruction of less than 75 percent of the total #floor area# of a #non-conforming# #building# containing three or more #dwelling units# in an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District, such #building# may be repaired or reconstructed, and its #residential use# continued, subject to the following regulations:

(a) there shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence prior to such damage and destruction; and

(b) there shall be no increase to the pre-existing amount of #floor area# except as expressly provided in Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts).

#Enlargements# in excess of those permitted, pursuant to paragraph (b) of this Section, may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section 42-311 (Residential uses in M1-1D through M1-5D Districts).

52-60 - DISCONTINUANCE

LAST AMENDED
12/15/1961

52-61 - General Provisions

LAST AMENDED
6/6/2024

If, for a continuous period of two years, either the #non-conforming# #use# of #land with minor improvements# is discontinued, or the active operation of substantially all the #non-conforming# #uses# in any #building or other structure# is discontinued, such land or #building or other structure# shall thereafter be used only for a conforming #use#. Intent to resume active operations shall not affect the foregoing.

The provisions of this Section shall not apply where such discontinuance of active operations is directly caused by war, strikes or other labor difficulties, a governmental program of materials rationing, or the construction of a duly authorized improvement project by a governmental body or a public utility company.

However, the provisions of this Section shall also not apply to vacant ground floor or #basement# stores in #buildings designed for residential use# located in R1 through R12 Districts, where the changed or reactivated #use# is a #use# listed in Use Group VI that would be permitted in a C1 District that is a #select commercial overlay#, or an office, as listed in Use Group VII.

Furthermore, the provisions of this Section shall be modified to allow #transient hotels#, #motels# or #tourists cabins# existing on December 9, 2021, in a #Residence District#, to be restored to such #use#

until December 9, 2027, regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021, and December 9, 2027.

In addition, the changed or reactivated #use# shall be subject to the provisions of Section 52-34 (Commercial Uses in Residence Districts).

52-62 - Buildings Containing Residences in M1-1D Through M1-5D Districts

LAST AMENDED
12/5/2024

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, vacant #floor area# in a #building# originally designed as #dwelling units# or #rooming units# may be occupied by a #residential use# provided that the requirements of either paragraph (a) or (b) are met.

(a) #Residential uses# in such #buildings# may be reactivated as-of-right, provided:

(1) the #floor area# has been continuously vacant for two years or more;

(2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not exceed 60 feet in length (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet); and

(3) the #zoning lots# #abutting# on both #side lot lines# and fronting on the same #street# (or #streets#, if a #corner lot#) are occupied by #buildings designed for residential use# and contain no #manufacturing# #uses#.

(b) #Residential uses# in such #buildings# may be reactivated by authorization of the City Planning Commission, provided:

(1) the #floor area# has been continuously vacant for two years or more;

(2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not form a continuous frontage with vacant land or #land with minor improvements# whose aggregate length exceeds 60 feet (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet);

(3) the #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by either:

(i) a #building designed for residential use# or a #community facility# #building#; or

(ii) a #building# originally designed as #dwelling units# or #rooming units# for which an application to reactivate #residential use# in such #building# has been combined with the subject application;

(4) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #community facility# #buildings# or #buildings# containing #residences#; and

(5) the Commission finds that:

(i) reactivating the #residential use# will not adversely affect #manufacturing# or #commercial# #uses# in the district; and

(ii) such #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, or other adverse impacts from #manufacturing# or #commercial# #uses#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

The number of #dwelling units# permitted in such reactivated #building# containing #residences# shall not exceed the greater of the number of lawful #dwelling units# last recorded by the Department of Buildings, or as would be permitted through the provisions of Section 23-50 (DENSITY REGULATIONS), inclusive, in accordance with the applicable geography.

No #dwelling unit# shall be permitted on or below a #story# occupied by a #commercial# or #manufacturing# #use#.

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Sections 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts) or 42-311 (Residential uses in M1-1D through M1-5D Districts) as applicable.

52-70 - TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

LAST AMENDED
12/15/1961

52-71 - General Provisions

LAST AMENDED
10/25/1995

In specified districts, specified #non-conforming# #signs#, specific #non-conforming# #uses# of #land with minor improvements#, specified #non-conforming# objectionable #uses#, certain specific types of #uses# involving open storage or salvage, #non-conforming# #adult establishments#, or certain #non-conforming# #public parking lots# may be continued for a reasonable period of useful life as set forth in this Chapter, provided that after the expiration of that period such #non-conforming# #uses#

shall terminate in accordance with the provisions of this Chapter.

52-72 - Land with Minor Improvements

LAST AMENDED
6/6/2024

In all #Residence Districts#, a #non-conforming# #use# of #land with minor improvements# that is listed in Use Groups IV, VI, VII, VIII, IX or X and not permitted as-of-right within C7 Districts, may be continued for three years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #use# shall terminate, and thereafter such land shall be used only for a conforming #use#.

52-73 - Non-Conforming Signs

LAST AMENDED
12/15/1961

52-731 - Advertising signs

LAST AMENDED
5/22/1963

In all #Residence Districts#, a #non-conforming# #advertising sign# may be continued for 10 years after December 15, 1961, or such later date that such #sign# becomes #non-conforming#, providing that after the expiration of that period such #non-conforming# #advertising sign# shall terminate.

52-732 - Signs on awnings or canopies

LAST AMENDED
12/15/1961

In all #Residence# or #Commercial Districts#, a #non-conforming# #sign# on an awning or canopy may be continued for one year after December 15, 1961, or such later date that such #sign# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #sign# shall terminate.

52-733 - Advertising signs on waterways

LAST AMENDED
4/8/1998

On all waterways adjacent to #Residence#, #Commercial# or #Manufacturing Districts# and within view from an arterial highway, a #non-conforming# #advertising sign# may be continued for one year after July 23, 1964, if already in operation on April 15, 1964; provided that after the expiration of this period such #non-conforming# #advertising sign# shall terminate.

For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

52-734 - Non-conforming signs for adult establishments

LAST AMENDED
4/8/1998

In all districts, a #non-conforming# #sign# for an #adult establishment# shall terminate within one year from October 25, 1995, or from such later date that such #sign# becomes #non-conforming#, except that such #sign# may be continued for a limited period of time by the Board of Standards and Appeals, pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS).

52-74 - Uses Objectionable in Residence Districts

LAST AMENDED
6/6/2024

In all #Residence Districts#, any open #use# involving waste or high-hazard material storage in Use Groups IV(B) or IX, other than a #use# of #land with minor improvements# that:

(a) involves activities not located within a #completely enclosed building#; and

(b) involves the #use# of #buildings or other structures# or other improvements with a total assessed valuation, excluding land, of less than $20,000 as determined from the assessment rolls effective on the date established for termination;

may be continued for 10 years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #use# shall terminate, and thereafter such land or #building or other structure# shall be used only for a conforming #use#.

52-75 - Certain Types of Uses Involving Open Storage or Salvage

LAST AMENDED
6/6/2024

In all districts, #non-conforming# building materials or contractors' yards, or #non-conforming# junk or salvage yards, including auto wrecking or similar establishments, or #non-conforming# scrap metal, junk, paper or rags storage, sorting or baling may be continued subject to the applicable provisions set forth herein, whichever impose the greater restriction.

(a) In #Residence Districts#, where such #use# constitutes a #non-conforming# #use# of #land with minor improvements#, the provisions of Section 52-72 (Land With Minor Improvements) apply.

(b) In #Residence Districts#, where such #use# constitutes a #use# other than a #use# of #land with minor improvements#, and meets the criteria set forth in Section 52-74 (Uses Objectionable in Residence Districts), the provisions of Section 52-74 apply.

(c) In all districts where such #use# is #non-conforming# with respect to the required enclosure as set forth in the listing of such #use# in Section 42-19 (Use Group IX – Storage) and is either conforming or #non-conforming# in other respects, it may be continued without such enclosure until a date three years from February 8, 1968, or from such later date that the #use# becomes #non-conforming#. Thereafter, any such #use# which does not conform with the enclosure requirements shall be terminated, and the land shall be used only for a conforming #use#.

52-77 - Termination of Adult Establishments

LAST AMENDED
10/25/1995

In all districts, a #non-conforming# #adult establishment# shall terminate within one year from October 25, 1995, or from such later date that the #adult establishment# becomes #non-conforming#, except that such establishment may be continued for a limited period of time by the Board of Standards and Appeals pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS). However, the provisions of this Section shall not apply to an #adult establishment# subject to the provisions of paragraph (f) of Section 32-01 or 42-01 (Special Provisions for Adult Establishments).

52-80 - REGULATIONS APPLYING TO NON-CONFORMING SIGNS

LAST AMENDED
12/15/1961

52-81 - General Provisions

LAST AMENDED
4/8/1998

A #non-conforming# #sign# shall be subject to all the provisions of this Chapter relating to #non-conforming# #uses#, except as modified by the provisions of Sections 52-82 (Non-Conforming Signs other than Advertising Signs) and 52-83 (Non-Conforming Advertising Signs).

A change in the subject matter represented on a #sign# shall not be considered a change of #use#.

52-82 - Non-Conforming Signs other than Advertising Signs

LAST AMENDED
4/8/1998

Any #non-conforming# #sign#, except a #flashing sign# or a #sign# subject to the provisions of Section 52-734 (Non-conforming signs for adult establishments), and except any #advertising signs# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

(a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;

(b) an increase in the #surface area# of such #sign#; or

(c) an increase in the degree of illumination of such #sign#.

However, any structural alteration, reconstruction or replacement of a #non-conforming# #sign# #accessory# to a #non-conforming# #use# shall be subject to the provisions of Section 52-31 (General Provisions).

To the extent that such structural alteration, reconstruction or replacement of #non-conforming# #signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations)

Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

52-83 - Non-Conforming Advertising Signs

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, or in C1, C2, C4, C5-4, C6, C7 or C8 Districts, except as otherwise provided in Sections 32-66 or 42-65 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), any #non-conforming# #advertising sign# except a #flashing sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

(a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;

(b) an increase in the #surface area# of such #sign#; or

(c) an increase in the degree of illumination of such #sign#.

However, in Community District 1 in the Borough of Brooklyn, a #non-conforming# #advertising sign# may be structurally altered, reconstructed or replaced in a different location, and may create a new #non-conformity# or #non-compliance#, or an increase in the degree of #non-conformity# or #non-compliance#, provided such #sign# is reconstructed pursuant to a Certificate of Appropriateness from the Landmarks Preservation Commission, is located on a landmark #building# that is part of a #general large scale development#, and there is no increase in the #surface area# or degree of illumination of such #sign#. Furthermore, the discontinuance provisions of Section 52-61 shall not apply to such #sign#, provided such #sign# is reconstructed on the landmark #building# prior to the issuance of a temporary certificate of occupancy for any #use# within such #building#.

No #sign# that exceeds or is otherwise in violation of any illumination standard established by rule of the Department of Buildings shall be #non-conforming# as to such illumination standard one year after such rule becomes effective.

To the extent that such structural alteration, reconstruction or replacement of #non-conforming# #advertising signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations)

Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Conforming Uses in Violation of Supplementary Use Regulations

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 3 - Conforming Uses in Violation of Supplementary Use Regulations

53-00 - GENERAL PROVISIONS

LAST AMENDED
6/6/2024

The provisions of this Chapter shall apply to all conforming #uses# which are in violation of the provisions of Sections 32-40 and 42-50, inclusive, relating to Supplementary Use Regulations.

53-10 - CONTINUATION

LAST AMENDED
6/6/2024

All such conforming #uses# in violation of the supplementary #use# regulations, subject to the other provisions of this Chapter.

53-20 - CHANGE OF USE

LAST AMENDED
6/6/2024

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations may be changed to another #use#, and the changed #use# need not meet such district regulations, except as set forth herein, provided that such changed #use# shall not create new instances of such violation or increase the amount of violation previously existing.

Any such changed #use# and all #accessory# storage of materials and products shall meet the requirements set forth in Sections 32-41 (Enclosure within Buildings), 42-51 (Enclosure of Commercial or Manufacturing Activities) or 42-52 (Enclosure or Screening of Storage).

53-30 - ENLARGEMENTS OR EXTENSIONS

LAST AMENDED
6/6/2024

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations may be #enlarged# or #extended#, provided that the #extended# or #enlarged# #floor area# shall not create new instances of such violation or increase the degree of violation previously existing.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Non-Complying Buildings

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 4 - Non-Complying Buildings

54-00 - GENERAL PROVISIONS

LAST AMENDED
12/15/1961

54-01 - Definitions

LAST AMENDED
11/19/1987

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

54-02 - Applicability of Article V, Chapter 4

LAST AMENDED
10/10/2013

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

54-10 - CONTINUATION OF USE

LAST AMENDED
12/15/1961

54-11 - General Provisions

LAST AMENDED
12/15/1961

The #use# of a #non-complying# #building or other structure# may be continued, except as otherwise provided in this Chapter.

54-20 - REPAIRS OR ALTERATIONS

LAST AMENDED
12/15/1961

54-21 - General Provisions

LAST AMENDED
12/15/1961

Repairs, #incidental alterations#, or structural alterations may be made in a #non-complying# # building or other structure#, except that such alterations made in the course of an #enlargement# shall be subject to the provisions of Section 54-31 (General Provisions).

54-30 - ENLARGEMENTS OR CONVERSIONS

LAST AMENDED
12/15/1961

54-31 - General Provisions

LAST AMENDED
12/5/2024

Except as otherwise provided in this Chapter, a #non-complying# #building or other structure# may be #enlarged# or #converted#, provided that no #enlargement# or #conversion# may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# of a #building or other structure# or any portion thereof. A #building# that is complying with the applicable #bulk# regulations may be #enlarged# or #converted#, provided that no #enlargement# or #conversion# may be made that would create a new #non-compliance#, except as set forth in Section 54-50 (MODIFICATIONS TO THE PROVISIONS OF THIS CHAPTER), inclusive.

54-311 - Buildings containing rooming units

LAST AMENDED
12/5/2024

If a #building# or portion of a #building# contains #rooming units#, such #rooming units# may be #converted# to #dwelling units# in accordance with the provisions of Section 23-50 (DENSITY REGULATIONS), inclusive.

54-312 - Modification of provisions

LAST AMENDED
12/5/2024

The Board of Standards and Appeals may permit #enlargements# or #conversions# that create a new #non-compliance#, or increase an existing #non-compliance# with applicable #bulk# regulations in accordance with the provisions of Section 73-60 (MODIFICATIONS OF BULK REGULATIONS), inclusive.

54-40 - DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS

LAST AMENDED
2/2/2011

For the purposes of this Section, #buildings# that #abutted# one another on a single #zoning lot# on the date of such damage or destruction shall be considered a single #building#.

54-41 - Permitted Reconstruction

LAST AMENDED
2/2/2011

If a #non-complying# #building or other structure# is damaged or destroyed by any means, including any demolition as set forth in this Section, to the extent of 75 percent or more of its total #floor area#,

such #building# may be reconstructed only in accordance with the applicable district #bulk# regulations, except in the case of a one- or two-family #residence#, such #residence# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations. If the extent of such damage or destruction is less than 75 percent, a #non-complying# #building# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations.

In addition, the alteration of such existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any portion thereof, shall be considered a #development# for the purposes of the provisions set forth in Section 11-23 (Demolition and Replacement).

In the event that any demolition, damage or destruction of an existing #building# other than one- or two-family #residences# produces an unsafe condition requiring a Department of Buildings order or permit for further demolition of #floor area# to remove or rectify the unsafe condition, and the aggregate #floor area# demolished, damaged or destroyed including that ordered or permitted by the Department of Buildings constitutes 75 percent or more of the total #floor area# of such #building#, then such #building# may be reconstructed only in accordance with the applicable district #bulk# regulations.

54-42 - Use of Alternative Formula

LAST AMENDED
12/15/1961

In any case where the applicant alleges that #floor area# is an inappropriate measure of the extent of damage or destruction, and elects to substitute reconstruction costs for #floor area#, an application may be made to the Board of Standards and Appeals to determine the extent of the damage or

destruction. Such a #building# may be reconstructed as provided in Section 54-41 (Permitted Reconstruction), substituting the ratio which the cost of reconstructing the damaged or destroyed portion of such #building# bears to the cost of reconstructing the entire #building#, for the percentage of total #floor area#. In determining reconstruction costs, the cost of land shall be excluded.

54-50 - MODIFICATIONS TO THE PROVISIONS OF THIS CHAPTER

LAST AMENDED
12/5/2024

The provisions of this Section may be combined, except that individual #bulk# allowances to increase the height of a #building# or diminish the amount of an open area through an #enlargement# shall not be aggregated.

54-51 - Energy Infrastructure or Retrofits

LAST AMENDED
12/6/2023

Notwithstanding the other provisions of this Chapter, in all districts, a #development#, #enlargement# or alteration comprised exclusively of the addition of #energy infrastructure equipment#, #accessory# mechanical equipment, or #qualifying exterior wall thickness#, whether to a #building# or to an open area of the #zoning lot#, may create a new #non-compliance# or increase the degree of #non-compliance# of a #building or other structure#, provided that:

(a) where locating such equipment in a #non-complying# #open space#, #yard#, #rear yard equivalent#, or #court#, as applicable, such equipment shall comply with the applicable height and area restrictions for the respective open area set forth in the applicable underlying district regulations, as applied to the level and size of the #non-complying# open area;

(b) where locating such equipment on the rooftop of a #building# that is #non-complying# with respect to height and setback regulations, such equipment shall comply with the height and area regulations for such permitted obstruction set forth in the applicable underlying district regulations, as applied to the level of the rooftop, inclusive of any #non-compliance# into a required setback area, #yard#, or other required open area;

(c) at any level, all #energy infrastructure equipment# or #accessory# mechanical equipment will be enclosed or screened in compliance with the applicable provisions for such permitted obstructions; and

(d) where locating #qualifying exterior wall thickness# into either a #non-complying# #open space#, #yard#, #rear yard#, or # court#, or into a #non-complying# distance between two #buildings# or a #non-complying# distance between a #building# and #lot line#, or in a location not otherwise permitted by underlying #street wall location rules#, such additional encroachment of wall thickness shall not exceed the depth permitted by the underlying permitted obstruction regulations.

54-52 - Accessibility or Safety Retrofits

LAST AMENDED
12/5/2024

Notwithstanding the other provisions of this Chapter, in all districts, an #enlargement#, #extension#, #conversion#, change of #use# or other alteration to a #building# that furthers the design and construction of facilities for accessibility for individuals with disabilities or furthers #building# safety by greater conformance with the most recent New York City Construction Codes, may create a new #non-compliance# or increase the degree of a #non-compliance#, provided that increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to:

(a) maximum #floor area ratio# shall not exceed ten percent of the existing #floor area#, or 1,000 square feet, whichever is less;

(b) required #open space#, #yards#, #rear yard equivalents#, or #courts#, as applicable, shall not diminish the size of the required or existing open area, as applicable, by more than 20 percent, and no further encroachment to a #non-complying# #yard# shall be closer to a #lot line# than an existing #building# on the #zoning lot#; and

(c) the permitted height and setback of a #building#, shall be limited to one #story# or 15 feet, whichever is less, measured relative to the height of the existing #building#.

Allowances for permitted obstructions may be applied to an existing #building#, including as modified pursuant to the provisions of this Section.

54-53 - Residential Retrofits

LAST AMENDED
12/5/2024

Notwithstanding the other provisions of this Chapter, in all districts, for #buildings# where 75 percent or more of the existing floor space is allocated to #residential uses#, an #enlargement#,

#extension#, #conversion#, change of #use# or other alteration to such #building# that increases or improves the #residential# floor space within a #building#, may create a new #non-compliance# or increase the degree of a #non-compliance#, provided that increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to:

(a) maximum #residential# #floor area ratio# shall be limited in size to floor space existing within the volume of a #building# on the #zoning lot#. For #multiple dwelling residences#, such allowance shall be limited to #buildings# existing on December 5, 2024;

(b) required #open space#, #yards#, #rear yard equivalents#, or #courts#, as applicable, shall not diminish the area of the existing open area by more than 20 percent and no further encroachment to a #non-complying# #yard# shall be closer to a #lot line# than an existing #building# on the #zoning lot#; and

(c) the permitted height and setback of a #building#, shall be limited to one #story# or 15 feet, whichever is less, measured relative to the height of the existing #building#.

Allowances for permitted obstructions may be applied to an existing #building#, including as modified pursuant to the provisions of this Section.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article VI - Special Regulations Applicable to Certain Areas

File generated by https://zr.planning.nyc.gov on 9/21/2026

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Special Regulations Applying Around Major Airports

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Special Regulations Applying Around Major Airports

61-00 - GENERAL PROVISIONS

LAST AMENDED
10/25/1993

The maximum height of buildings or other structures shall be regulated by the special controls set forth in this Chapter established pursuant to the authority conferred under Article 14 of the General Municipal Law, in order to prevent the construction of obstructions to air navigation in the vicinity of major airports, and thus to protect the lives and property of persons residing within such vicinity and of persons in airplanes which are approaching, taking off from, or circling such airports, thereby promoting public health, safety, and general welfare.

The definitions applicable to this Chapter are set forth in Section 61-30.

61-10 - FLIGHT OBSTRUCTION AREAS FOR MAJOR AIRPORTS

LAST AMENDED
12/15/1961

61-11 - Designation of Major Airports

LAST AMENDED
10/25/1993

The major airports are hereby designated to include John F. Kennedy International, LaGuardia, and U.S. Naval Air Station (Floyd Bennett Field). For the purposes of this Chapter, the runways for such airports shall be the runways as shown in the diagrams in Section 61-42 (Runways for Major Airports).

61-12 - Establishment of Flight Obstruction Area; Division into Districts

LAST AMENDED
12/15/1961

A #flight obstruction area# is hereby established in the vicinity of any such major airport.

Each #flight obstruction area# shall be divided into two parts, the Airport Approach District and the Airport Circling District, as described in this Section (and as shown, for convenient reference only, in the #flight obstruction area# maps available on request at the offices of the City Planning Commission).

61-121 - Airport Approach District

LAST AMENDED
12/15/1961

The Airport Approach District comprises those parts of the #flight obstruction area# of any major airport which lie generally below the flight path of aircraft approaching or taking off from the runways of such airport, and, more specifically, below the following #airport referenced imaginary surfaces#: the #approach surfaces#, the #transitional surfaces# and those parts of the #horizontal surface# and the #conical surface# which coincide with such #approach surfaces# and #transitional

surfaces#.

61-122 - Airport Circling District

LAST AMENDED
12/15/1961

The Airport Circling District comprises those parts of the #flight obstruction area# of any major airport which lie generally below the flight path of aircraft circling such airport and, more specifically, below the following #airport referenced imaginary surfaces#: those parts of the #horizontal surface# and the #conical surface# which do not coincide with the #approach surfaces# and the #transitional surfaces#.

61-20 - HEIGHT RESTRICTIONS

LAST AMENDED
12/15/1961

61-21 - Restriction on Highest Projection of Building or Structure

LAST AMENDED
12/15/1961

Notwithstanding any other provisions of this Resolution, except as provided in Section 61-22 (Permitted Projection within any Flight Obstruction Area), the highest projection of any #building or

other structure# hereafter constructed or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed shall not penetrate:

(a) the #approach surfaces#, the #transitional surfaces#, the #horizontal surface#, or the #conical surface#, whichever is more restrictive, within the Airport Approach District of the #flight obstruction area#; and

(b) the #horizontal surface# or the #conical surface# within the Airport Circling District of the #flight obstruction area#.

61-22 - Permitted Projection within any Flight Obstruction Area

LAST AMENDED
12/15/1961

However, within a #flight obstruction area#, the highest projection of any such #building or other structure# may, in any event, extend to a height of 30 feet above #curb level#.

61-30 - DEFINITIONS

LAST AMENDED
12/15/1961

Airport reference point (or points)

The "airport reference point" (or "points") is a point (or points) within the boundaries of each major airport, as indicated on the #flight obstruction area# maps for each such major airport. The point or points applicable to each major airport are set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Airport referenced imaginary surfaces

"Airport referenced imaginary surfaces" include the #horizontal surface#, the #conical surface#, the #approach surfaces# and the #transitional surfaces#.

Approach surfaces

The "approach surfaces" are imaginary inclined planes, trapezoidal in shape and located symmetrically with respect to the extended center line of any runway. Such #approach surfaces#, extending from both ends of any runway, consist of contiguous inner and outer sections whose dimensions are as follows:

(a) The plane of the inner section:

(1) begins at a line drawn parallel to, and at the same elevation as, the end of the runway, and at a distance, measured horizontally along the extended runway centerline, of 200 feet from the end of the runway;

(2) extends for a distance of 10,000 feet, measured horizontally along the extended runway centerline;

(3) has a width of 1,000 feet measured along the line described in paragraph (a)(1) of this Section, which increases uniformly (with respect to the extended runway centerline) to a width of 4,000 feet at the outer edge of such inner section, as described in

paragraph (a)(2) of this Section; and

(4) rises at a slope of one foot in height for every 50 feet of horizontal distance.

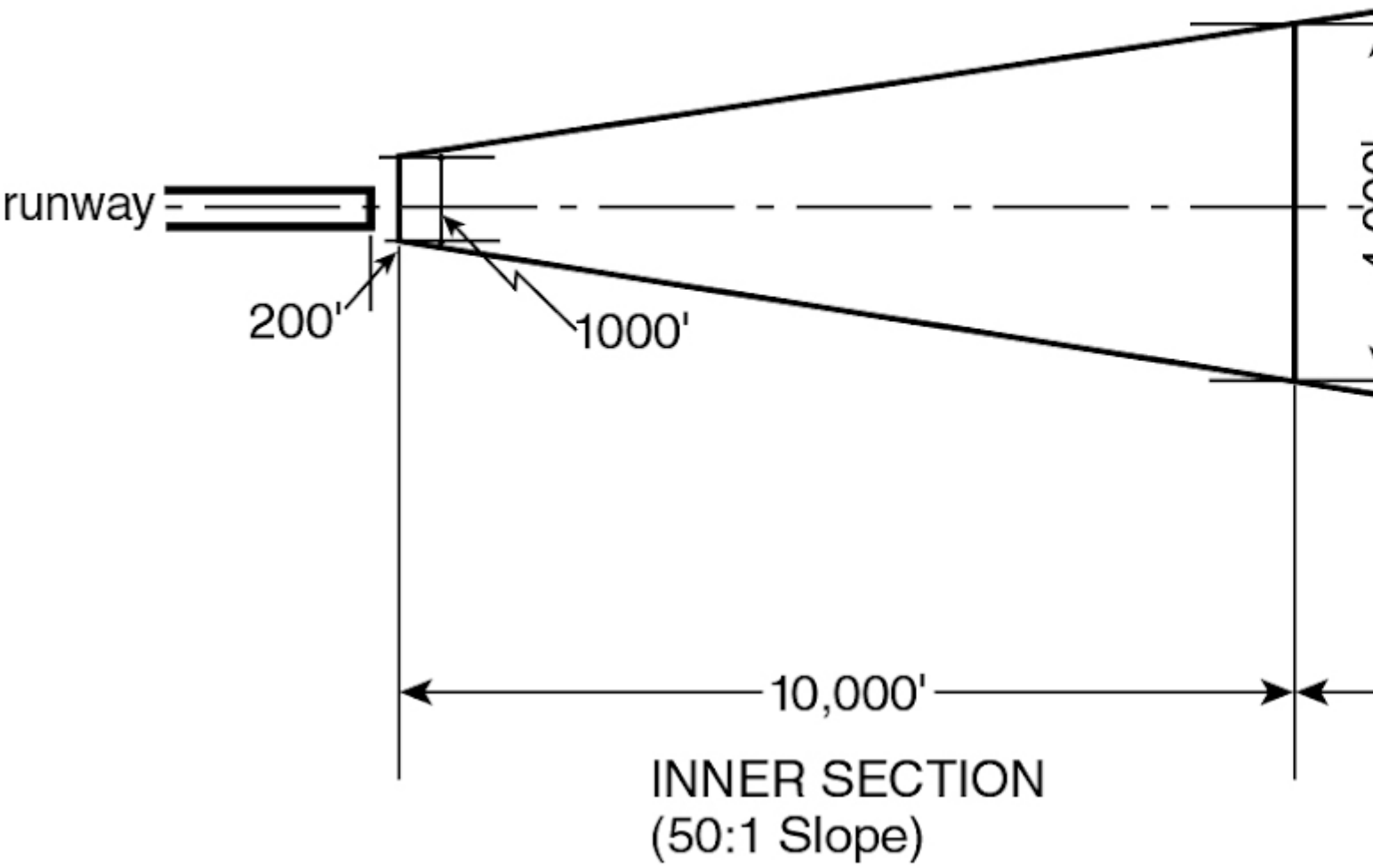
(b) The plane of the outer section:

(1) begins at the outer edge of the inner section;

(2) extends for a distance of 15,000 feet, measured horizontally along the extended runway centerline;

(3) has a width of 4,000 feet commencing at the outer edge of the inner section, which increases uniformly (with respect to the extended runway center line) to a width of 8,500 feet at the outer edge of such outer section; and

(4) rises at a slope of one foot in height for every 40 feet of horizontal distance.



DESCRIPTION OF APPROACH SURFACE

Conical surface

The "conical surface" is an imaginary inclined surface extending upward and outward from the periphery of the #horizontal surface#, which:

(a) rises at a slope, measured in an imaginary vertical plane passing through the #airport reference point# (or #points#), of one foot for every 20 feet in horizontal distance; and

(b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Established airport elevation

The "established airport elevation" is the elevation above mean sea level of the highest point of the usable airport landing area for any major airport. The elevation applicable to each major airport is set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Flight obstruction area

The "flight obstruction area" comprises all areas of land or water below the #airport referenced imaginary surfaces# for each airport.

Horizontal surface

The "horizontal surface" is an imaginary horizontal plane, circular or elliptical in shape, which:

(a) is located at a height of 150 feet above the #established airport elevation# for any major airport; and

(b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

Transitional surfaces

The "transitional surfaces" are imaginary inclined planes extending upward and outward from the side edges of all #approach surfaces#, and from lines parallel to, 500 feet from, and at the same level as the center line of each runway, which:

(a) rise at a slope of one foot in height for every seven feet of horizontal distance measured in a vertical plane at right angles to the center line of the runway; and

(b) extend to the point of intersection with the #horizontal surface# or the #conical surface#.

61-40 - TABLES OR DIAGRAMS

LAST AMENDED
12/15/1961

61-41 - Airport Reference Point, Established Elevation and Specified Radii

LAST AMENDED
10/25/1993

The #airport reference point# (or #points#), #established airport elevation#, and radii for the #horizontal# and #conical surfaces# for each such major airport shall be established as set forth in the following table:

APPLICATION TO MAJOR AIRPORTS

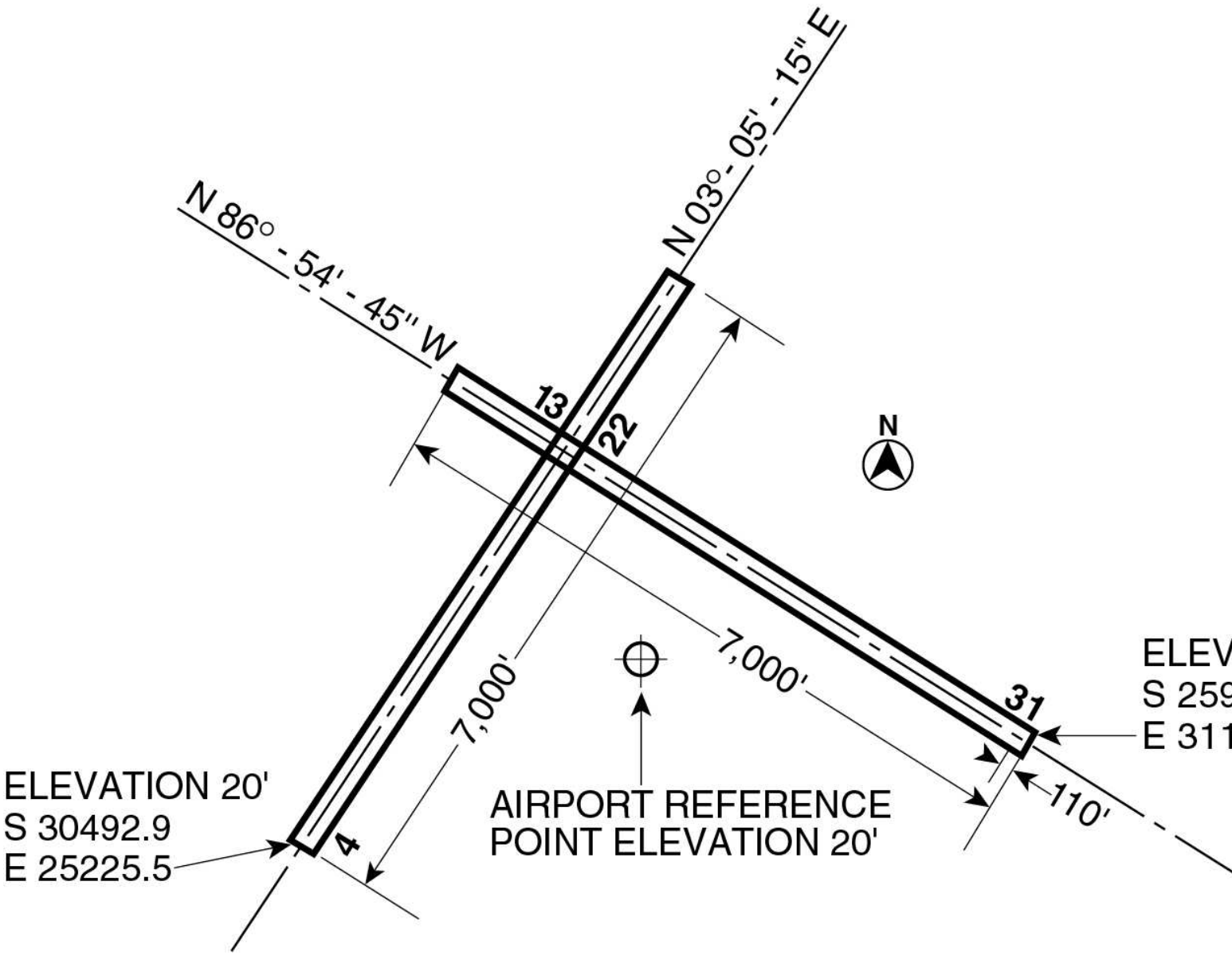
#Airport Reference Points(s)#	LaGuardia	John F. Kennedy International	U.S. Naval Air Station (Floyd Bennett Field)
Primary point:			
North Latitude	40° 46’29.0″	40° 38’19.4″	40° 35’33.0″
West Longitude	73° 52’20.0″	73° 46’21.8″	73° 53’27.5″
Secondary Point:			
North Latitude	-	40° 38’57.9″	-
West Longitude	-	73° 47’47.9″	-
#Established airport elevation# (feet above mean sea level)	20	12	15

#Horizontal surface# radius, measured in feet from #airport reference point(s)#	10,000	13,000	11,500
#Conical surface# radius, measured in feet from #airport reference point(s)#	15,000	20,000	18,500

61-42 - Runways for Major Airports

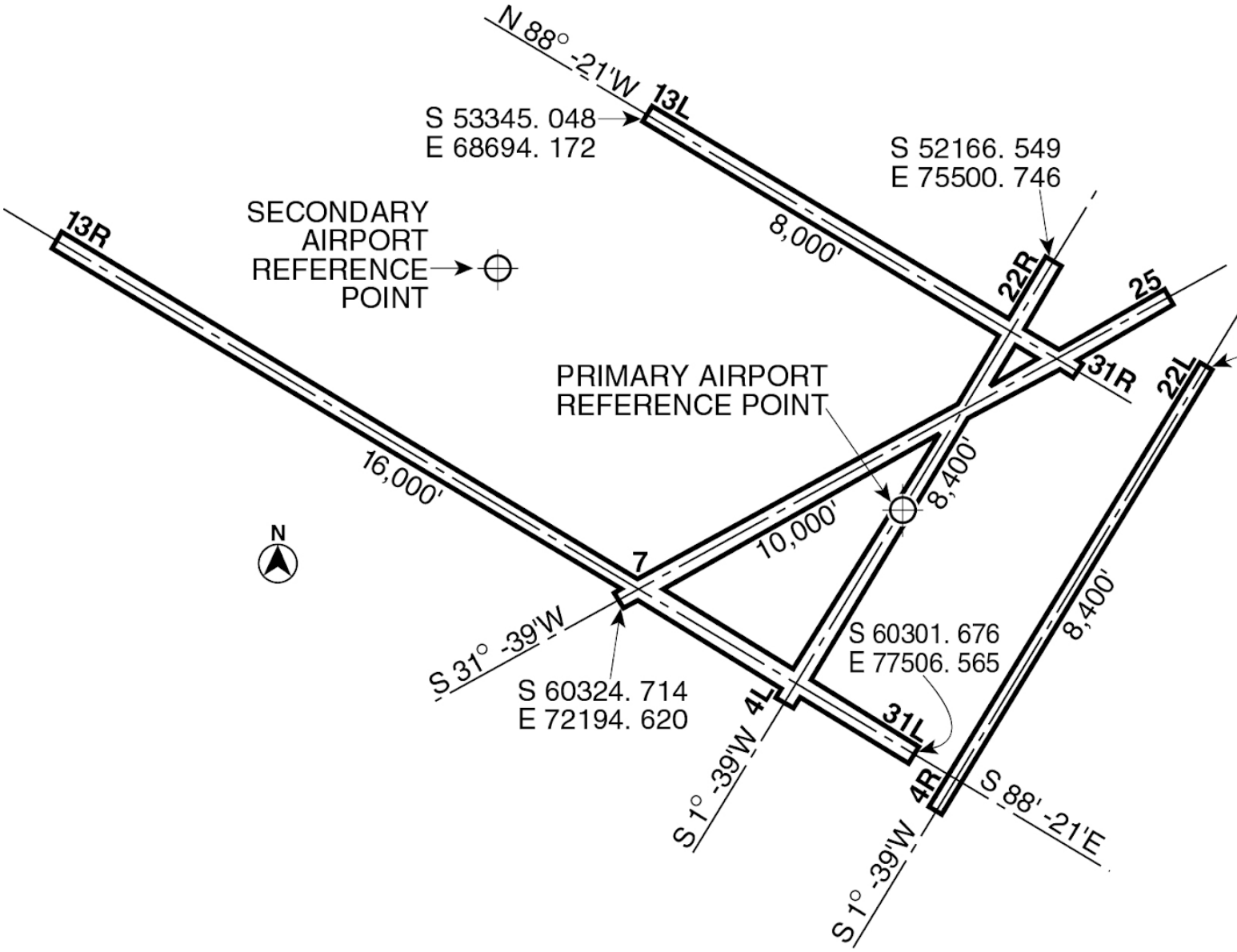
LAST AMENDED
10/25/1993

The runways for each such major airport shall be the runways set forth in the following diagrams:



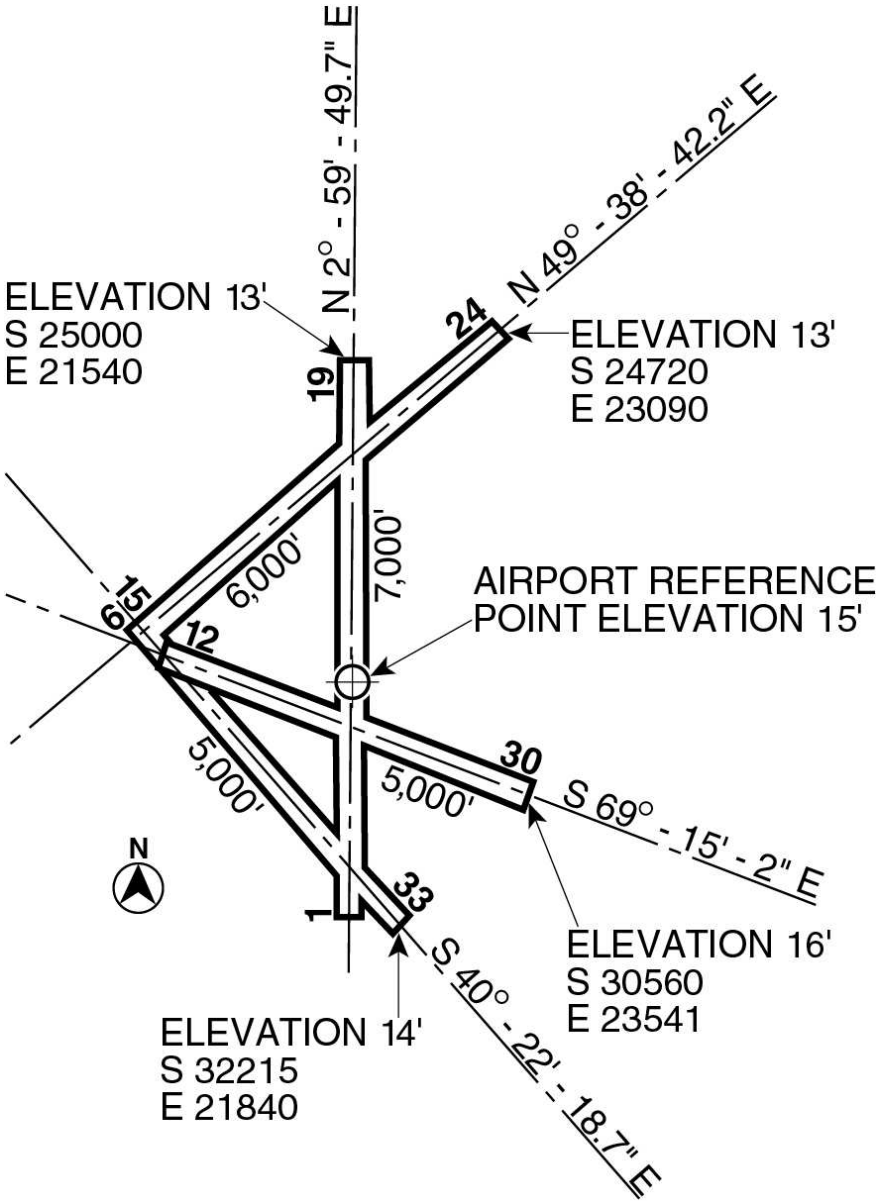
LaGUARDIA AIRPORT

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.



J. F. KENNEDY INTERNATIONAL AIRPORT

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.



U. S. NAVAL AIR STATION

(FLOYD BENNETT FIELD)

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Special Regulations Applying in the Waterfront Area

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 2 - Special Regulations Applying in the Waterfront Area

62-00 - GENERAL PURPOSES

LAST AMENDED
5/12/2021

The provisions of this Chapter establish special regulations which are designed to guide development along the City's waterfront and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

(a) to maintain and reestablish physical and visual public access to and along the waterfront;

(b) to promote a greater mix of uses in waterfront developments in order to attract the public and enliven the waterfront;

(c) to encourage water-dependent (WD) uses along the City's waterfront;

(d) to create a desirable relationship between waterfront development and the water's edge, public access areas and adjoining upland communities;

(e) to preserve historic resources along the City's waterfront;

(f) to protect natural resources in environmentally sensitive areas along the shore; and

(g) to allow waterfront developments to incorporate resiliency measures that help address challenges posed by coastal flooding and sea level rise.

62-10 - GENERAL PROVISIONS

LAST AMENDED
10/25/1993

62-11 - Definitions

LAST AMENDED
12/6/2023

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS) and Section 64-11 (Definitions).

Development

For the purposes of this Chapter, a "development" shall also include:

(a) an #enlargement#;

(b) any alteration that increases the height or coverage of an existing #building or other structure#;

(c) an #extension#; or

(d) a change of #use# from one Use Group to another, or from one #use# to another in the same Use Group, or from one #use# listed in Section 62-21 (Classification of Uses in the Waterfront Area) to another such #use#.

However, a #development# shall not include incidental modifications to a #zoning lot#, including but not limited to, the addition of deployable flood control measures and any associated permanent fixtures, the addition of temporary structures such as trash receptacles, food carts or kiosks, and the incorporation of minor permanent structures such as light stanchions, bollards, fences, or structural landscaped berms and any associated flood gates. All such modifications shall remain subject to any associated permitted obstruction allowances, as applicable.

Furthermore, a #development# shall not include the exclusive addition of #energy infrastructure equipment#, #accessory# mechanical equipment, electric vehicle charging facilities, as a primary or #accessory# #use#, or #qualifying exterior wall thickness#, whether added to a #building# or to an open area of the #zoning lot#.

Floating structure

A “floating structure” is any vessel, barge or other water-supported structure, other than a floating dock #accessory# to a WD #use#, which is bounded by either open water, a dock or the #lot lines# of a #zoning lot#, and that is permanently moored or otherwise attached to a #pier#, wharf, dock, #platform#, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or #accessory# to a WD #use#, shall be deemed to be a "temporary #floating structure#." Such temporary #floating structures# shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

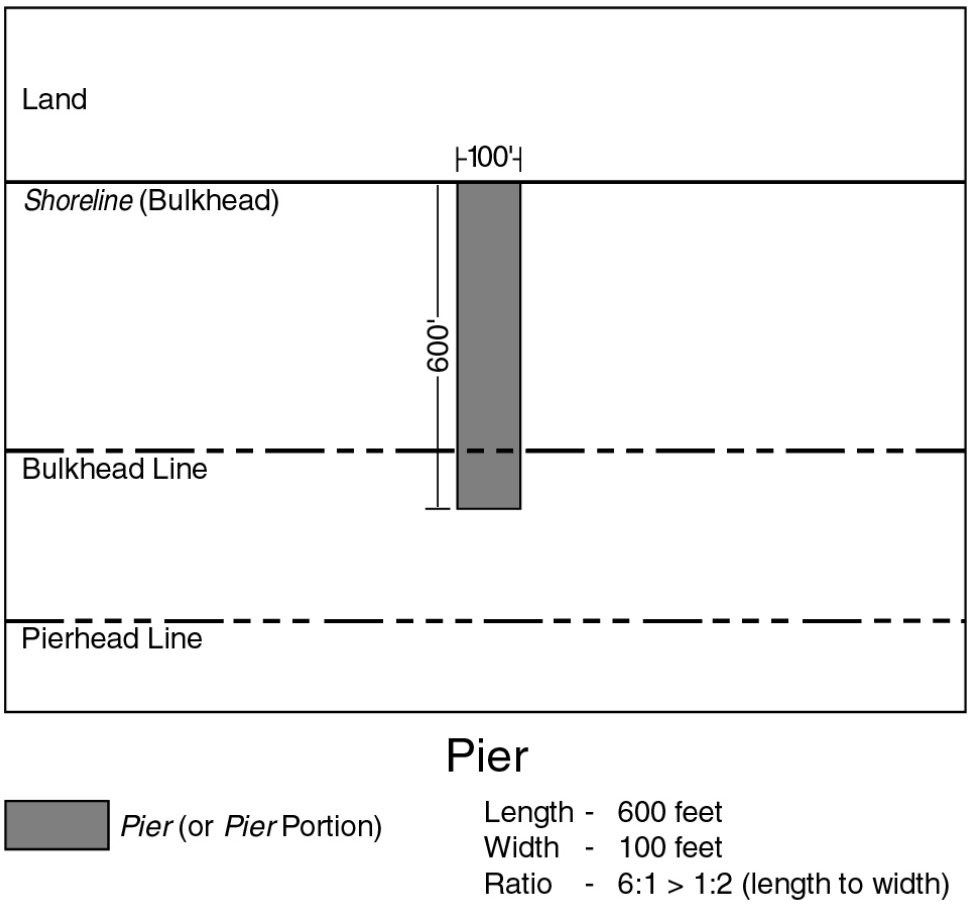
Pier

A “pier” is a structure at the water's edge, not otherwise defined as a #platform#, that is:

(a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or

(b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration.



(62 - 11.1)

Pier, existing

An “existing pier” is a #pier# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

Pier, new

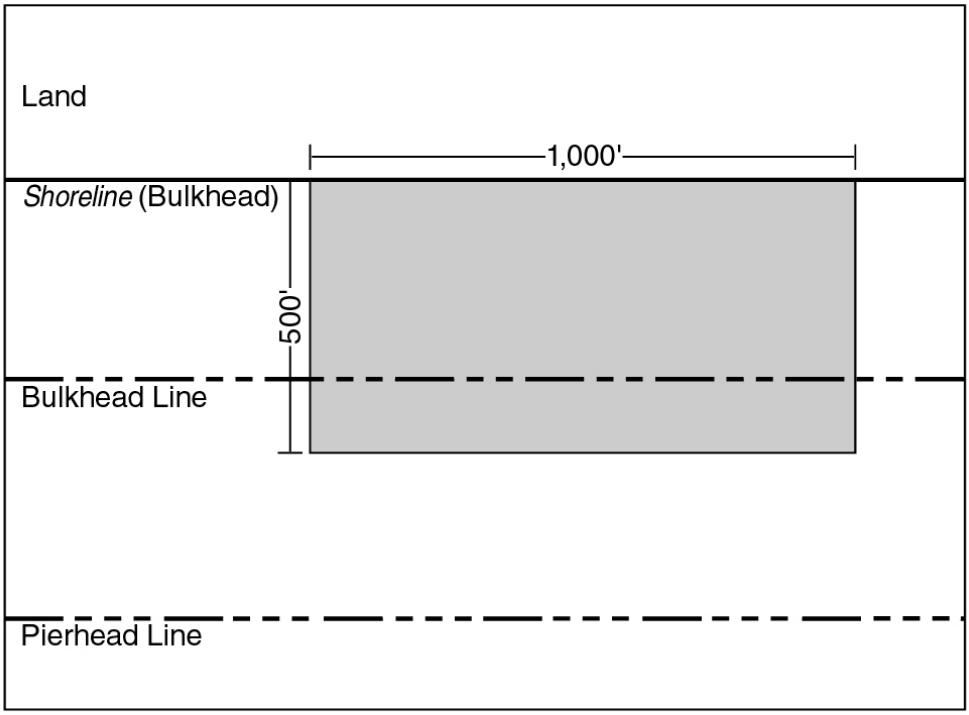
A “new pier” is any #pier# other than an #existing pier#.

Platform

A “platform” is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

(a) is permanently connected to the land; and

(b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.

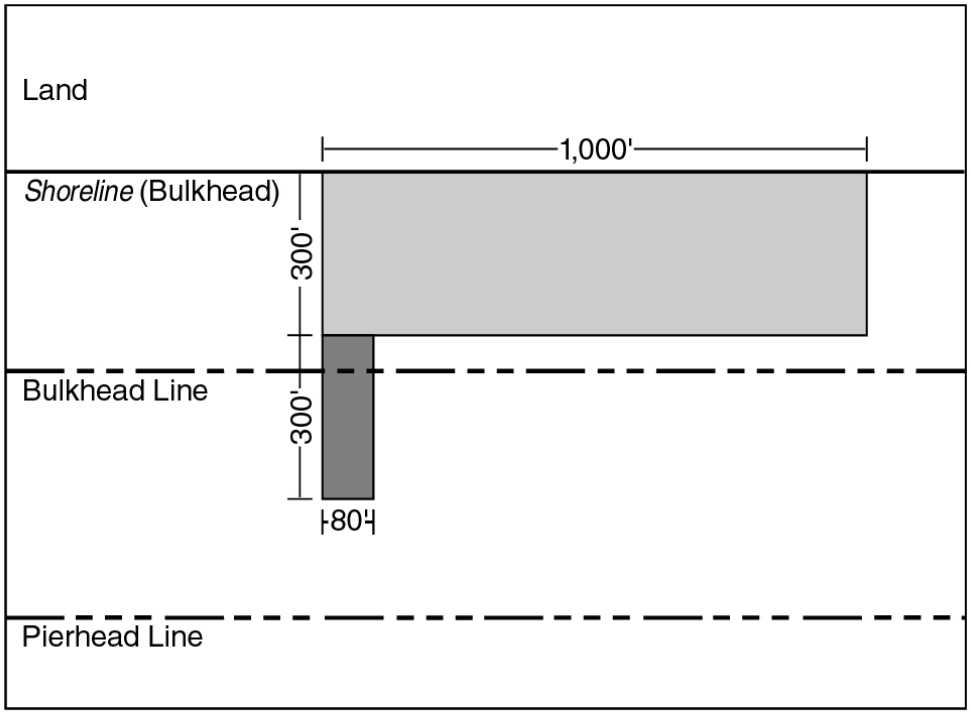


Platform

Platform

Length - 500 feet
Width - 1,000 feet
Ratio - 0.5:1 ≤ 1:2 (length to width)

(62 - 11.2)



Platform with Pier Portion

Pier (or *Pier* Portion)

Platform

Platform: Length - 300 feet
Width - 1,000 feet
Ratio - 0.3:1 < 1:2 (length to width)

Pier: Length - 300 feet
Width - 80 feet
Ratio - 3.75:1 > 1:2 (length to width)

(62 - 11.3)

Platform, existing

An “existing platform” is a #platform# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

Platform, new

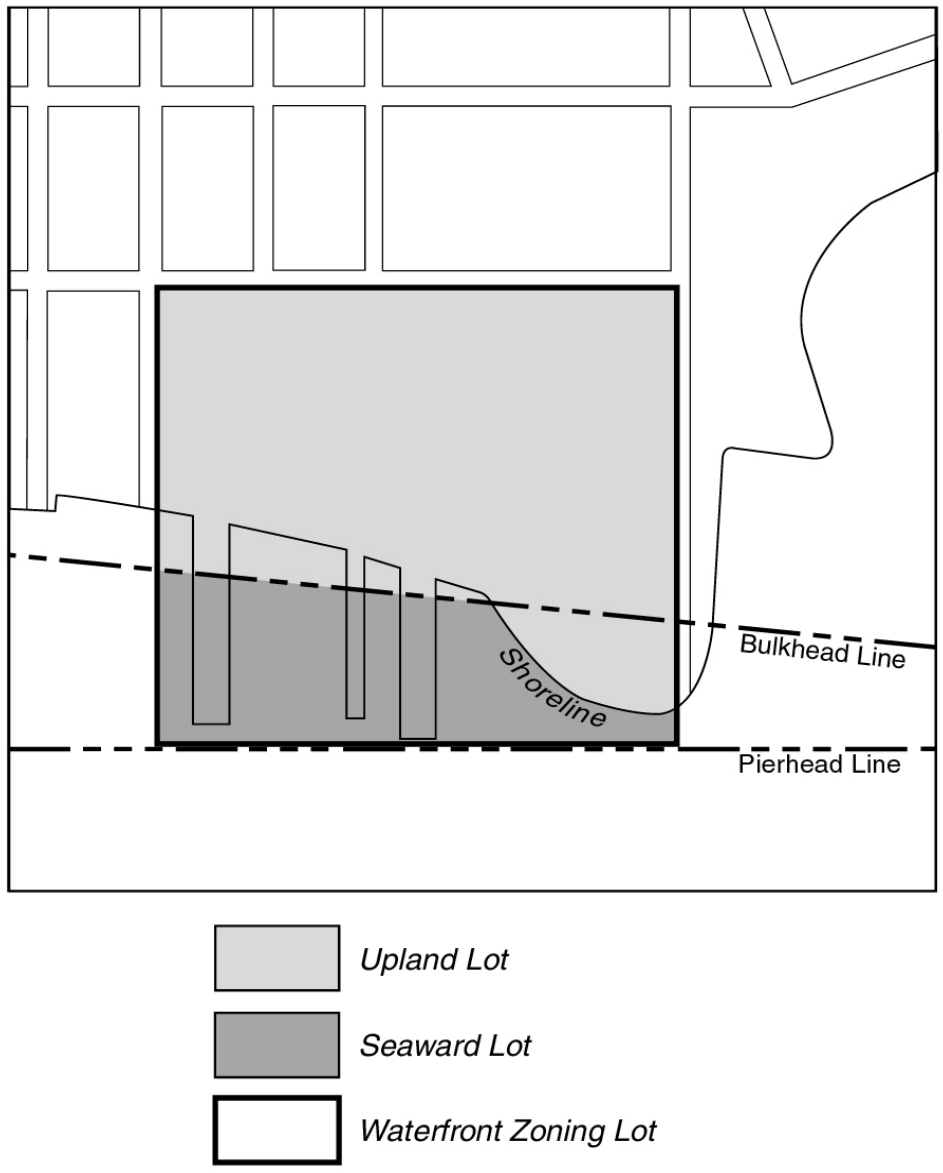
A “new platform” is any #platform# other than an #existing platform#.

Predominant or predominantly

“Predominant” or “predominantly” shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot# or, in the case of open #uses#, the #lot area# or #pier# #water coverage#, as applicable.

Seaward lot

A “seaward lot” is the portion of a #waterfront zoning lot# located seaward of the bulkhead line, except for any land above water included as part of the #upland lot#.



SEAWARD/UPLAND LOTS

(62 - 11.4)

Shore public walkway

A “shore public walkway” is a linear public access area running alongside the shore or water edges of a #platform# on a #waterfront zoning lot#.

Supplemental public access area

A “supplemental public access area” is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements. A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.

Tidal wetland area

A “tidal wetland area” is an area planted with species tolerant of saline water inundation that is located between the mean low water line and the landward edge of the stabilized natural shore or bulkhead. Such area may be used to satisfy requirements for #waterfront yards#, #shore public walkways# and planting in this Chapter.

Upland connection

An “upland connection” is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, #public park# or other accessible public place.

Upland lot

An “upland lot” is the portion of a #waterfront zoning lot# located landward of the bulkhead line. Where a portion of the #shoreline# projects seaward of the bulkhead line, such land above water shall be included as part of the #upland lot# (see illustration of Seaward/Upland Lots).

Visual corridor

A “visual corridor” is a public #street# or open area within one or more #zoning lots# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, #public park# or other public place.

Water coverage

“Water coverage” is the portion of a #zoning lot# seaward of the #shoreline# that, when viewed directly from above, would be covered by a #pier#, #platform# or #floating structure#, including portions of #buildings or other structures# projecting over the water from such structures. #Water coverage# shall not include docking or navigational appurtenances which may project from the aforementioned structures.

Waterfront block or waterfront zoning lot

A “waterfront block” or "waterfront zoning lot” is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

(a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;

(b) a #block# within the #waterfront area# that #abuts# a #public park# along the waterfront shall be deemed to be part of a #waterfront block#; and

(c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

However, any #block# or #zoning lot# in the #waterfront area# having a boundary within or coincident with the boundaries of the Gowanus Canal, as shown on the City Map, shall be a #waterfront block# or #waterfront zoning lot#, respectively.

Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a #public park# along the waterfront, shall be deemed outside of the #waterfront block#.

Waterfront public access area

A "waterfront public access area" is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or public access area on a #pier# or #floating structure#.

Waterfront yard

A "waterfront yard" is that portion of a #waterfront zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of the #shoreline#, stabilized natural shore, bulkhead or water edge of a #platform#, as applicable, for a depth or width as set forth in this Chapter.

62-12 - Applicability to Developments in the Waterfront Area

LAST AMENDED
2/2/2011

Within the #waterfront area#, all #developments# on #zoning lots# within #waterfront blocks# shall be subject to all provisions of this Chapter, unless stated otherwise. #Developments# on other #zoning lots# within the #waterfront area# shall be subject to the regulations of this Chapter only when part of a #large-scale development#, any portion of which is within a #waterfront block#, or when on #zoning lots# located in an area designated as part of a Waterfront Access Plan in accordance with Section 62-90 (WATERFRONT ACCESS PLANS). The provisions of this Chapter shall not be deemed to supersede or modify the regulations of any State or Federal agency having jurisdiction on affected properties.

(a) Any #development# approved by special permit or authorization of the City Planning Commission or any #zoning lot# subject to a restrictive declaration in conjunction with a land use action by the Commission and City Council, or former Board of Estimate, as applicable, prior to October 25, 1993, may be started or continued pursuant to such special permit, authorization or the terms of such restrictive declaration.

Notwithstanding the provisions of this Chapter except as set forth in paragraphs (a)(1) through (a)(6) of this Section, the Commission may authorize modifications of such special permit or authorization, or the terms of a restrictive declaration may be modified by the Commission and, if applicable, the City Council, provided such modifications do not:

(1) increase the height or #lot coverage# of any #building# in a #waterfront block# beyond the maximum set forth in Section 62-30 (SPECIAL BULK REGULATIONS);

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

(3) increase the total #floor area# on any #zoning lot# within a #waterfront block# beyond the amount approved prior to October 25, 1993;

(4) result in the obstruction of a required #visual corridor# or increase any existing obstruction of such #visual corridor#;

(5) increase the size of a #pier# or #platform# or the size of any #building or other structure# on a #pier# or #platform# approved prior to October 25, 1993; or

(6) involve a change that would create a requirement for public access or #visual corridors# without providing such public access or #visual corridors# in accordance with the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS).

(b) #Developments# for which an application for certification pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.

(c) Design changes to a previously certified application, including applications certified pursuant to paragraph (b) of this Section, may be made only upon further certification by the Chairperson of the Commission that such changes would not increase the degree of non-compliance or would result in a greater level of compliance with this Chapter.

(d) #Developments# for which an application for authorization or special permit pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.

(e) #Developments# for which an application for an authorization or special permit, other than an authorization or special permit pursuant to this Chapter, was filed prior to April 22, 2009, may be continued pursuant to the terms of such authorization or special permit and, to the extent not modified under the terms of such authorization or special permit, shall be subject to the regulations of this Resolution that were in effect at the time such authorization or special permit was granted.

62-13 - Applicability of District Regulations

LAST AMENDED
11/12/2025

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Brooklyn Navy Yard District#

#Special Governors Island District#

#Special Sheepshead Bay District#

#Special Southern Roosevelt Island District#

#Special Stapleton Waterfront District#.

The regulations of this Chapter shall apply in the following Special Purpose Districts, except as specifically modified within the Special Purpose District provisions:

#Special Flushing Waterfront District#

#Special Gowanus Mixed Use District#

#Special Inwood District#

#Special Long Island City Mixed Use District#

#Special St. George District#.

62-131 - Applicability of Article VII, Chapter 3

LAST AMENDED
12/5/2024

The following special permits by the Board of Standards and Appeals shall not be applicable within #waterfront blocks#:

Section 73-64 (Modifications for Community Facility Uses)

Section 73-68 (Height and Setback and Yard Modifications).

The following special permits by the Board of Standards and Appeals shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 73-13 (Community Facilities) shall be applicable, except that:

(a) all references to #floor area ratio# shall be modified in accordance with the provisions of Sections 62-32 and 62-333 pertaining to #floor area ratio# and #lot coverage#, which provisions the Board may modify pursuant to Section 73-12; and

(b) all findings involving the amount and distribution of #open space# shall be made using the open area of the lot resulting from the maximum #lot coverage# set forth in Section 62-333; and

Section 73-45 (Modification of Off-site Parking Provisions); and

Section 73-47 (Roof Parking) shall be applicable, except for those provisions expressly modified by Section 62-40 (SPECIAL PARKING AND LOADING REGULATIONS).

62-132 - Applicability of Article VII, Chapters 4, 5, 8 and 9

LAST AMENDED
12/5/2024

The following special permits by the City Planning Commission shall not be applicable on #waterfront blocks#:

Section 74-72 (Bulk Modification)

Section 74-75 (Educational Construction Fund Projects)

Section 74-81 (Through Block Arcades)

Section 74-83 (Developments with Existing Buildings)

Section 74-85 (Covered Pedestrian Space).

The following special permits and authorizations by the City Planning Commission shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 74-195 (Public parking garages or public parking lots in high density central areas) shall be applicable, subject to the provisions of Section 62-26 (Special Use Regulations for Public Parking Facilities) and the special permit provisions of Section 62-836 (Public parking facilities on waterfront blocks); and

Section 74-531 (Additional parking spaces or roof parking for accessory group parking facilities) shall be applicable, except that finding (d), relating to roof parking, shall not apply. In lieu thereof, the provisions of Sections 62-411 (Accessory residential roof parking) and 62-421 (Accessory non-residential roof parking) shall apply;

Section 74-711 (Landmark preservation in all districts) shall be applicable, except that #bulk# modification shall also include modification of public access or #visual corridor# requirements. However, in no event shall modification of paragraph (a) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) be permitted;

Section 74-74 (Large-scale General Development);

Sections 74-79 (Transfer of Development Rights From Landmark Sites) and 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites) shall be applicable, except that permissible modifications shall also include all #bulk# regulations set forth in Section 62-30 (SPECIAL BULK REGULATIONS), except for paragraph (a) of Section 62-31 and maximum #floor area ratio# for the applicable district set forth in Section 62-32 (Floor Area Regulations on Waterfront Blocks). Modifications may also include public access and #visual corridor# requirements set forth in Sections 62-50 and 62-60;

Section 78-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE RESIDENTIAL DEVELOPMENTS); and

Section 79-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE COMMUNITY FACILITY DEVELOPMENTS).

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

(a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.

(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks).

For the purposes of modifying the height and setback regulations of Section 62-34, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open

Space and Modification of Height and Setbacks).

(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32, inclusive. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.

(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.

(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section 23-372 (Distance between legally required windows and lot lines).

62-133 - Applicability of Residential Design Elements

LAST AMENDED
12/5/2024

#Developments# that provide a #shore public walkway#, in accordance with the requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS),

shall be deemed to have met the requirements for recreation space specified in Section 23-63 (Required Recreation Space in Multiple Dwelling Residences). In addition, for the purposes of Section 23-613 (Front yard planting requirements), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.

62-134 - Applicability of Article VII, Chapter 7

LAST AMENDED
2/2/2011

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), shall be applicable on #waterfront blocks#, as modified in the following Section:

Section 77-28 (Height and Setback Regulations) shall be applicable, except that all references to #street# frontage shall be inapplicable. In lieu thereof, the percentage of the #zoning lot# in each district shall be used to determine the quantitative requirements. Furthermore, the height and setback regulations applicable to the district in which more than 50 percent of the #lot area# on the #zoning lot# is located, may apply to the entire #zoning lot# provided that the greatest distance from the mapped district boundary to any #lot line# of the #zoning lot# in the district in which less than 50 percent of the area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

62-14 - Integration of Waterfront Access Plans

LAST AMENDED
4/22/2009

Waterfront Access Plans shall be set forth in Section 62-90 of this Chapter. Such plans shall supersede, supplement or modify certain provisions of this Chapter. Except as expressly stated otherwise in the plan, all provisions of this Chapter remain in effect in the area subject to such plan.

62-20 - SPECIAL USE REGULATIONS

LAST AMENDED
10/25/1993

62-21 - Classification of Uses in the Waterfront Area

LAST AMENDED
6/6/2024

The following #uses# shall be classified in accordance with their relationship to the water: Water-Dependent (WD) or Waterfront-Enhancing (WE). Such #uses# are listed in this Section only in the lowest numbered Use Group in which they appear. Where a WD or WE #use# appears in more than one Use Group, its additional listing is noted by a cross-reference.

#Uses# listed shall only be permitted in accordance with applicable district #use# regulations, including additional restrictions and conditions for certain #uses# set forth in Article II, Chapter 2, Article III, Chapter 2, and Article IV, Chapter 2, unless expressly stated otherwise in this Chapter.

62-211 - Water-Dependent (WD) uses

LAST AMENDED
6/6/2024

WD #uses# require direct access to a body of water in order to function or use waterways for transport of materials or products. WD #uses# shall be limited to the following:

From Use Group III

Non-commercial clubs, restricted to non-profit private beach clubs and private boat clubs

From Use Group IV

Airports

Boat launching facilities for non-commercial pleasure boats

Docks

Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Heliports

Public transit yards, including accessory motor fuel pumps, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Seaplane bases

Sewage disposal plants

Terminal facilities at river crossings for access to electric, gas or steam lines

All other #uses# listed under Use Group IV(B) that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group VI

Boat dealers

Boat fuel sales

Recreational boat repair

Recreational goods rental

From Use Group VIII

Water-oriented outdoor #amusement and recreation facilities#

From Use Group IX

Boat storage

Trucking terminals or motor freight stations, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Warehouses, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Wholesale establishments, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

All other #uses# listed under Use Group IX that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group X

Transportation equipment manufacturing, limited to boat and ship building

All other #uses# listed under Use Group X that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#.

62-212 - Waterfront-Enhancing (WE) uses

LAST AMENDED
6/6/2024

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group I

All #uses# listed under Use Group I, subject to the #use# regulations for C7 Districts

From Use Group III

All #uses# listed under Use Group III(B), subject to the #use# regulations for C7 Districts

From Use Group IV

All #uses# listed under Use Groups IV(A) and IV(C), subject to the #use# regulations for C7 Districts

From Use Group V

All #uses# listed under Use Group V, subject to the #use# regulations for C7 Districts

From Use Group VI

All #uses# listed under Use Group VI, subject to the #use# regulations for C7 Districts

From Use Group VII

All #uses# listed under Use Group VII, subject to the #use# regulations for C7 Districts and provided that such #uses# are limited to 5,000 square feet per establishment

From Use Group VIII

All #uses# listed under Use Group VIII, subject to the #use# regulations for C7 Districts

From Use Group IX

All #uses# listed under Use Group IX, subject to the #use# regulations for C7 Districts

From Use Group X

All #uses# listed under Use Group X, subject to the #use# regulations for C7 Districts.

62-22 - Commercial Docking Facilities

LAST AMENDED
6/6/2024

Commercial docking facilities are listed in Use Group IV(B) in Sections 32-14 and 42-14. Such #uses# are permitted as-of-right in all districts set forth in the Use Groups and are subject to the #accessory# off-street parking and passenger loading requirements of Sections 62-43 and 62-462 of this Chapter.

62-23 - Accessory Residential Docking Facilities

LAST AMENDED
10/25/1993

The definition of #accessory# #use# in Section 12-10 (DEFINITIONS) is modified in accordance with the provisions of this Section.

62-231 - Rental of accessory berths to non-residents

LAST AMENDED
4/22/2009

Berths or moorings for non-commercial pleasure boats provided as an #accessory# #use# to a #residential use# may be rented to persons who are not occupants of the #residences# to which such berths or moorings are #accessory#, for the accommodation of the non-commercial pleasure boats used by such non-residents, provided that:

(a) not more than 40 percent of such berths or moorings are so occupied by non-residents;

(b) except in Manhattan Community Boards 1 through 8, an additional off-street parking space, in a location adjacent to the docking facility, or off-site in accordance with the provisions of Section 62-412 (Accessory residential off-site parking), is provided for each berth or mooring so occupied;

(c) such off-street parking spaces comply with all other provisions of this Resolution for the district in which they are located; and

(d) the total number of #accessory# berths or moorings does not exceed the total number of #dwelling units# to which they are #accessory#.

62-232 - Off-site accessory residential berths

LAST AMENDED
10/25/1993

#Accessory# berths or moorings may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such berths or moorings are #accessory#, provided that:

(a) both #zoning lots# are contiguous or would be contiguous except for their separation by a #street# or #street# intersection; and

(b) both #zoning lots# are in common ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10).

62-24 - Uses on Piers and Platforms

LAST AMENDED
4/22/2009

#Uses# on #existing piers# or #existing platforms# shall be subject to the provisions of Section 62-241. #Uses# on #new piers# or #new platforms# shall be subject to the provisions of Section 62-242.

62-241 - Uses on existing piers and platforms

LAST AMENDED
6/6/2024

The #use# of an #existing platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district.

The #use# of an #existing pier# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district provided that any #use# within a #building or other structure# on the #pier# meets one of the following requirements:

(a) such #use# is a WD #use#; or

(b) the #building or other structure# within which such #use# is located existed on October 25, 1993; or

(c) the #building or other structure# within which such #use# is located complies with the height and setback regulations of Section 62-344 (Developments on piers).

In addition, the following #use# regulations shall apply on #piers#:

(d) #uses# listed under Use Group VI, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment; and

(e) no #residential use# shall be permitted within a #building# on a #pier# unless 50 percent or more of the #floor area# of the #story# at the level of public access is allocated for occupancy by WE #uses#, subject to the size limitations set forth in paragraph (d) of this Section.

Any #use# on an #existing pier# not permitted by the foregoing provisions of this Section shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-835 (Developments on piers or platforms).

62-242 - Uses on new piers and platforms

LAST AMENDED

2/2/2011

#New piers# and #new platforms# shall be limited to WD #uses# or to the following WE #uses#: playgrounds or publicly accessible private parks. Changes of #use# to any other WE #use# are permitted only by special permit, pursuant to Section 62-835 (Developments on piers or platforms).

62-25 - Uses on Floating Structures

LAST AMENDED
6/6/2024

(a) WD #uses# shall be permitted on #floating structures# in accordance with the applicable district regulations.

The following WE #uses# shall be permitted on a #floating structure#, in accordance with the applicable district regulations, only if the #water coverage# of the #floating structure# does not exceed 5,000 square feet:

(1) eating or drinking establishments as listed under Use Groups VI;

(2) theaters listed under Use Group VIII; and

(3) any other WE #use#, provided such #use# is open to the sky except for minor #accessory# structures of less than 150 square feet.

(b) Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section 62-834.

The applicable district #sign# regulations are modified as follows:

(1) no #advertising signs# shall be permitted in any district;

(2) no #flashing signs# shall be permitted in any district;

(3) the regulations pertaining to roof #signs# shall be inapplicable;

(4) the maximum height of a #sign# shall be measured from water level in lieu of #curb level#;

(5) the maximum dimension of the #floating structure# on each side shall be used in lieu of #street# frontage of the #zoning lot# to determine the permitted area of #signs#; and

(6) each side of the #floating structure# shall be deemed to be a #street# frontage for the purposes of maximum size of #sign# computations and the maximum area of #signs# for each side shall be as set forth for each #street# frontage of a #corner lot#.

62-26 - Special Use Regulations for Public Parking Facilities

LAST AMENDED
4/22/2009

#Public parking lots# and #public parking garages# shall be permitted within #waterfront blocks# only as provided in this Section.

In C8 Districts and #Manufacturing Districts#, public parking facilities shall be permitted in accordance with the applicable district regulations. In other districts, public parking facilities shall be permitted within #waterfront blocks# only by special permit pursuant to Section 62-836. The requirement for such special permit shall be in addition to any special permit or authorization requirements of the applicable district.

62-27 - Special Use Regulations for Playgrounds or Private Parks

LAST AMENDED
4/22/2009

Playgrounds and private parks shall be a permitted #use# in M2 and M3 Districts within the #waterfront area# in Community Districts 1, 2 and 4 in the Borough of Manhattan.

62-28 - Special Sign Regulations

LAST AMENDED
2/27/2001

Within a #waterfront block#, no #flashing sign# permitted in accordance with the applicable district regulations shall exceed 50 square feet in #surface area# and no more than one such #sign# shall be permitted for each establishment located on a #zoning lot#, except that no #flashing sign# shall be permitted on any #pier# or #platform#.

62-29 - Special Use Regulations for Medium- and High-density Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, any #uses# listed under Use Groups VI or VIII, as set forth in Section 62-212 (Waterfront-enhancing (WE) uses), shall be a permitted #use# anywhere on the #zoning lot#, provided such #zoning lot# is partially located within a #Commercial District#, and further provided that:

(a) such #uses# have a public entrance fronting on a #waterfront public access area# or a #street# that provides public access to a #shore public walkway#;

(b) such #uses# are limited to not more than 10,000 square feet of #floor area# per establishment;

(c) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such #zoning lot#; and

(d) such #uses# are located below the level of the first #story# ceiling of a #building#, on a #pier# or #platform#, or in a kiosk within a #waterfront public access area# in accordance with the provisions for kiosks set forth in Section 62-611 (Permitted obstructions).

62-291 - Special Provisions in Waterfront Access Plan BK-1

LAST AMENDED
6/6/2024

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed under Use Group IV(B) in Section 32-14 or 42-14, shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.

62-30 - SPECIAL BULK REGULATIONS

LAST AMENDED

All #zoning lots# within #waterfront blocks# shall comply with the #bulk# regulations of this Section. For the purposes of this Section, non-#waterfront blocks# included in Waterfront Access Plan BK-1 shall be considered to be #waterfront blocks#. Existing #non-complying# #buildings or other structures# shall be subject to the provisions of Article V (Non-conforming Uses and Non-complying Buildings).

A change of #use# involving a #building or other structure# lawfully existing on October 25, 1993, shall be permitted in accordance with the applicable district #use# regulations, as modified by the provisions of this Chapter. Any #non-compliances# created with respect to the provisions of this Section due solely to the change of #use# shall be deemed to be existing #non-compliances#. However, no #enlargement# or other alteration of such #buildings or other structures# may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# with respect to the provisions of this Section.

Modification of the #bulk# regulations of Sections 62-31, 62-32, 62-33, 62-341, 62-342, 62-343 or 62-35 shall only be allowed by authorization or special permit of the City Planning Commission pursuant to Sections 62-837, 74-711, 74-74, 74-79, 75-24, 78-00 or 79-00, as applicable.

Provisions for modification of the #bulk# regulations on #piers# and #floating structures# are set forth in Sections 62-344 and 62-345.

In no event shall any #bulk# modification include modification of the provisions of paragraph (a) of Section 62-31 or the maximum #floor area ratio# for the applicable district set forth in Sections 62-321 and 62-322.

62-31 - Bulk Computations on Waterfront Zoning Lots

LAST AMENDED

4/22/2009

On #waterfront zoning lots#, the areas of the #upland lot# and the #seaward lot# shall be computed separately.

(a) #Upland lot#

All #bulk# regulations pertaining to the #upland lot# shall be satisfied entirely on such portion of the #zoning lot#. All #floor area#, #dwelling units# or #rooming units# generated by such portion shall be located within the #upland lot# and all #lot coverage# computations shall be based solely on the area of the #upland lot#.

(b) #Seaward lot#

Within the #seaward lot#, only the #water coverage# of #piers# or #platforms# that are structurally sound and physically accessible directly from the shore, with a surface that is capable of lawful occupancy, shall be deemed to be #lot area# for the purposes of determining allowable #floor area#, #dwelling units# or #rooming units#, or to satisfy any other #bulk# regulations, unless expressly stated otherwise. In no event shall the #water coverage# of a #building or other structure# projecting over the water from a #pier# or #platform# be included in #lot area#. #Lot coverage# provisions shall not apply to the #seaward lot#.

Except where all #piers#, #platforms# or #floating structures# are occupied #predominantly# by WD #uses#, the maximum #water coverage# permitted on a #zoning lot# shall not exceed 50 percent and the #water coverage# of an #existing pier# or #platform# may not be increased by more than 10 percent.

(c) Special provisions for #bulk# distribution

#Floor area#, #dwelling units# or #rooming units# generated by #existing piers# or #platforms# within the #seaward lot# may be located anywhere on the #zoning lot# provided the amount on the #upland lot# does not exceed the maximum for the district on such portion

of the #zoning lot# by more than 20 percent. No #bulk# distribution from the #seaward lot# shall be permitted for #new piers# or #platforms#, except within Waterfront Access Plan BK-1. Such #bulk# distribution shall be permitted for new portions of #piers# located within Waterfront Access Plan BK-1, provided that such new portion of the #pier# is accessed from a portion of an #existing pier# containing not less than 25 percent of the #water coverage# of such #existing pier# and that the #water coverage# of the new and existing portions of the #pier# does not exceed the #water coverage# of the #existing pier#.

62-32 - Floor Area Regulations on Waterfront Blocks

LAST AMENDED
12/5/2024

#Floor area# regulations for #zoning lots# within #waterfront blocks# are set forth in:

Section 62-321 for R1 through R5 Districts

Section 62-322 for R6 through R12 Districts

Section 62-323 for Community Facility and Commercial uses in Residence Districts

Section 62-324 for Commercial Districts

Section 62-325 for Manufacturing Districts

Section 62-326 for #mixed use buildings# in a #Special Mixed Use District#

62-321 - Floor area regulations for R1 through R5 Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #buildings# shall be as set forth for the applicable district regulations provided in Section 23-21 (Floor Area Regulations for R1 through R5 Districts), inclusive.

62-322 - Floor area regulations for R6 through R12 Districts

LAST AMENDED
12/5/2024

R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #residential# #floor area ratio# shall be as set forth for the applicable district regulations provided in Section 23-22 (Floor Area Regulations for R6 through R12 Districts), inclusive.

However, for districts without a letter suffix, the regulations applicable to portions of a #zoning lot# within 100 feet of a #wide street# shall not apply. Furthermore, in R6 Districts the maximum #floor area ratio# for standard #residences# shall be 2.43.

62-323 - Community facility and commercial uses in Residence Districts

LAST AMENDED
12/5/2024

In #Residence Districts#, for any #community facility building# or #community facility# portion of a #building# on a #zoning lot#, the following shall apply:

(a) The maximum #floor area ratio# shall be in accordance with the applicable district regulations. For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

(b) In #Residence Districts#, when permitted, #commercial buildings# or #buildings# used partly for #commercial# #use#, shall comply with the regulations for #residential buildings# as set forth in Sections 62-321 and 62-322.

62-324 - Buildings in Commercial Districts

LAST AMENDED
12/5/2024

In #Commercial Districts#, for any #commercial# or #community facility# #uses# on a #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except:

(a) no #floor area# bonuses shall be permitted except as permitted pursuant to the provisions of paragraph (c) of this Section;

(b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0; and

(c) for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For #residential buildings# and #residential# portions of #mixed buildings#, the maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections 62-321, 62-322, 62-333, and 62-334 shall apply as set forth for the applicable #Residence District# and its corresponding #Commercial District# in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

62-325 - Buildings in Manufacturing Districts

LAST AMENDED
12/5/2024

In #Manufacturing Districts#, for any #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

62-326 - Maximum floor area ratio for a mixed use building in a Special Mixed Use District

LAST AMENDED
12/5/2024

The maximum #floor area ratio# for #zoning lots# containing a #mixed use building# in a #Special Mixed Use District# shall be in accordance with the provisions of Section 123-62 (Special Floor Area Regulations).

62-33 - Special Yard and Lot Coverage Regulations on Waterfront Blocks

LAST AMENDED
12/5/2024

#Yard# and #lot coverage# regulations for #zoning lots# within #waterfront blocks# shall be governed by the provisions of this Section, inclusive.

For #developments# containing WD #uses# or, in C8 or #Manufacturing Districts# without an A suffix, #developments# comprised predominantly of #uses# listed under Use Groups IV(B), IX or X, or for #developments# on #zoning lots# that are not #waterfront zoning lots#, #yards# shall be provided in accordance with the applicable district regulations. For all other #developments#, #yards# shall be provided in accordance with the provisions of Sections 62-331 (Front yards and side yards) and 62-332 (Rear yards and waterfront yards), except that no #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements.

The maximum #lot coverage# in #Residence Districts# shall be as set forth in Section 62-333 and the maximum #lot coverage# in #Commercial Districts# shall be as set forth in Section 62-334.

62-331 - Front yards and side yards

LAST AMENDED7/26/2001

#Front yards# and #side yards# shall be provided on #zoning lots# within #waterfront blocks# in accordance with applicable district regulations, except that:

(a) any #rear lot line# of a #waterfront zoning lot# that intersects the #shoreline# shall be deemed to be a #side lot line# and be subject to #side yard# regulations; and

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

62-332 - Rear yards and waterfront yards

LAST AMENDED
12/5/2024

#Rear yard# regulations shall be inapplicable on #waterfront zoning lots#. In lieu thereof, a #waterfront yard# shall be provided along the entire length of the #shoreline#, bulkhead or stabilized natural shore, whichever is furthest landward. In addition, the following rules shall apply to the #waterfront yard#:

(a) Depth of the #waterfront yard#

The required minimum depth of a #waterfront yard# is set forth in the following table.

Column A sets forth districts where the minimum depth is 30 feet, and Column B sets forth districts where the minimum depth is 40 feet. Such minimum depths shall be measured from the landward edge of the bulkhead, landward edge of stabilized natural shore, or, in the case of natural #shorelines#, the mean high water line.

Where a #platform# projects from the #shoreline#, stabilized natural shore, or bulkhead (see illustration below of Waterfront Yard), such #waterfront yard# shall, in lieu of following the shore at that portion, continue along the water edge of such #platform# until it again intersects the #shoreline#, stabilized natural shore, or bulkhead, at which point it shall resume following the #shoreline#, stabilized natural shore, or bulkhead.

WATERFRONT YARD DEPTH FOR ALL DISTRICTS

Column A	Column B
Districts with 30 Foot Requirement	Districts with 40 Foot Requirement
R1 R2 R3 R4 R5	R6 R7 R8 R9 R10 R11 R12
C1 C2 mapped in R1 R2 R3 R4 R5	C1 C2 mapped in R6 R7 R8 R9 R10 R11 R12

C3	C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4 C5 C6 C7 C8 M1 M2 M3

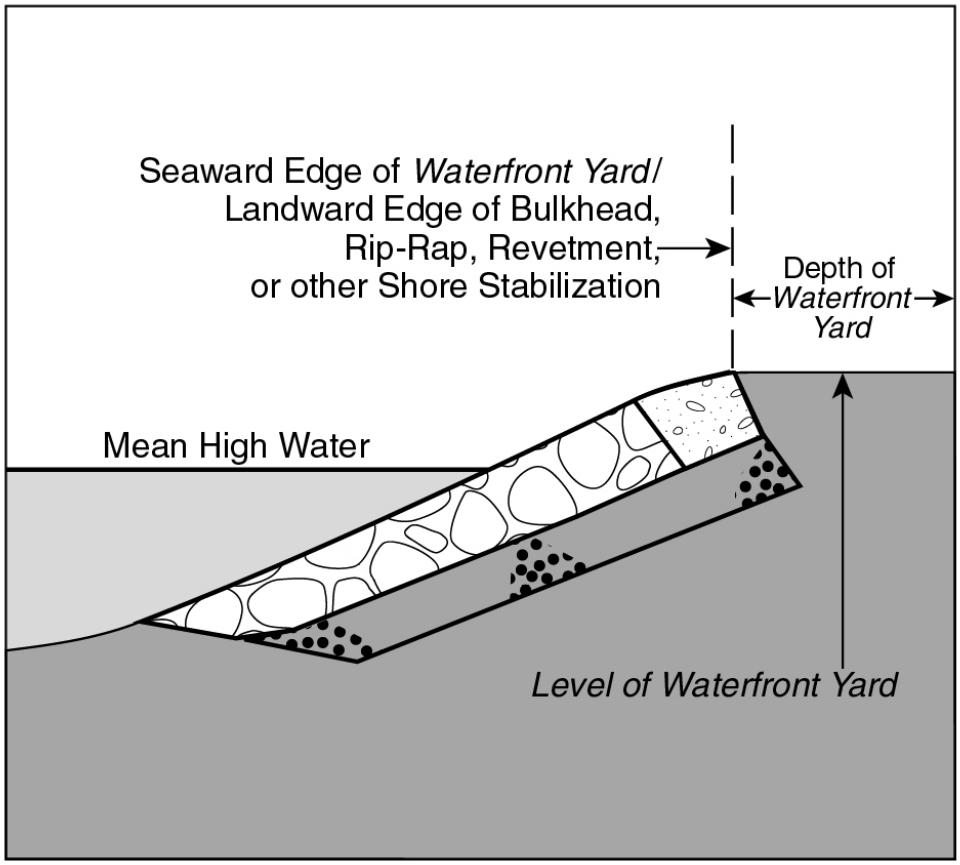
The minimum depth set forth in the preceding table may be reduced at the following locations provided no #waterfront yard# is reduced to less than 10 feet:

(1) Along those portions of the landward edge of stabilized shore, bulkhead, natural #shoreline# or along those portions of the water edge of a #platform#, having a lot dimension, measured perpendicular to and landward from such edge, that is less than 70 feet in the case of districts in Column A or 80 feet in the case of districts in Column B. For such shallow portions of lots, the minimum depth may be reduced by one foot for each foot that the lot dimension measured from such edge is less than 70 or 80 feet, as applicable.

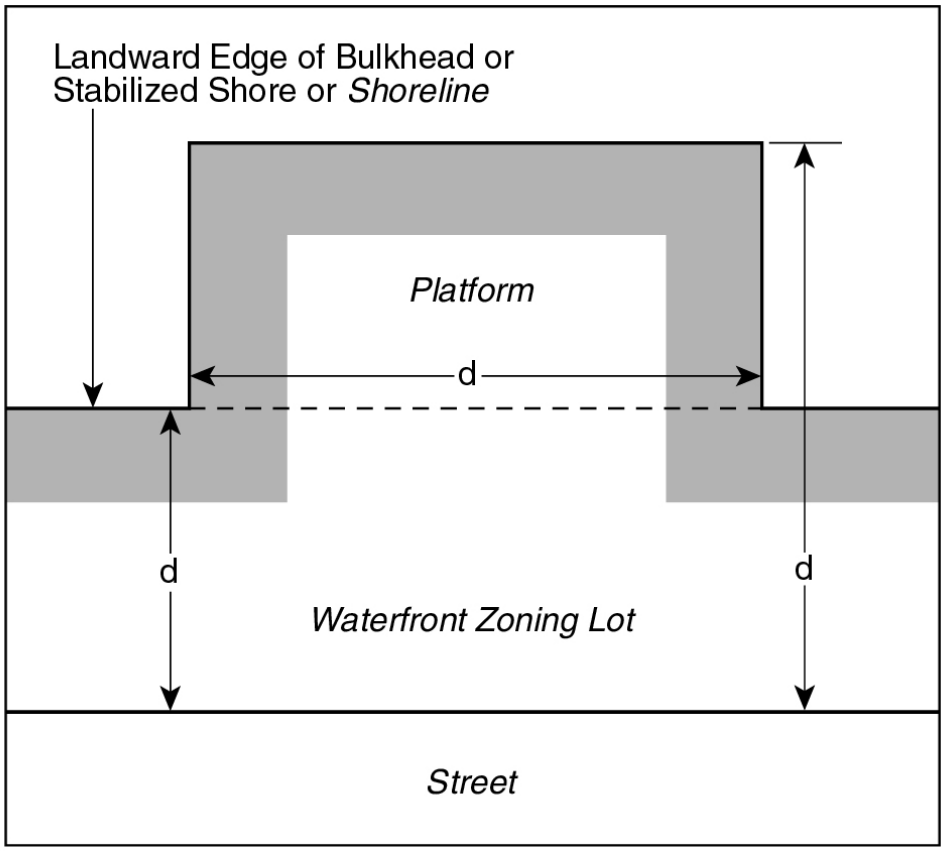
(2) Along those portions of the water edge of a #platform# having a dimension, measured perpendicular from such water edge to an opposite water edge that is less than 100 feet in the case of districts in Column A or 120 feet in the case of districts in Column B. For such narrow portions of #platforms#, the minimum depth along each opposite edge may be reduced by one-half foot for each foot that the #platform# dimension is less than 100 or 120 feet, as applicable.

(3) Where a #tidal wetland area# is provided, the depth of the #waterfront yard# may be reduced by a foot for every foot of stabilized natural shore or intertidal planting area

beyond the landward edge of the bulkhead, stabilized natural shore or #shoreline# up to seven feet. Such reduction in depth shall not extend along more than 30 percent of the #shoreline# of the #waterfront zoning lot#.



WATERFRONT YARD AT STABILIZED SHORELINE (62-332a.1)



d Dimension for Determining Minimum Depth or Width of *Waterfront Yard* on Narrow/Shallow Lots and *Platforms*

Waterfront Yard

WATERFRONT YARD (62-332a.2)

(b) The level of the #waterfront yard#

The level of required #waterfront yards# shall not be higher than the elevation of the top of the adjoining existing bulkhead, existing stabilized natural shore or mean high water line, as applicable, except that natural grade level need not be disturbed in order to comply with this requirement.

The level of the portion of a #waterfront yard# on a #platform# shall not be more than three

feet higher than the abutting level of the non-platformed portion of the #waterfront yard#, of which it is the continuation, except that the level of a #platform# existing on October 25, 1993 need not be altered in order to comply with this requirement.

However, the level of the #waterfront yard# may be modified as follows:

(1) For #zoning lots# not required to provide #waterfront public access areas# pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements), the level of #waterfront yards# may be raised either to:

(i) the #flood-resistant construction elevation# or six feet above #shoreline#, whichever is higher; or

(ii) a higher elevation, provided that the #waterfront yard# complies with the applicable provisions of paragraph (b)(2) of this Section, depending on the condition of the shared #lot line#.

(2) For #zoning lots# with required #waterfront public access areas# pursuant to Section 62-52, the level of #waterfront yards# may be raised to a higher elevation, provided that such elevated #waterfront yard# complies with the following provisions, depending on the condition of the adjacent #zoning lot# :

(i) where a #waterfront yard# adjoins a #street#, #public park#, or #waterfront public access area# on an adjacent #zoning lot#, the level of the #waterfront yard# within 15 feet of the shared #lot line# shall not exceed three feet above the level of the adjoining #street#, #public park# or #waterfront public access area#, and the width of the circulation path at the #lot line# is greater than that required by paragraph (a) of Section 62-62 (Design Requirements for Shore

Public Walkways and Supplemental Public Access Areas). However, the elevation of the required circulation path shall be no higher than the grade of the adjacent #street#, #public park#, or #zoning lot# at the #lot line#.

(ii) where a #waterfront yard# does not adjoin a #street#, #public park#, or #waterfront public access area# on an adjacent #zoning lot#, the level of the #waterfront yard# at the shared #lot line#, may exceed the level of the adjacent #zoning lot#:

(a) up to a maximum of six feet above the #shoreline#; or

(b) to a level higher than six feet above the #shoreline#, where the Chairperson of the City Planning Commission certifies, pursuant to Section 62-811 (Waterfront public access and visual corridors) that:

(1) the applicant has submitted a plan indicating the proposed level of the #waterfront yard# at the #lot line# of adjacent #zoning lots# and the level of such adjacent #zoning lots# adjacent to the #waterfront yard#; and

(2) submitted proof of a legal instrument, executed by the fee owner of any #zoning lot# that is adjacent to the subject #waterfront yard#, and binding upon all necessary parties in interest, that the owner will develop a #waterfront public access area# with a grade that meets that of the adjacent #zoning lots# based on the proposed level of the subject #waterfront yard# as reflected in the submitted plan. Such legal instrument shall run with the land and shall be recorded against all affected parcels of land.

(c) Permitted obstructions

No #building or other structure# shall be erected above the lowest level of a #waterfront yard#. Permitted obstructions in #waterfront yards# in all districts shall include permitted obstructions as listed in Sections 23-311 (Permitted obstructions in all yards, courts and open areas), 23-312 (Additional permitted obstructions generally permitted in all yards), and 62-611, except that enclosed #accessory# off-street parking spaces and walls exceeding four feet in height shall not be permitted. Where any power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, are located in a #front yard#, the entire width of the portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation.

In addition, the following #rear yard# obstructions shall not be permitted except when #accessory# to #single-# or #two-family residences# in #detached#, #semi-detached# or #zero lot line buildings#:

Balconies, unenclosed;

Greenhouses, non-commercial, #accessory#;

Parking spaces, off-street, open or enclosed, #accessory#;

Swimming pools, #accessory#;

Terraces or porches, open.

62-333 - Maximum lot coverage in Residence Districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

In the districts indicated, the maximum #lot coverage# for #residential# #buildings#, #community facility# #buildings# or the portions of #buildings# containing #residential# or #community facility# #uses# shall be the applicable #residential# #lot coverage# set forth in Section 23-36 (Maximum Lot Coverage), inclusive. For the purpose of applying such regulations, the regulations for #interior lots# or #through lots# shall apply, and additional limitations for #large sites# need not apply.

Any portion of a #building# at any height up to but not exceeding 23 feet above the #base plane# may be excluded in determining the percent of #lot coverage# set forth in this Section.

Additionally, for #buildings# in R6 through R12 Districts that exceed the maximum base height listed in Section 62-343 (Height and setback regulations in other medium- and high-density districts), the minimum #lot coverage# shall be 30 percent of the #lot area# at a height of 20 feet. For the purposes of determining this requirement, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #zoning lot# landward of the #shoreline#. In the event the site plan involves construction on only a portion of the #zoning lot#, sufficient calculations shall be provided to show that such partial construction does not preclude compliance with the minimum #lot coverage# requirements of this Section at the time the site is fully developed.

In #Special Mixed Use Districts#, #lot coverage# requirements shall not apply to #community facility# #uses#.

62-334 - Maximum lot coverage for residences in Commercial Districts

LAST AMENDED
12/5/2024

In #Commercial Districts#, for #residential# #buildings#, or the #residential# portion of #mixed buildings#, the maximum #lot coverage# regulations of Section 62-333 (Maximum lot coverage in Residence Districts) shall apply.

62-34 - Height and Setback Regulations on Waterfront Blocks

LAST AMENDED
12/5/2024

Height and setback regulations for #zoning lots# within #waterfront blocks# are set forth in the following Sections:

Section 62-341 (Height and setback regulations in lower density districts)

Section 62-342 (Height and setback regulations in medium- and high-density districts with a letter suffix)

Section 62-343 (Height and setback regulations in other medium- and high-density districts)

Section 62-344 (Developments on piers)

Section 62-345 (Developments on floating structures)

However, airports, heliports, seaplane bases and, in C8 or #Manufacturing Districts#, #developments# comprised #predominantly# of WD #uses# or #uses# listed under Use Groups IV(B), IX or X shall be exempt from the requirements of this Section.

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads,

bridges or similar structures which are less than 50 feet above the mean high water line and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-344 and 62-345.

For the purposes of applying the regulations of this Section, the following provisions shall apply:

(a) #Street lines#

For the purposes of Sections 62-342 and 62-343, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

(b) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4.

(c) Permitted obstructions

The obstructions permitted pursuant to Sections 23-411, inclusive, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-312, 64-313 or 64-323, shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

(1) A penthouse portion of a #building# shall be permitted to exceed the applicable maximum #building# height in Section 62-343 by 15 percent, provided that the gross

area of any such #story# does not exceed 90 percent of the gross area of that #story# directly below the highest 15 percent of the #building#.

(2) Wind energy systems

Regulations governing wind energy systems are modified as follows:

(i) in R6 through R12 Districts, #Commercial Districts# mapped within, or with a #residential equivalent# of, R6 through R12 Districts, C7 Districts, C8 Districts other than C8-1 Districts, or #Manufacturing Districts# other than M1-1 Districts, wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of such portion of the #building# or 55 feet, whichever is less, as measured from the roof to the highest point of the wind turbine assembly;

(ii) in C4-1, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility# #uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly; and

(iii) in all districts, no portion of a wind energy system may be closer than 10 feet to a #waterfront public access area# boundary or a #zoning# #lot line#.

62-341 - Height and setback regulations in lower density districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 C3 C4-1 C8-1 M1-1

In the districts indicated, and for C1 or C2 Districts mapped within an R1 through an R5 District, all #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the underlying height and setback regulations, except as modified by the provisions of this Section.

(a) Modified base height and #building# heights in certain districts

The maximum base height and maximum #building# height for #buildings# on #waterfront blocks# for certain districts shall be as set forth in the following table:

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHT FOR #RESIDENTIAL BUILDINGS# ON #WATERFRONT BLOCKS#

District	**Maximum Base Height (in feet)**	**Maximum Height of #Buildi other Structures# (in fee**
R1 R2 C1 or C2 mapped within R1 or R2 C8-1 M1-1	35	35
R3 C1 or C2 mapped within R3 C3	35	45

R4 C1 or C2 mapped within R4	45	55
R5 C1 or C2 mapped within R5 C4-1	55	65

(b) Additional regulations

(1) Above the maximum base height, a #building# shall be set back at least:

(i) 15 feet from a #narrow# #street line#;

(ii) 10 feet from a #wide# #street line#; or

(iii) 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

Dormers provided in accordance with Section 23-413 shall be permitted within any setback area, provided that the depth of encroachment of a dormer facing the #shore public walkway# shall not exceed 15 feet;

(2) Any portion of a #predominantly# #community facility# #building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet. However, within a #large-scale community facility development#, for portions of a

#building# that are located at least 100 feet from a #street line# and, on a #waterfront zoning lot#, 100 feet from a #waterfront yard#, the maximum height shall not exceed 100 feet.

(3) All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly.

62-342 - Height and setback regulations in medium- and high-density districts with a letter suffix

LAST AMENDED
12/5/2024

For all #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# within R6 through R12 Districts with a letter suffix or #Commercial Districts# mapped within or with a #residential equivalence# of an R6 through R12 District with a letter suffix, the applicable underlying height and setback regulations of Section 23-43, inclusive, shall apply.

62-343 - Height and setback regulations in other medium- and high-density districts

LAST AMENDED
12/5/2024

For those districts not otherwise governed by the provisions of Sections 62-341 (Height and setback regulations in lower density districts) or 62-342 (Height and setback regulations in medium- and high-density districts with a letter suffix), the underlying height and setback regulations are applicable for all #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms#, except as modified by the provisions of this Section.

(a) Modified base height and #building# heights

For all #buildings#, the base heights, transition heights, and #building# heights for #buildings# on #waterfront blocks# shall be as set forth in the following table. Additional regulations are set forth in paragraph (b) for #buildings# containing #residences# and in paragraph (c) for all other #buildings#. For all #buildings#, tower regulations are set forth in paragraph (d).

MAXIMUM BASE HEIGHT, TRANSITION HEIGHTS, AND MAXIMUM BUILDING HEIGHT - FOR OTHER DISTRICTS

District	**Maximum Base Height (in feet)**	**Transition Zone**		**M o**
		Maximum Transition Height Tier 1 (in feet)	**Maximum Transition Height Tier 2 (in feet)**	
R6-2 C1 or C2 mapped within R6-2	55	75	95	

R6 R6-1 C1 or C2 mapped within R6 or R6-1 C7-1 C8-2 C8-3 M1-2 M1-4 M1-1A M2-1 M2-3 M2-1A M3-1 M3-2 M3-1A	65	95	125	
R7-1 R7-2 C1 or C2 mapped within R7-1 or R7-2 C7-2 M1-2A M2-2A M3-2A	85	115	155	
R7-3 C1 or C2 mapped within R7-3 C7-3 C8-4 M1-3 M1-5 M1-3A M2-2 M2-4 M2-3A	95	145	185	

R8 C1 or C2 mapped within R8 C4-8 C6-1 C6-2 C7-4 M1-4A M2-4A	105	145	215	
R9 C1 or C2 mapped within, or with a #residential equivalent# of an R9 C4-9 C6-3 C7-5 C7-6 M1-5A M1-6A	135	185	285	
R9-1 C1 or C2 mapped within an R9-1	155	215	315	

R10 C1 or C2 mapped within, or with a #residential equivalent# of an R10 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C7-7 M1-6 M1-7A	155	235	355	
R11 C1 or C2 mapped within R11 C4-11 C6-11 C7-8 M1-8A	155	325	405	
R12 C1 or C2 mapped within R12 C4-12 C6-12 C7-9 M1-9A	155	395	495	

(b) Additional regulations for #buildings# containing #residences#

For #buildings# containing #residences#, the following shall apply:

(1) for #street walls# not facing the #shore public walkway# or #supplemental public access areas#:

(i) the #street wall# location provisions of paragraph (b) of Section 23-431 shall apply, and such #street walls# shall extend to a minimum base of at least 35 feet, or the height of the #building#, whichever is less; and

(ii) at a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided in accordance with the provisions of Section 23-433.

(2) for portions of #buildings# facing the #shore public walkway# or #supplemental public access areas#:

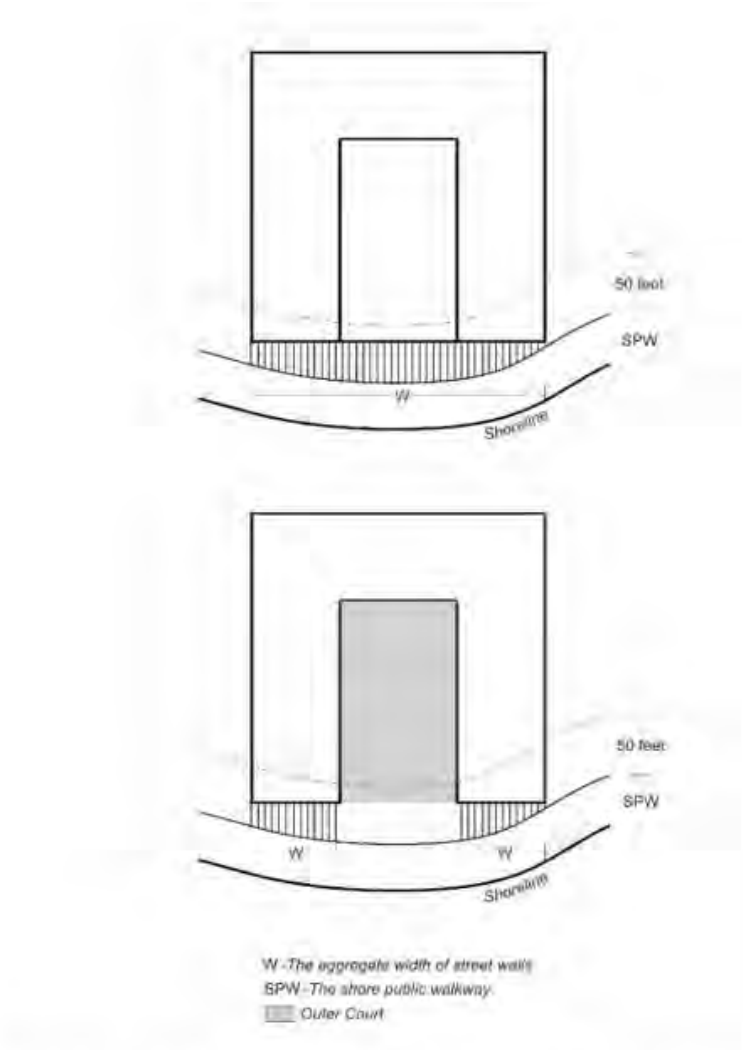
(i) no #street wall# location provisions shall apply;

(ii) at a height not higher than the maximum base height, a setback, with a minimum depth of 30 feet shall be provided from the boundary of the #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the setback distance;

(iii) dormers shall be permitted in such setback, in accordance with Section 23-413, except that the depth of such dormer shall not exceed 15 feet;

(iv) where a #street wall# is located within 50 feet of the #shoreline#, the maximum base height shall not exceed a height of 85 feet; and

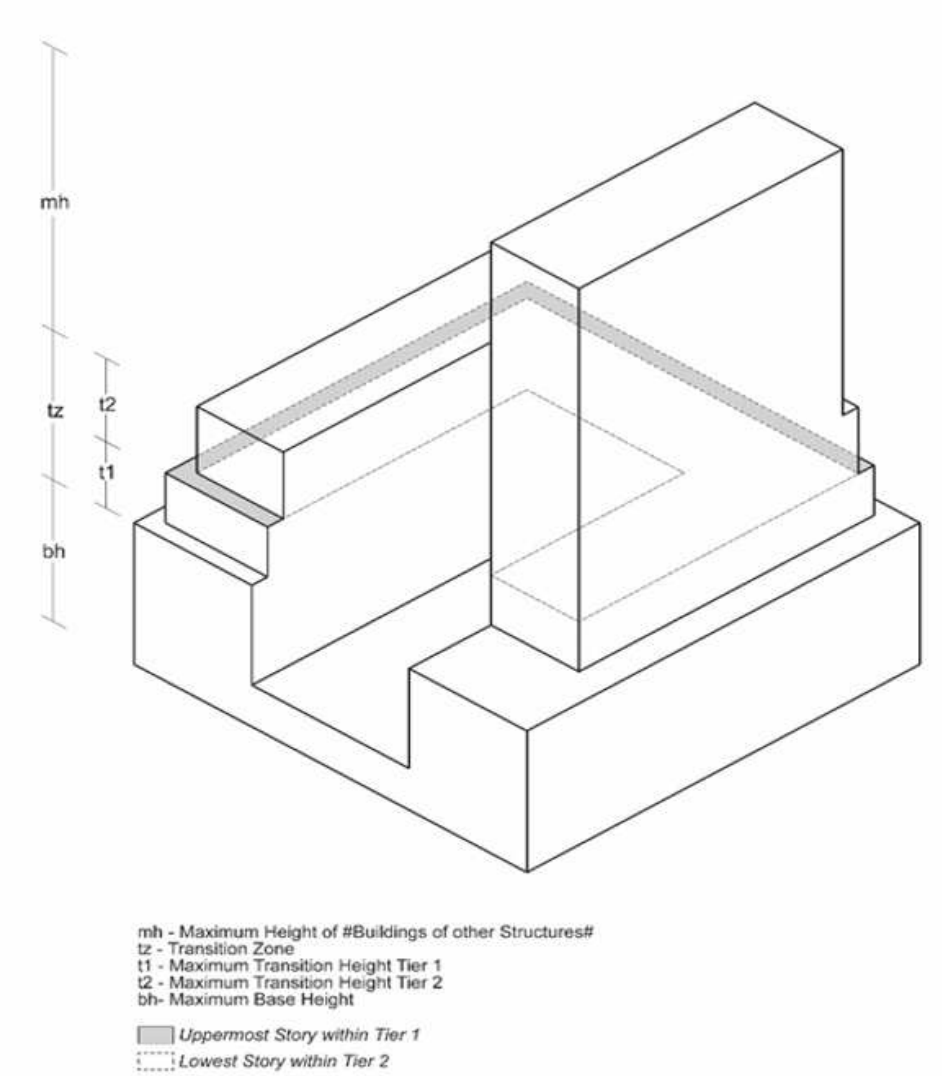
(v) an amount of #building# frontage equivalent to at least 25 percent of the #aggregate width of street walls# facing the #shore public walkway# shall either be provided as open area in an #outer court# or shall have a reduced base height that does not exceed two-thirds of the height of the permitted maximum base height;



AGGREGATE WIDTH OF STREET WALLS
FACING THE SHORE PUBLIC WALKWAY (62-343b2)

(3) along all frontages, after the required setback, #buildings# may rise to the maximum transition zone height set forth in the table, which consists of maximum Tier 1 and Tier 2 transition heights. Where the gross area of any #story# within the transition zone exceeds 10,000 square feet, exclusive of the square footage contained in any permitted dormers, one or more setbacks shall be provided at a height not higher than the maximum Tier 1 transition height. Such setbacks may be of any depth, but shall reduce

the gross area of #stories# such that the highest gross area of any #story# in the Tier 2 transition zone is at least 10 percent less than that of the highest gross area of any #story# in the Tier 1 transition zone; and



TRANSITION HEIGHTS SETBACK AREA (62-343b3)

(4) any portion of a #building# that exceeds the maximum transition height shall be considered a tower and shall be subject to the provisions of paragraph (d) of this Section.

(c) Additional regulations for other #buildings#

For #buildings# that do not contain #residences#, the following shall apply:

(1) Above the maximum base height, a #building# shall be set back at least:

(i) 15 feet from a #narrow# #street line#;

(ii) 10 feet from a #wide# #street line#; or

(iii) 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the setback distance.

Dormers provided in accordance with paragraph (b) of Section 23-413 shall be permitted within any setback area, provided that the depth of encroachment of a dormer facing the #shore public walkway# shall not exceed 15 feet;

(2) after the required setback, #buildings# may rise to the maximum transition height;

(3) any portion of a #building# that exceeds the maximum transition height shall be considered a tower and subject to the provisions of paragraph (d) of this Section.

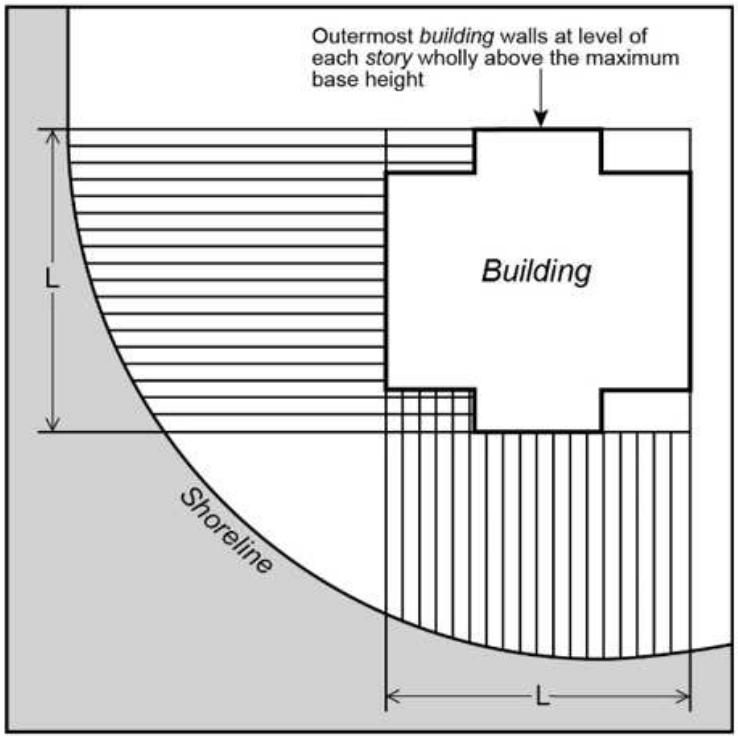
(d) Tower regulations

Any portion of a #building# that exceeds the maximum transition height shall be subject to the following tower provisions:

(1) The maximum width of any #story# of a tower that faces a #shoreline# shall not exceed 100 feet. Such width shall be measured by inscribing within a rectangle the outermost walls at the level of each tower #story#. Any side of such rectangle from which perpendicular lines may be drawn to a #shoreline#, regardless of any intervening structures, properties or #streets#, shall not exceed 100 feet. However, such limitation may be modified as follows:

(i) where a tower faces two or more #shorelines#, such restriction shall apply only to one face, and the maximum length along other frontages shall not exceed 130 feet frontage (See illustration);

(ii) where the average depth of a #zoning lot# is less than 200 feet, the maximum width of a #story# shall not exceed 130 feet.



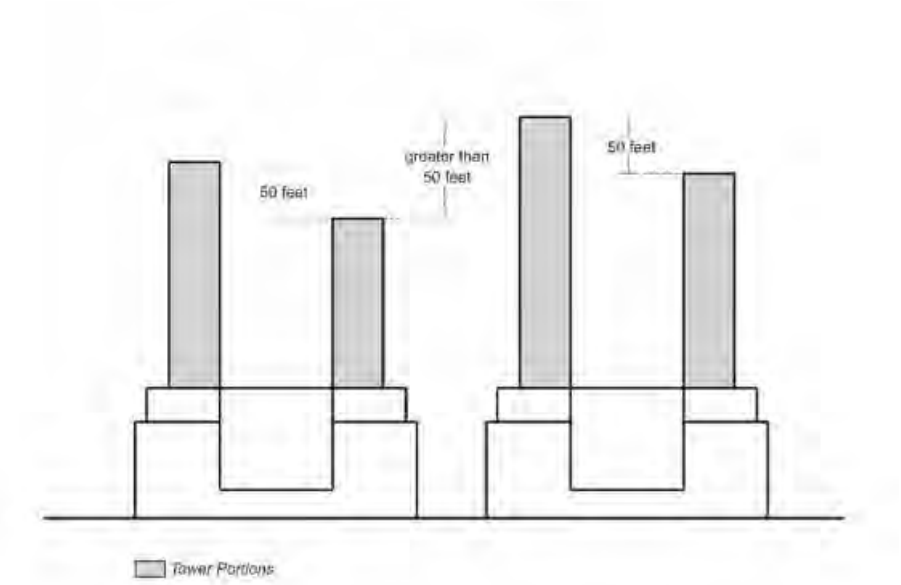
L - Maximum width of *building* wall (100 feet)

MAXIMUM WIDTH OF BUILDING WALL FACING SHORELINE (62-343b3)

(2) for #residential# #stories# within a tower, the following shall apply:

(i) the tower footprint shall not exceed a gross area of 10,000 square feet, except that where the overall height of a tower exceeds two-thirds of the overall maximum permitted height set forth in the table, a portion of tower #stories# equivalent to at least one-third of the height of the #building#, excluding any penthouse provided as a permitted obstruction, shall have a footprint that does not exceed 8,500 square feet. Dormers need not be included in the calculation of such maximum gross area; and

(ii) where two or more towers are provided on a #zoning lot#, there shall be at least 50 feet in difference in height between any two immediately adjacent towers.



ADJACENT TOWER HEIGHT VARIATION (62-343d2)

62-344 - Developments on piers

LAST AMENDED
12/5/2024

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #piers#. In lieu thereof, the provisions of this Section shall apply.

The #base plane# of a #pier# shall be the elevation of the finished surface of the #pier#, below which no portion of a #building or other structure# penetrates, except for the supporting structure, plumbing or utility lines. In the event portions of a #pier# have different surface elevations, the surface elevation of at least 50 percent of the #pier# shall be used to establish the #base plane#.

The height of all #buildings or other structures# on #piers# shall be measured from the #base plane#. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof.

The obstructions permitted pursuant to Sections 23-41, 24-51, 33-42 or 43-42 shall apply. In addition, a dormer may penetrate a required setback area above a height of 30 feet provided the aggregate width of dormers on any given #building# wall does not exceed 50 percent of the width of such #building# wall.

(a) Height and setback regulations on #piers#

The height of a #building or other structure# on a #pier# shall not exceed 30 feet. However, where a setback at least 15 feet deep is provided, the maximum height of a #building or other structure# shall be 40 feet. Such required setback shall be provided at a minimum height of 25 feet and a maximum height of 30 feet, and may be reduced to 10 feet in depth along any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion. In addition, wind energy systems shall be allowed, provided such a system does not exceed a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly or, when located above a roof of the #building#, a height of 55 feet, as measured to the highest point of the wind turbine assembly, whichever is higher.

(b) #Building# width and spacing regulations on #piers#

The maximum length or width of any #building or other structure# on a #pier# shall be 200

feet. The provisions of Section 23-371 (Distance between buildings) shall be inapplicable on #piers#. In lieu thereof, the minimum distance on a #pier# between any two #buildings or other structures# that do not #abut# shall be 100 feet. However, such limitations shall not apply to any #building or other structure#, no portion of which exceeds 30 feet in height.

Permitted obstructions above the #base plane# within such required open areas between #buildings or other structures# shall be limited to those allowed above the lowest level of a #visual corridor# pursuant to Section 62-513 (Permitted obstructions in visual corridors), except that freestanding #accessory# #buildings or other structures# shall also be permitted provided they do not exceed a height of 30 feet and a total area, in aggregate, of 900 square feet. A minimum spacing of 15 feet shall be provided between such #accessory# #buildings or other structures# and any other #building or other structure# on the #pier#.

(c) Modification of #pier# #bulk# regulations

Modification of the regulations of this Section involving the height and setback or width and spacing of #buildings or other structures# on #piers# shall only be allowed by special permit or authorization of the City Planning Commission pursuant to Sections 62-835 (Developments on piers or platforms), 74-711 (Landmark preservation in all districts), 74-79 (Transfer of Development Rights From Landmark Sites) or 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites), as applicable.

62-345 - Developments on floating structures

LAST AMENDED
12/5/2024

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #floating structures#, except for WD #uses# in C8 and #Manufacturing Districts#. In lieu thereof, the provisions of this Section shall apply.

#Base plane# shall be inapplicable for #floating structures#. Height shall be measured from the water line of the #floating structure# to the highest point of the roof or uppermost open deck. However, the following obstructions are permitted to penetrate a height limit:

Chimneys, flues or stacks;

Flagpoles, aerials or masts;

Parapet walls or safety enclosures, not more than four feet high; and

Wire, chain link or other transparent fences.

#Developments# permitted as-of-right pursuant to Section 62-25 shall not exceed a height of 23 feet. #Developments# on #floating structures# pursuant to the special permit provisions of Section 62-834 shall not exceed the height limits set forth in Column A of the table in this Section, except for navigational vessels being repurposed as #floating structures# in accordance with such special permit provisions. Such repurposed vessels shall be subject to the height limits set forth in Column B of the table.

HEIGHT LIMITS FOR FLOATING STRUCTURES

			Column A	Column B
#Residence District#	#Commercial District#	#Manufacturing District#	Maximum Structure Height (in feet)	Maximum Height of Repurposed Vessels (in feet)

R1 thru R5	C1 or C2 mapped in R1 thru R5 C3	-	23	40
R6	C1 or C2 mapped in R6 C4-1 C7-1 C7-2 C8-1 C8-2 C8-3	M1-1 M1-2 M1-4 M1-1A M1-2A M2-1 M2-3 M2-1A M2-2A M3-1 M3-2	40	60
R7 R8	C1 or C2 mapped in R7 or R8 C1-6 C1-7 C2-6 C4-2 C4-3 C4-4 C4-5 C6-1 C6-2 C7-3 C7-4 C8-4	M1-3 M1-5 M1-3A M1-4A M2-2 M2-4 M2-3A M2-4A	50	70

R9 R10 R11 R12	C1 or C2 mapped in R9 thru R12 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-5 C7-6 C7-7 C7-8 C7-9	M1-6 M1-5A M1-6A M1-7A M1-8A M1-9A	60	150

62-35 - Special Ground Floor Regulations on Waterfront Blocks

LAST AMENDED

12/5/2024

62-351 - Ground floor streetscape

LAST AMENDED

12/5/2024

For the purposes of this Section, “ground floor level” shall mean the floor of a #building#, the level of which is located within five feet of the finished level of the adjacent sidewalk.

For #street walls# that are more than 50 feet in width and within 50 feet of a #waterfront public access area# or #street#, the following rules shall apply:

(a) at least 50 percent of the width of such #street walls# shall be occupied by #floor area# at the ground floor level; and

(b) where such #street walls# do not contain windows with sill levels lower than four feet above the adjacent sidewalk for a continuous distance of at least 30 feet, such #street walls# shall be articulated with rustication or decorative grills, or screened with plant material, to a minimum height of four feet.

Parking garages that occupy the ground floor frontage along any #street# or private drive which is also an #upland connection# shall be screened in accordance with the planting requirements of paragraph (a)(7)(iii) of Section 62-655.

62-36 - Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

LAST AMENDED
12/5/2024

On #waterfront blocks# in Waterfront Access Plan BK-1 in Community District 1, Borough of Brooklyn, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

62-361 - Special floor area regulations

(a) R6 R7 R8

In the districts indicated, the maximum #residential# #floor area ratio# shall be as follows:

(1) For #zoning lots# located in #Mandatory Inclusionary Housing areas#, the maximum #residential# #floor area ratio# shall be as set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts); or

(2) For #zoning lots# located outside of #Mandatory Inclusionary Housing areas#, the maximum #residential# #floor area ratio# shall be as set forth in the following table. Separate maximum #residential# #floor area ratios# are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #UAP developments# or #qualifying senior housing#.

MAXIMUM FLOOR AREA RATIO FOR R6-R8 DISTRICTS

District	**Standard #residences#**	**#UAP development# or #qualifying senior housing#**
R6	2.54	3.05
R7-3	4.17	5.00
R8	5.42	6.50

(b) #Buildings# used for #accessory# off-street parking spaces

Within Waterfront Access Plan BK-1, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

(c) Special regulations for Parcels 4 and 5e within Waterfront Access Plan BK-1

On Parcels 4 and 5e within Waterfront Access Plan BK-1, in the event that a property is #developed# as a #public park#, such property shall continue to be considered part of a #zoning lot# for the purposes of generating #residential# #floor area# based on the #residential# #floor area ratio# applicable to the property prior to its #development# as a #public park#. In no event shall the #floor area# generated by the property #developed# as a #public park# be utilized within the #public park#, but may be utilized pursuant to Section 62-362 (Special floor area, lot coverage and residential density distribution regulations). Floor space within any structure constructed pursuant to an agreement with the Department of Parks and Recreation within such #public park# shall be exempt from the definition of #floor area#.

(d) Special regulations for Parcel 5d within Waterfront Access Plan BK-1

On Parcel 5d within Waterfront Access Plan BK-1, up to 120,000 square feet of floor space within a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempt from the definition of #floor area# and from #lot coverage# requirements for the purposes of calculating the permitted #floor area ratio# and #lot coverage# for #community facility# #uses# and the maximum #floor area ratio# and total permitted #lot coverage# of the #zoning lot#.

62-362 - Special floor area, lot coverage and residential density distribution regulations

LAST AMENDED
12/5/2024

Within any parcel identified in Section 62-931 (Waterfront Access Plan BK1: Greenpoint-Williamsburg), and with respect to any such parcels that are adjacent to each other and that are under single-fee ownership and with respect to which each party having any interest therein is a party in interest (as defined in paragraph (e) of the definition of a #zoning lot# in Section 12-10) or with respect to which each party in interest (as defined in paragraph (f)(4) of the definition of a #zoning lot# in Section 12-10) has executed a declaration declaring that the properties are to be developed as a single parcel or has waived its right to execute such declaration, the total #lot coverage# permitted pursuant to Section 62-333, the total #floor area# permitted pursuant to Sections 62-361 or 62-362 and the #residential# density permitted pursuant to Section 23-50, may be located anywhere within such parcel or between such parcels without regard to #zoning lot# #lines# or district boundaries provided that such location of #floor area#, #lot coverage# or #residential# density complies with Sections 62-31 (Bulk Computations on Waterfront Lots) and 62-34 (Height and Setback Regulations on Waterfront Blocks), as modified by Sections 62-363 and 32-364 (Special height and setback regulations)

62-363 - Special height and setback regulations

LAST AMENDED
7/16/2026

Within Waterfront Access Plan BK-1, the provisions of Section 62-30 (SPECIAL BULK REGULATIONS) are modified, as follows:

(a) The maximum base heights of paragraph (a) of Section 62-343 (Height and setback regulations in other medium- and high-density districts) shall be modified in R6 Districts to permit a maximum base height of 65 feet or six #stories#, whichever is less.

(b) The maximum #building# heights of Section 62-343 shall not apply. In lieu thereof, the provisions of this paragraph, (b), shall apply:

(1) The maximum #building# height in an R6 District shall be 65 feet or six #stories#, whichever is less, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street and Kent Avenue. However, for #buildings or other structures# with #qualifying affordable housing# or #qualifying senior housing# the maximum #building# height shall be 75 feet.

Beyond 100 feet of such #streets# and any other portions of an R6 District, the maximum #building# height shall be 110 feet. In R8 Districts, the maximum #building# height shall be 190 feet, except that for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 180 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 190 feet, to a maximum #building# height of 290 feet.

(2) For #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the height limits of an R8 District set forth in paragraph (b)(1) of this Section may be exceeded, provided that:

(i) outside of #Mandatory Inclusionary Housing areas#, the maximum #building# height shall be 260 feet. However, for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 200 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 260 feet to a maximum #building# height of 360 feet; or

(ii) in #Mandatory Inclusionary Housing areas#, the maximum #building# height shall be 500 feet. However, for #zoning lots# #developed# with multiple #buildings# or portions of #buildings# that exceed a height of 440 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 500 feet to a maximum #building# height of 600 feet.

(3) The maximum #building# height may be exceeded by a penthouse portion of a #building# with a height of not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the applicable maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective face. For the purposes of paragraphs (b)(1) and (b)(2) of this Section, the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

(c) The provisions of paragraph (a) of Section 62-322 shall not apply.

(d) The provisions of paragraph (d)(2)(i) of Section 62-343 shall not apply. In lieu thereof, each #residential# #story# of a #building# located entirely above a height of 85 feet shall not exceed a gross area of 8,100 square feet in an R6 District and 11,000 square feet in an R8 District. However, in R8 Districts, for #developments# that provide #qualifying affordable housing# or #qualifying senior housing# pursuant to Section 62-361, each #residential# #story# of such #building# located entirely above a height of 100 feet shall not exceed a gross area of 11,000 square feet. If such #residential# #story# of a #building# is located partially in an R6 District and partially in an R8 District, it shall not exceed a gross area of 11,000 square feet and any portion located in an R6 District shall not exceed a gross area of 8,100 square feet.

(e) The provisions of paragraph (d)(1) of Section 62-343 shall not apply. In lieu thereof, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Kent Avenue, West Street or Commercial Street, whichever is closest, shall not exceed 110 feet. The maximum length of any other side of such rectangle shall not exceed 170 feet, except that for #buildings# where #qualifying affordable housing# or #qualifying senior housing# is provided pursuant to Section 62-361, such maximum length of 170 feet shall apply above a height of 100 feet.

(f) The provisions of Section 62-351 shall not apply. In lieu thereof, all off-street parking spaces located within 50 feet of a #street#, a #visual corridor# containing a #private road# and a #shore public walkway#, #upland connection# or #supplemental public access area# and which are located on a #story# that is above the #base plane#, shall be within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #streets#, #visual corridors# or publicly accessible open spaces. Such floor space shall have a minimum depth of 25 feet. Up to five percent of such floor space may be used for mechanical equipment provided that no floor space used for mechanical equipment is located within 15 feet of the #street wall# of the #building# below a height of 15 feet above the #base plane#, and that no exhaust vents

are located on the #street wall# of the #building# below a height of 15 feet above the #base plane#. The remainder of such floor space shall be used for #commercial#, #community facility# or #residential# #floor area#. Seventy percent of the surface area of the facade of a facility containing parking spaces, which are not otherwise required to be behind such #floor area#, shall be composed of the same materials as the facade of the #building# in which it is located.

(g) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

(h) At least 70 percent of the width of the #street wall# of a #building# or #buildings# fronting on a portion of a #street#, #upland connection# or #visual corridor# that is not adjacent to a #shore public walkway# or #supplemental public access area# shall be located within eight feet of such #street line# and extend to a minimum height of 30 feet.

(i) In addition to the applicable underlying #street# tree planting requirements, all #extensions# which increase the existing #floor area# by more than 10 percent, shall provide #street# trees in accordance with Section 26-41.

(j) On Parcel 5d, the maximum base height and maximum #building# height provisions of paragraph (a) of Section 62-343 shall be modified for public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, as follows:

(1) the maximum base height provisions shall not apply; and

(2) the maximum #building# height provisions shall be modified to permit a maximum #building# height of 100 feet or six #stories#, whichever is less.

62-364 - Special yard regulations

LAST AMENDED
12/5/2024

On Parcel 5d within Waterfront Access Plan BK-1, the #yard# provisions of Section 24-36 (Minimum Required Rear Yards) shall not apply to public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

62-365 - Special bulk regulations for zoning lots adjacent to public parks

LAST AMENDED
12/5/2024

On Parcel 12b within Waterfront Access Plan BK-1 in Section 62-931, any #lot line# that coincides with the boundary of a #public park# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #bulk# regulations of this Resolution, except that the provisions of paragraphs (g) and (h) of Section 62-363 (Special height and setback regulations) shall not apply.

In lieu thereof, the #street wall# of any #building# fronting on a #lot line# that coincides with the boundary of a #public park# shall be located at least eight feet from such #lot line#, except that any portion of a #building# containing a #legally required window# shall be located at least 28 feet from such lot line. No balconies shall be permitted on any #street wall# of such #building# facing a #public park#.

In addition, a wall, or if a wall is prohibited by the New York City Building Code, a fence, shall be provided along the #lot line# that coincides with the boundary of a #public park#. Such wall or fence shall be a minimum of six feet in height, except that any portion of such wall or fence facing a ground floor level #commercial# #use# in a #building# shall be a minimum of 10 feet in height. However, if the Commissioner of Buildings determines that such wall or fence located in a #Residence District# is subject to the provisions of Building Code Section 3112.1, exceptions (2) or (3), such wall or fence shall be a minimum of eight feet in height along the boundary of a #public park#.

At least 90 percent of the width of the #street wall# of a #building# or #buildings# fronting on Kent Street shall be located within eight feet of the #street line# and extend to a minimum height of 30 feet.

62-40 - SPECIAL PARKING AND LOADING REGULATIONS

LAST AMENDED
4/22/2009

62-41 - Special Regulations for Accessory Residential Parking Facilities

LAST AMENDED
4/22/2009

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to #residential uses# shall apply to all #developments# on #waterfront blocks# except as modified in this Section or in Section 62-45 (Supplementary Regulations for All Parking Facilities).

62-411 - Accessory residential roof parking

LAST AMENDED
2/2/2011

On #waterfront blocks#, parking spaces #accessory# to #residential uses# may be located on the roof of a #building#, or portion thereof, that does not contain #dwelling units# or #rooming units#, provided that:

(a) the roof level is not higher than 23 feet above the #base plane#;

(b) the perimeter of the roof is enclosed by a four foot high parapet wall or other enclosure at least 50 percent opaque;

(c) trees are provided in accordance with Section 62-655 (Planting and trees) at the rate of one tree for each 10 parking spaces for parking areas at grade;

(d) if on the roof of a portion of a #building# containing #dwelling units# or #rooming units#, the sill level of any #dwelling unit# or #rooming unit# windows opening onto such roof area is at least 10 feet above the roof and no parking spaces or vehicular aisles are located within 10 feet of a wall with #dwelling unit# or #rooming unit# windows; and

(e) no flood lighting shall be permitted and any lighting shall be directed away from any #residential# windows on the same or an adjacent #zoning lot#.

62-412 - Accessory residential off-site parking

LAST AMENDED
2/2/2011

For #developments# on #waterfront blocks#, the provisions of Sections 25-52 and 36-42 (Off-site Spaces for Residences) shall be modified so as to permit all permitted or required #accessory# spaces to be located on a separate #zoning lot#, provided that:

(a) such off-site facility is not located in an R1, R2, R2X, R3-1, R3A, R3X, R4-1, R4A or R4B District;

(b) if such off-site facility is located in other R3, R4 or R5 Districts, such off-site facility is contiguous or would be contiguous except for its separation by a #street# or #street# intersection to the #zoning lot# occupied by the #residences# to which the spaces are #accessory#;

(c) if such off-site facility is located in other than a R3, R4 or R5 District, all parking spaces shall not be further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#;

(d) in R3, R4 and R5 Districts, such off-site facility shall be an open lot not exceeding 12,000 square feet. In other districts, parking structures shall be permitted and the maximum size of the facility shall be governed by the provisions of Sections 25-12 and 36-12 (Maximum Size of Accessory Group Parking Facilities);

(e) in #Residence Districts#, no parking spaces are located within a required #front yard# or within four feet of any #lot line#. #Front yards# shall be planted and screening shall be provided along any #lot lines# in accordance with Section 62-655 (Planting and trees);

(f) in all districts, lighting shall be directed away from adjoining #buildings# containing #residences#. In no event shall flood lighting be permitted for off-site facilities in #Residence Districts#; and

(g) in all districts, trees shall be provided in accordance with Section 62-655 at the rate of one tree for each 10 parking spaces for on-site facilities within a #waterfront block#.

62-42 - Special Regulations for Accessory Non-residential Parking Facilities

LAST AMENDED
4/22/2009

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to non-#residential uses# shall apply to all #developments# on #waterfront blocks# except as modified in this Section or in Section 62-45.

62-421 - Accessory non-residential roof parking

LAST AMENDED
2/2/2011

On #waterfront blocks#, parking spaces #accessory# to non-#residential uses# may be located on the roof of a #non-residential building# or a non-#residential# portion of a #building# containing #residential use#, provided that they comply with Section 62-411 (Accessory residential roof parking), paragraphs (a) through (e).

62-422 - Accessory non-residential off-site parking

LAST AMENDED
4/22/2009

For #developments# on #waterfront blocks#, the provisions of Sections 36-43 (Off-site Spaces for Commercial or Community Facility Uses) and 44-32 (Off-site Spaces for All Permitted Uses) shall be modified to permit such spaces to be within 1,000 feet of the #zoning lot# to which they are #accessory#.

62-43 - Parking Requirements for Commercial Docking Facilities

LAST AMENDED
12/5/2024

#Accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #developments# involving the commercial docking facilities listed. For the purposes of this Section, the term #development# shall also include, in the case of an existing docking facility, an increase in any unit of measurement used in computing parking requirements.

In addition, passenger drop-off and pick-up areas shall be provided as set forth in Section 62-462.

#Accessory# off-street parking or drop-off and pick-up area requirements for docking facilities serving ferries or sightseeing, excursion or sport fishing vessels may be modified by City Planning Commission authorization pursuant to the provisions of Section 62-821.

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Facilities Serving	Districts	Number of Required Parking Spaces
Non-commercial pleasure boats Rental boats	C1 thru C8 M1 M2 M3	1 per 2 berths or moorings
Ferries	R3** thru R5**	0.30 x p*
Sightseeing, excursion or sport fishing vessels	C1-1 C2-1 C3 C4-1	
	R6** R7-1** R7A** R7B** R7D**	0.20 x p*
	C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M2-1 M2-2 M3-1	
	R7-2** R7-3** R7X** C1-3 C2-3 C4-3 C8-2 M1-3	0.15 x p*
	R8** R9** C1-4 C2-4 C4-4 C8-3	0.10 x p*
	C7 outside the #Greater Transit Zone#	
	#Manufacturing Districts# with an A suffix outside the #Greater Transit Zone#	

	R10**	None required
	C1-5 thru C1-9	
	C2-5 thru C2-8	
	C4-4A C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12	
	C5 C6 C8-4	
	M1-4 M1-5 M1-6	
	M2-3 M2-4 M3-2	
	C7 within the #Greater Transit Zone#	
	#Manufacturing Districts# with an A suffix within the #GreaterTransit Zone#	
Passenger ocean vessels	C6**	0.15 x p*
	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees, whichever is less
	#Manufacturing Districts# with an A suffix outside the #Greater Transit Zone#	

	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 #Manufacturing Districts# with an A suffix within the #Greater Transit Zone#	None required
Vessels not otherwise listed	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees whichever is less
	#Manufacturing Districts# with an A suffix outside the #Greater Transit Zone#	
	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 #Manufacturing Districts# with an A suffix within the #Greater Transit Zone#	None required

* For sightseeing, excursion, sport fishing or passenger ocean vessels, “p” is the sum of the maximum capacities of all such vessels using a dock. The maximum capacity of each vessel is its U.S. Coast Guard certified capacity

For ferries, “p” is the total ferry passenger load of a dock on weekdays between the hours of 6:00 a.m. and 9:00 a.m., as determined by the N.Y.C. Department of Transportation

For docks serving both above categories of vessels, the number of parking spaces required shall be the sum of the number of spaces required for each category

** By City Planning Commission special permit only for ferries or passenger ocean vessels in districts indicated

62-44 - Parking and Loading Requirements for Floating Structures

LAST AMENDED
4/22/2009

#Accessory# off-street parking spaces and loading berths shall be provided for all #developments# on #floating structures# in accordance with applicable district regulations unless specifically modified by this Chapter.

Where #floor area# is the unit of measurement for a #use#, the #floor area# shall be deemed to be the area of all floors or decks, both open and enclosed, on all levels of the #floating structure#. Floor or deck space occupied permanently and exclusively by mechanical equipment or that is normally inaccessible for human occupancy may be excluded.

Where #lot area# is the unit of measurement for a #use#, the #water coverage# of the #floating structure# shall be deemed to be #lot area#.

62-45 - Supplementary Regulations for All Parking Facilities

LAST AMENDED
2/2/2011

The applicable district regulations for #developments# with #accessory# or public parking facilities are further modified by this Section.

62-451 - Parking spaces on floating structures

LAST AMENDED
4/22/2009

No #accessory# parking spaces shall be located on a #floating structure# except in conjunction with a special permit pursuant to Section 62-834 (Uses on floating structures).

62-452 - Off-site parking in public parking facilities

LAST AMENDED
4/22/2009

Notwithstanding the provisions of Section 12-10 (DEFINITIONS), a #public parking garage# or #public parking lot# may include permitted or required #accessory# off-street parking spaces which are #accessory# to #uses# on a separate #zoning lot#, provided that:

(a) the #uses# to which they are #accessory# are on a #zoning lot# within a #waterfront block#;

(b) the entrance to the facility is not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #uses# to which it is #accessory#; and

(c) the ownership requirement for such #accessory# off-street parking spaces is satisfied by an interest commensurate with the interest of the principal #use#.

Whenever #accessory# parking spaces are provided off-site within a public parking facility, the number of spaces and the #use# to which they are #accessory# shall be recorded on the certificates of occupancy for both the principal #use# and the public parking facility.

62-453 - Screening requirements for parking facilities on waterfront blocks

LAST AMENDED
6/6/2024

(a) Open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots# pursuant to Section 62-655 (Planting and trees), paragraph (a)(7)(iii), or from a #street# or an #upland connection# pursuant to Section 37-921 (Perimeter landscaping). Screening may be interrupted only by vehicular or pedestrian entrances.

(b) All parking garages that occupy the ground floor frontage along any #street# or #upland connection# shall be screened in accordance with the planting requirements of Section 62-655.

(c) For parking garages on #piers#, at least 50 percent of the perimeter wall area on all sides fronting on public access areas, up to a height of 15 feet, shall consist of clear or lightly tinted transparent material or latticework.

(d) The screening requirements shall not apply to #accessory# parking for WD #uses# or other #uses# listed under Use Groups IV(B), IX or X, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

62-454 - Off-street parking in large-scale general developments in Community District 1 in Queens

LAST AMENDED

10/9/2013

For #large-scale general developments# within the Hallets Point Peninsula in Community District 1, in the Borough of Queens, #floor area# shall not include floor space used for off-street parking spaces provided in any #story# located not more than 33 feet above the #base plane#, provided that where such facilities front upon #streets# and #waterfront public access areas#, such spaces are within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #street# or #waterfront public access areas#. Such floor space shall have a minimum depth of 18 feet.

62-46 - Supplementary Regulations for Loading Facilities

LAST AMENDED
4/22/2009

The applicable district regulations pertaining to permitted or required #accessory# off-street loading facilities shall apply to all #developments#, except as modified in this Section.

62-461 - Screening requirements for loading facilities on waterfront blocks

LAST AMENDED
4/22/2009

All open off-street loading berths on #waterfront blocks# shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# and from all public access areas on the #zoning lot# pursuant to Section 62-655 (Planting and trees). Screening may be interrupted only by vehicular or pedestrian entrances.

The screening requirement shall not apply to #accessory# loading berths for WD #uses# or other #uses# in Use Groups IV(B), IX or X, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

62-462 - Passenger drop-off and pick-up areas for docking facilities

LAST AMENDED
2/2/2011

All #developments# providing new docking facilities serving ferries, sightseeing, excursion, sport fishing or passenger ocean vessels, shall provide an area for the drop-off and pick-up of passengers by car, taxi, van and bus as shown in the table in this Section. Such area shall be located on the #zoning lot# or on another #zoning lot# in the same or an adjoining #Commercial# or #Manufacturing District#, which is contiguous to the #zoning lot# occupied by the docking facility, or would be contiguous except for its separation by a #street# or #street# intersection.

Such area shall be accessed by a one-way driveway at least 15 feet wide with separate entranceways and exits located at least 50 feet apart on the same #street# or located on separate #streets#, provided that no entrance or exit is less than 50 feet from a #street# intersection.

Such area, which may include the driveway on the #zoning lot#, shall be large enough to accommodate the number of vehicles required by the following table, based on a dimensional allowance of 10 feet by 20 feet for cars, taxis and vans and 12 feet by 50 feet for buses.

The Commissioners of Buildings or Business Services, as applicable, may accept an equivalent lay-by area on a portion of a #street# adjoining the #zoning lot#, if such #street# treatment and drop-off area is approved by the Department of Transportation.

REQUIRED DROP-OFF AND PICK-UP SPACES FOR VARIOUS DOCKING FACILITIES

Docks Serving	Maximum Vessel Capacity*	Number of Car Spaces**	Number of Bus Spaces
Ferries	100 or more	1 for each 50 passengers over100; maximum requirement 10	None Required
Sightseeing, excursion, or sport fishing vessels	Up to 200	None Required	None Required
	Over 200	1 for each 50 passengers over 200; maximum requirement 15	1 for each 50 passengers over 200; maximum requirement 2
Any #commercial# vessels	Over 2,500	20	3

* Capacity of the largest vessel using a dock. Capacity of a vessel is its U.S. Coast Guard certified capacity. For ferries, the N.Y.C. Department of Transportation operating permit capacity may be used as the vessel capacity

** Includes cars, taxis and vans

62-47 - Special Parking and Loading Regulations for Waterfront Access Plan BK-1

LAST AMENDED
4/22/2009

Within Waterfront Access Plan BK-1, the special parking and loading regulations of this Section are further modified as follows:

(a) The provisions of Sections 62-411 and 62-421 shall not be applicable.

(b) #Accessory# off-street parking spaces for #uses# permitted pursuant to Section 62-29 shall be provided in conformity with the regulations of Sections 36-21, 36-22 and 36-232 for C2-4 Districts.

(c) Any required #accessory# off-street parking spaces provided for #uses# located on a parcel identified in Waterfront Access Plan BK-1 may be located anywhere within such parcel.

62-50 - GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS

LAST AMENDED
12/5/2024

All #zoning lots# #developed# within #waterfront blocks# shall be subject to the provisions of this Section and Section 62-81 (Certifications by the Chairperson of the City Planning Commission).

For the purpose of determining requirements for #waterfront public access areas#, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #upland lot# and #water coverage# of structurally sound #piers# and #platforms# within the #seaward lot#.

All #waterfront public access areas#, including those required pursuant to paragraph (b) of Section 62-52 (Applicability of Waterfront Public Access Area Requirements), shall comply with the provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), except as modified by:

(a) authorization of the City Planning Commission, pursuant to Sections 62-822 (Modification of waterfront public access area and visual corridor requirements) or 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites);

(b) special permit of the City Planning Commission, pursuant to Sections 62-834 (Uses on floating structures), 62-835 (Developments on piers or platforms) or 74-79 (Transfer of Development Rights From Landmark Sites); or

(c) the establishment of a Waterfront Access Plan, pursuant to Section 62-90.

However, the design of portions of #waterfront public access areas# located within New York State-designated wetlands or their adjacent regulated areas, shall be in accordance with an approval from the New York State Department of Environmental Conservation.

In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the Plan shall control.

62-51 - Applicability of Visual Corridor Requirements

LAST AMENDED
6/6/2024

#Visual corridors# shall be provided for #zoning lots# #developed# within #waterfront blocks# in accordance with the provisions of this Section.

However, the following shall be exempt from the provisions of this Section:

airports, heliports and seaplane bases

#developments# in C8 or #Manufacturing Districts# comprised #predominantly# of #uses# listed under Use Groups IV(B), IX or X, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels

#developments# in R1 or R2 Districts

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# on #zoning lots# less than 10,000 square feet in any district

#extensions#

changes of #use# within existing #buildings or other structures#.

In the event the #visual corridor# requirement imposed on the #zoning lot# exceeds 50 percent of the #lot width# or there is no way to provide a #visual corridor# in compliance with Section 62-511, no #visual corridors# shall be required.

62-511 - Location of visual corridors

LAST AMENDED
4/22/2009

#Visual corridors# shall be provided through the #zoning lot# using the following methodology:

(a) the #street lines# of a #street# shown on the City Map which extend seaward of the first upland #street# bounding a #waterfront block# and terminate at a #waterfront block# shall be prolonged as a #visual corridor# through all intervening #zoning lots# to the water if the prolonged #street# would intersect the #shoreline# at an angle of 45 degrees or more and there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result;

(b) a #visual corridor# designated in a Waterfront Access Plan that traverses the #zoning lot# shall be maintained through the #zoning lot# in accordance with the provisions of such plan; and

(c) the #street lines# of a #street# shown on the City Map which terminate at the first upland #street# bounding a #waterfront block#, and which #street# would, if prolonged, traverse the #zoning lot# and intersect the #shoreline# at an angle of 45 degrees or more without traversing an intervening #zoning lot#, shall be prolonged as a #visual corridor# if there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result.

Such #visual corridor# pursuant to paragraph (c) of this Section shall not be required if any of the following conditions exist within 400 feet, as measured along the #street line# of the first upland #street# bounding the #waterfront block#, and its elimination does not result in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart:

(1) there is an existing mapped #street# extending to the water that intersects the #shoreline# at an angle of 45 degrees or more;

(2) there is a required #visual corridor# pursuant to paragraph (a) of this Section;

(3) there is an existing designated #visual corridor# either previously recorded by another property owner or mandated in a Waterfront Access Plan; or

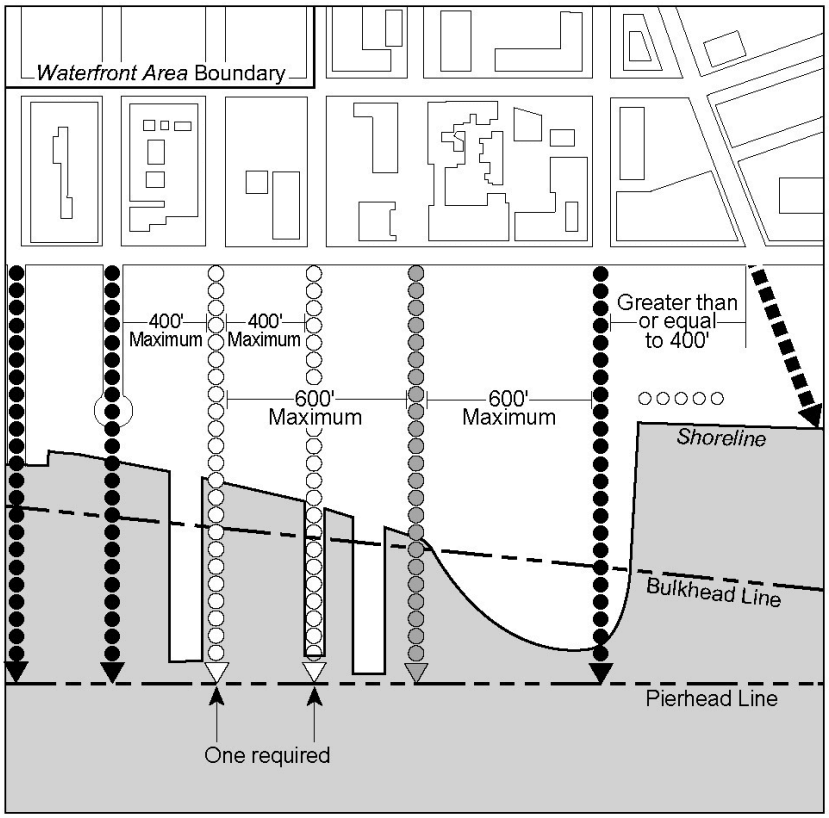
(4) the property owner is currently designating another #visual corridor# through the #zoning lot# pursuant to paragraph (c) of this Section which is equal to or greater in width than the #visual corridor# that would be eliminated.

For the purposes of paragraphs (a) and (c) of this Section, the angle of intersection of a #street# with the #shoreline# shall be determined from the intersection of the centerline of the #street#, or its prolongation, with the #shoreline#. The line connecting the two points of intersection of the #street lines#, or their prolongation, with the #shoreline# shall be deemed to be the #shoreline# (see illustration of Visual Corridor).

No existing #street#, or its prolongation, shall be considered currently blocked due to the presence of elevated roadways, elevated railways, or pedestrian or vehicular bridges existing on October 25, 1993.

In the event the methodology of this Section results in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart, as measured along the #street line# of the first upland #street# bounding the #waterfront block#, additional #visual corridors# shall be provided at locations that would maintain a maximum spacing of 600 feet without traversing an intervening #zoning lot#. Such spacing may be increased only where an intervening #zoning lot# or an existing #building or other structure# on the #zoning lot# prevents compliance and only to the minimum dimension necessary to clear the intervening #zoning lot# or existing #building or other structure#. However, no #visual corridor# shall be required where such increased spacing would place it within 200 feet of another #visual corridor#. In order to determine the location of the nearest #visual corridors#, the methodology of paragraphs (a), (b) and (c) of this

Section shall be applied to the adjoining portions of the #block# frontage to either side of the #zoning lot#.



●●●▶ Designated *Visual Corridor* or Mapped *Street* Seaward of the First Upland *Street* (Mandatory Location for Visual Corridor)

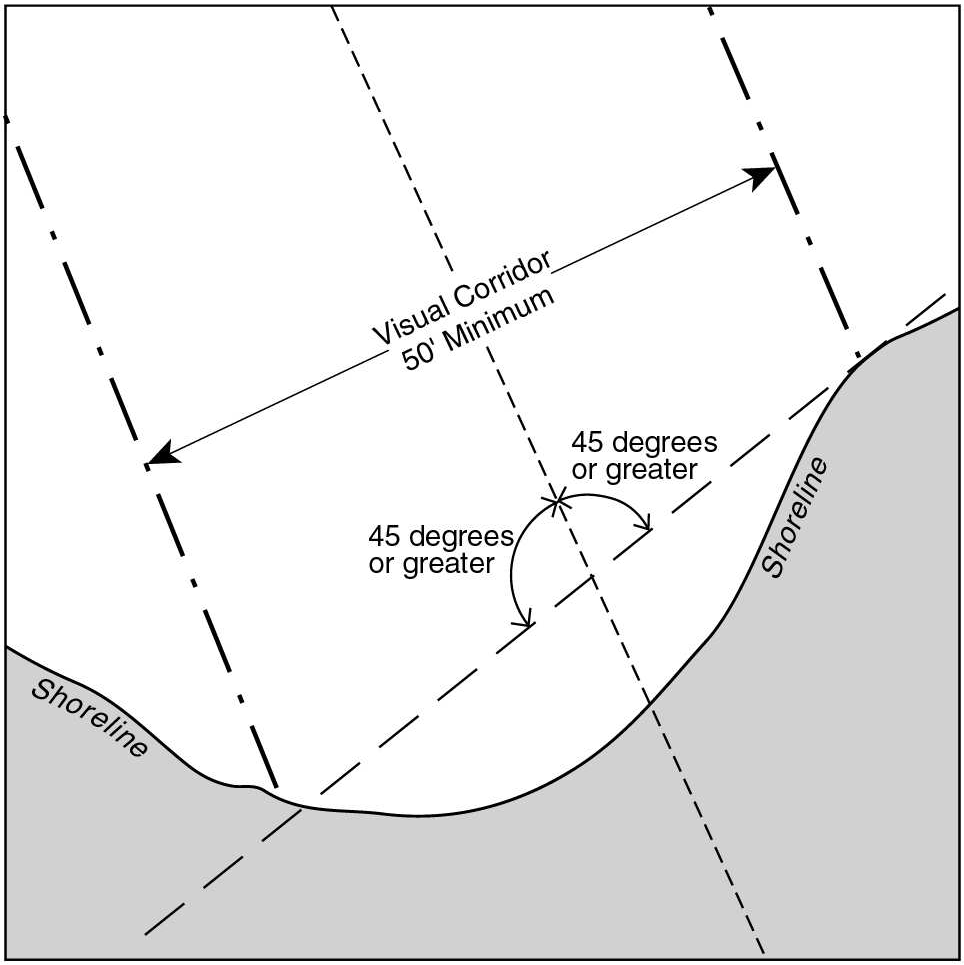
○○○▷ Mapped *Street* Terminating at First Upland *Street* (Alternative Location for *Visual Corridors* Mandatory at Maximum Intervals of 400 Feet)

●●●▶ No Upland *Street* (*Visual Corridor* Mandatory at Maximum Intervals of 600 Feet)

■■■▶ Mapped *Street* Terminating at First Upland *Street* (Distance Greater than or Equal to 400 Feet: Mandatory Location)

VISUAL CORRIDOR LOCATIONS

(62-511.1)



VISUAL CORRIDOR (ANGLE OF SHORELINE INTERSECTION)

(62-511.2)

62-512 - Dimensions of visual corridors

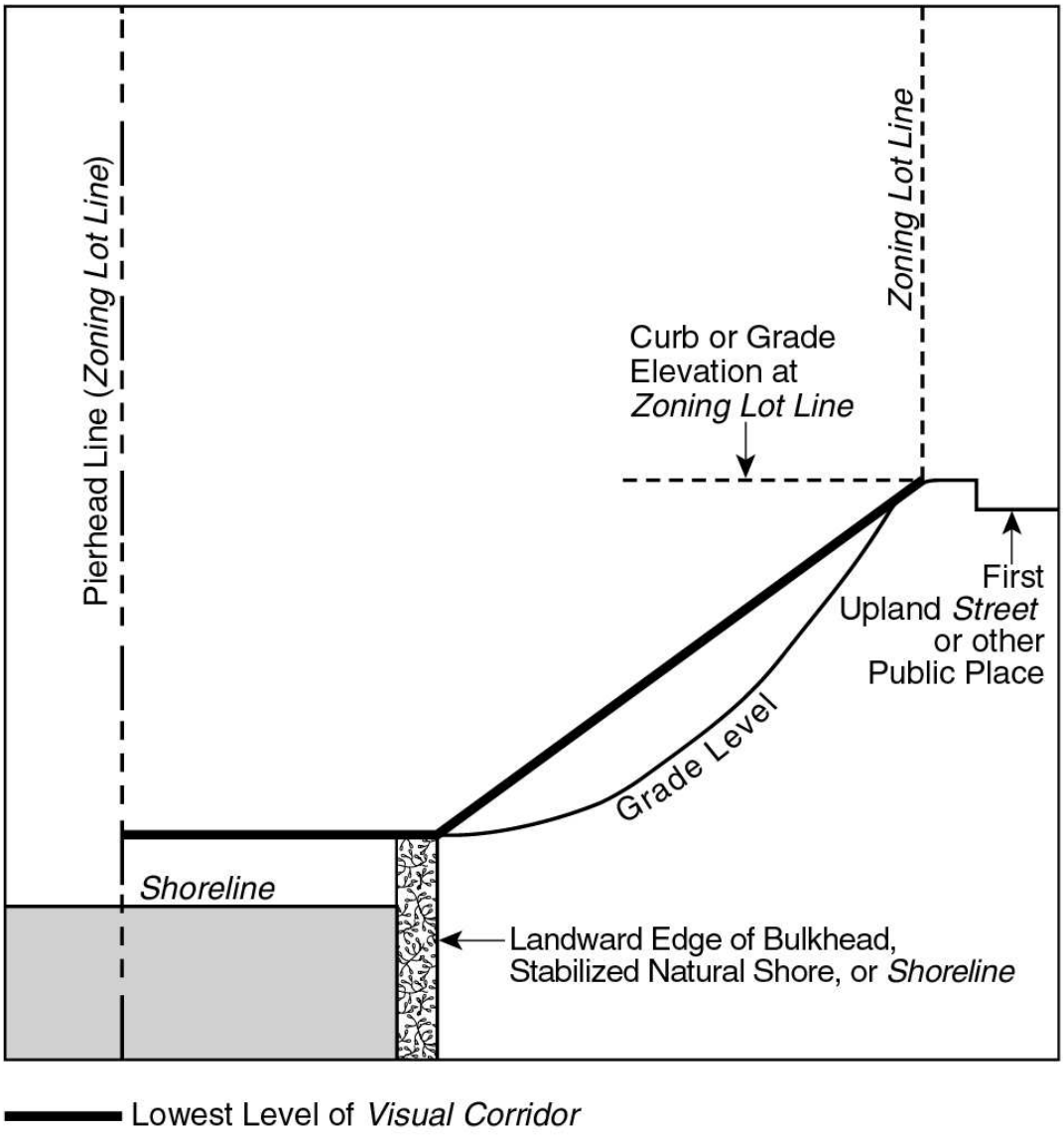
LAST AMENDED

5/12/2021

The width of a #visual corridor# shall be determined by the width of the #street# of which it is the prolongation but in no event less than 50 feet. #Visual corridors# that are not the prolongations of #streets# shall be at least 50 feet wide. For the purposes of establishing the width, vehicular turnarounds at the terminations of such #streets#, including curved or flanged treatments at intersections, shall be omitted.

The level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation five feet above curb elevation with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, or upland edge of a #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation five feet above curb elevation at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard#, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

No obstructions are permitted within a #visual corridor#, except as set forth in Sections 62-513 and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, when a #visual corridor# coincides with an #upland connection#.



LEVEL OF VISUAL CORRIDOR

(62—512)

62-513 - Permitted obstructions in visual corridors

LAST AMENDED

12/5/2024

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section 62-512 (Dimensions of visual corridors), except as provided in this Section. Permitted obstructions within #visual corridors# in all districts shall include:

(a) permitted obstructions listed in Section 62-611, provided that no shade trees shall be planted within 15 feet of the centerline of a #visual corridor#, except when provided within an open parking lot;

(b) permitted obstructions listed in Section 23-311 (Permitted obstructions in all yards, courts, and open areas) and 23-312 (Additional permitted obstructions generally permitted in all yards), as modified for #waterfront yards# in Section 62-332;

(c) boats, ships or other vessels, and #floating structures# permitted by paragraph (a) of Section 62-25;

(d) any moving or parked vehicles;

(e) street furniture, including but not limited to, carts and open display booths; and

(f) swimming pools, provided no portion projects more than 18 inches above the lowest level of a #visual corridor#.

62-52 - Applicability of Waterfront Public Access Area Requirements

LAST AMENDED
6/6/2024

Waterfront public access shall be provided for all #waterfront zoning lots# with a #lot area# of at least 10,000 square feet and a #shoreline# of at least 100 feet that are #developed#, and for all

#developments# on #floating structures#, in accordance with the provisions of the following Sections:

Section 62-53 (Requirements for Shore Public Walkways)

Section 62-54 (Requirements for Public Access on Piers)

Section 62-55 (Requirements for Public Access on Floating Structures)

Section 62-56 (Requirements for Upland Connections)

Section 62-57 (Requirements for Supplemental Public Access Areas).

However, #zoning lots# with #developments# listed in paragraph (a) of this Section shall be exempted from #waterfront public access area# requirements; #zoning lots# with #developments# listed in paragraph (b) of this Section shall provide a #waterfront public access area# only as referenced therein.

(a) The following shall be exempted from #waterfront public access area# requirements:

airports, heliports, seaplane bases;

#developments# comprised of #predominantly# WD #uses#, except as set forth in paragraph (b)(1) of this Section;

#developments# in C8 or #Manufacturing Districts#, comprised of #predominantly# #uses# listed under Use Groups IV(B), IX or X, except as set forth in paragraph (b)(2) of this Section;

#developments# in R1 or R2 Districts;

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# in any district;

#developments# in R3, R4, R5, C3 or C4-1 Districts and in C1 or C2 Districts mapped within R1 through R5 Districts, comprised of #predominantly# #residential uses#;

#enlargements# which in the aggregate involve an increase in #floor area# (or for open #uses#, #lot area#) of less than 50 percent of the amount existing on the #zoning lot# on October 25, 1993, and not more than 20,000 square feet;

#extensions# which in the aggregate involve an increase in the amount of #floor area# occupied by such existing #uses# of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

changes of #use#, from exempt #uses#, as listed in this Section, to non-exempt #uses#, where the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

(b) #Waterfront public access areas# required in conjunction with the following #developments# shall be subject to the minimum #waterfront public access area# set forth in the table in Section 62-57 and the requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments):

(1) #developments# comprised #predominantly# of the following WD #uses#: docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels, #boatels# or commercial beaches;

(2) #developments# on #piers# or #platforms# that involve existing #buildings or other structures# that are either New York City-designated landmarks or have been calendared for consideration, or are listed or eligible to be listed in the National or New York State Registers of Historic Places; or

(3) changes of #use# or #extensions# within #buildings# existing on October 25, 1993, which involve, in aggregate, an amount of #floor area# that is less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or #residential use#, whichever is greater.

In Community District 1 in the Borough of Brooklyn, on #zoning lots# with #developments# comprised exclusively of docks for ferries with a vessel capacity of up to 399 passengers, and

#accessory# amenities for such docking facilities, such #zoning lots# shall be exempt from the #waterfront public access area# requirements of this Section, provided that such docking facilities are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). However, for any subsequent #development# on such #zoning lot# that is not comprised exclusively of docks for ferries, the public access requirements of this Section shall apply, and any public access exemptions for such docks for ferries shall no longer apply.

62-53 - Requirements for Shore Public Walkways

LAST AMENDED
5/12/2021

(a) All #waterfront zoning lots# meeting the criteria set forth in Section 62-52 (Applicability of Waterfront Public Access Area Requirements), or #floating structures#, shall provide a #shore public walkway#, which shall comply with the following requirements:

(1) Such #shore public walkway# shall have a seaward edge contiguous with the seaward edge of the #waterfront yard# as established in Section 62-332 (Rear yards and waterfront yards) with a minimum width measured from such edge as set forth in paragraph (a)(2) of this Section, or for #floating structures#, as set forth in Section 62-55, unless relocation or modification of width is permitted pursuant to this Section;

(2) Such #shore public walkway# shall have a minimum width of 30 feet for #zoning lots# #developed# with #predominantly# #community facility# or #commercial# #uses# in R3, R4, R5 and C3 Districts, and such #uses# in C1 and C2 Districts mapped within R1 through R5 Districts. The minimum width for a #shore public walkway#

provided for a #zoning lot developed# with any #use# in all other districts, other than R1 and R2 Districts, shall be 40 feet.

(3) The minimum width of the #shore public walkway# set forth in paragraph (a)(2) of this Section may be reduced at the following locations provided no #shore public walkway# is reduced to less than 10 feet:

(i) on shallow portions of #zoning lots# that are less than 150 feet in depth, the minimum width of a #shore public walkway# may be reduced by one foot for every two feet that the lot dimension, measured from such edge, is less than 150 feet;

(ii) on narrow portions of #platforms# that are less than 150 feet in depth between the water edges located perpendicular to the landward edge of such #platform#, the minimum width of such #shore public walkway# along each opposite edge may be reduced by one foot for every two feet that the #platform# dimension is less than 150 feet;

(iii) on #zoning lots# where a #tidal wetland area# is provided, the width of the #shore public walkway# may be reduced by a foot for every foot of #tidal wetland area# along the seaward edge of the #waterfront yard# up to seven feet. Such reduction in depth shall not extend along more than 30 percent of the #shoreline# of the #waterfront zoning lot#.

(b) In the case of a natural #shoreline# within New York State-designated wetlands, the #shore public walkway# shall be permitted to be relocated using either of the following methods:

(1) further landward within the designated wetlands or its adjacent regulated area in accordance with an approval from the New York State Department of Environmental Conservation, in which case its width and design shall be determined by such agency; or

(2) immediately adjacent and contiguous to the landward boundary of the wetlands area and any State-regulated adjacent area at the same elevation, in which case its width shall be measured from the seaward edge, as relocated.

(c) #Shore public walkways# shall be accessible from a public sidewalk within a #street#, #public park# or other accessible open public place, according to the provisions of Section 62-56 (Requirements for Upland Connections). #Shore public walkways# shall connect with #shore public walkways# on adjoining #zoning lots#.

(d) Whenever a #zoning lot# is divided by a boundary between districts, each portion of the #shore public walkway# shall be governed by the width requirement specified for the district in which it is located. However, the total area of required #shore public walkway#, in square feet, may be distributed anywhere in the #waterfront yard#, provided that the #shore public walkway# is at no point narrower than the lesser of the widths required by each district.

62-54 - Requirements for Public Access on Piers

LAST AMENDED
2/2/2011

(a) All #developments# on #zoning lots# containing #piers# shall provide #waterfront public access areas# that meet the provisions of this Section.

#Waterfront public access areas# on #piers# shall consist of:

(1) an area along the seaward edge of the #pier# having a depth measured from such seaward edge equal to at least 25 percent of the overall length of the #pier#. Portions of #buildings# may project into the required #waterfront public access area#, provided that the aggregate width of all such projections at the level of any #story# does not exceed 50 percent of the aggregate width of the #building#. For the purposes of this paragraph, #abutting buildings# on a single #zoning lot# shall be considered a single #building#. The depth of the required #waterfront public access area# may be reduced by no more than 20 percent; such projections shall not be included in the computation of #waterfront public access area# provided on the #pier#. In no event shall the depth of the public access area be less than 15 feet;

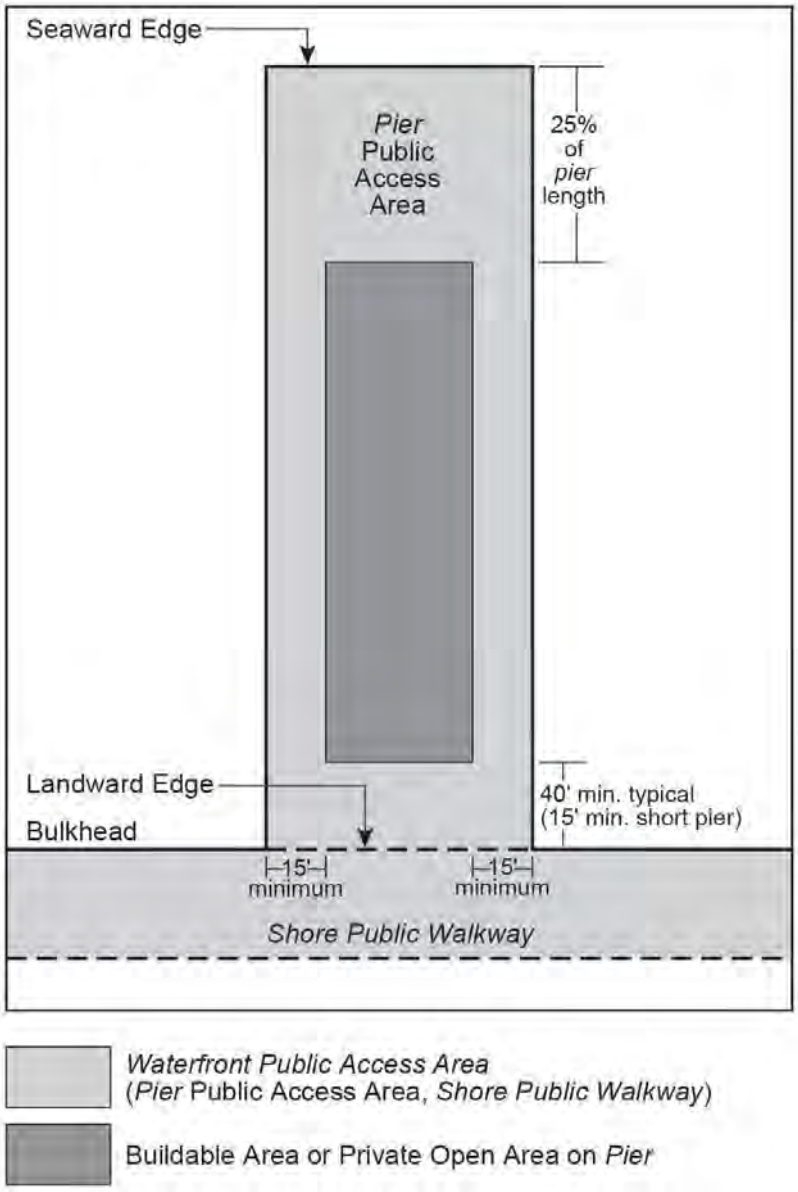
(2) an area along the landward portion of the #pier#, having a depth of 40 feet, measured seaward from the bulkhead, stabilized or natural #shoreline#, or #platform# edge from which the #pier# projects. The depth of such area, however, need not exceed 25 percent of the length of the #pier#. In no event shall the depth of such area be reduced to less than 15 feet; or

(3) an area along all other water edges of the #pier#, having a depth of 15 feet measured from such edges. For portions of #piers# wider than 80 feet, the depth along the edges of such portion shall be increased by three inches for each additional foot of #pier# width over 80 feet, but need not exceed a total of 60 feet, in aggregate, for all other edges. Such areas along water edges which are directly opposite each other may be aggregated so that the entire area is along one edge. Alternatively, the required area may also be allocated to such opposite edges so that the total aggregate depth is maintained with a minimum 15 foot depth along any edge.

(b) Notwithstanding the requirements of paragraph (a) of this Section, when a #pier# is #developed# #predominantly# with a playground or private park, the #waterfront public access area# requirement on the #pier#, pursuant to Sections 62-52 (Applicability of

Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed to be satisfied by such #use#.

#Pier# public access areas shall be directly accessible from a #waterfront public access area#, public sidewalk within an open #street#, #public park# or other accessible public place, or other public access area. For #piers# #developed# #predominantly# with a playground or private park, the minimum width of such connection shall be equal to at least 50 percent of the width of a #pier# where it projects from the bulkhead, stabilized or natural #shoreline#, or #platform# edge.



PUBLIC ACCESS REQUIREMENTS ON PIERS

(62—54)

62-55 - Requirements for Public Access on Floating Structures

LAST AMENDED

4/22/2009

All #developments# on #floating structures# permitted as-of-right, pursuant to Section 62-25, shall provide #waterfront public access areas# in accordance with the provisions of this Section. #Developments# subject to a special permit pursuant to Section 62-834 shall provide public access in accordance with a plan established pursuant to such special permit.

(a) Public access in conjunction with a #development# on a #floating structure# shall consist of a 30 foot wide #shore public walkway# along the entire length of the #shoreline#, including the water edge perimeter of a #platform# projecting from any portion of the #shoreline# in accordance with the provisions of Section 62-53. In the event that there is additional #development# on the #zoning lot# requiring a 40 foot width, the greater width shall be provided.

(b) When the primary entrance to a #floating structure# is located on a #pier#, and there is no other #development# on the #pier# that would require #pier# public access, a 15 foot wide public access area shall be provided in addition to the #shore public walkway#, along the full length of one of the longer water edges of the #pier#. Such public access area shall be directly connected to the #shore public walkway#.

62-56 - Requirements for Upland Connections

LAST AMENDED
4/22/2009

All #waterfront public access areas# provided pursuant to Sections 62-53 (Requirements for Shore Public Walkways), 62-54 (Requirements for Public Access on Piers) or 62-55 (Requirements for Public Access on Floating Structures) shall be accessible from an open #street#, #public park# or other public place at intervals along the #shore public walkway# not to exceed 600 feet by means of either a direct connection or, where no direct connection exists, an #upland connection# between the #shore

public walkway# and an adjoining public sidewalk within an open #street#, #public park# or other public place.

Where there is an intervening #zoning lot# that would prevent compliance with the maximum interval, such interval may be increased to the minimum necessary to clear the intervening #zoning lot#. In the event there is no way to provide the #upland connection# without encroaching on an intervening #zoning lot#, the #upland connection# shall not be required.

62-561 - Types of upland connections

LAST AMENDED
4/22/2009

#Upland connections# shall be provided as a single pedestrian walkway pursuant to paragraph (a) of this Section or as two pedestrian walkways pursuant to paragraph (b) of this Section.

(a) Single pedestrian walkway (Type 1)

(1) The minimum width of an #upland connection# provided in the form of a single pedestrian walkway (hereinafter referred to as "Type 1") shall be as set forth in the table in this Section. Such widths shall be increased by 20 feet within 15 feet of a #street#, #public park# or other public place, hereinafter referred to as an "entry area".

Such widths may be reduced on #zoning lots# having a #lot width# less than 150 feet; the minimum width of a single pedestrian walkway may be reduced by an amount equal to one foot for each two feet that the lot is less than 150 feet. However, in no event shall the width be less than the reduced minimum width specified in the table.

MINIMUM WIDTH FOR TYPE 1 UPLAND CONNECTIONS

Districts	Minimum width (in feet)	Reduced minimum width (in feet)
R3 R4 R5 C1 C2 mapped in R1-R5 C3	20	12
R6 R7 R8 R9 R10 C1 C2 C4 C5 C6 C7 C8 M1 M2 M3	30	16

(2) Where an #upland connection# does not coincide with a #visual corridor#, a 20 foot wide open area shall be required seaward of the entry area, and shall extend along the entire remaining length of the #upland connection# but need not be publicly accessible. This open area may be located on either side of the #upland connection# or aggregated in any combination, so that the total width of the open area, at any point along the #upland connection#, is 20 feet. Such increased widths may be modified in accordance with the reduced minimum width provisions in paragraph (a)(1) of this Section.

(3) Where an #upland connection# traverses portions of a #zoning lot# located in districts in which different width requirements apply, the width of the #upland connection#

shall be computed as the weighted average based on the length of the #upland connection# in each district.

(b) Two pedestrian walkways (Type 2)

(1) The minimum width of an #upland connection# provided in the form of two pedestrian walkways, one on each side of the roadbed of a private driveway (hereinafter referred to as "Type 2"), shall be 13 feet for each such walkway. However, where a private driveway terminates in a vehicular turnaround, the minimum width of the #upland connection# abutting such turnaround shall be 10 feet.

(2) In addition, a "transition area" shall be provided which shall have a width equal to the combined width of the Type 2 #upland connection# and the roadbed, and shall extend for a distance of 40 feet measured from the termination of such roadbed in the direction of the #shore public walkway#, as shown in Illustrations 1 and 2 in this Section, for roadbeds that turn and roadbeds that terminate in a turnaround, respectively.

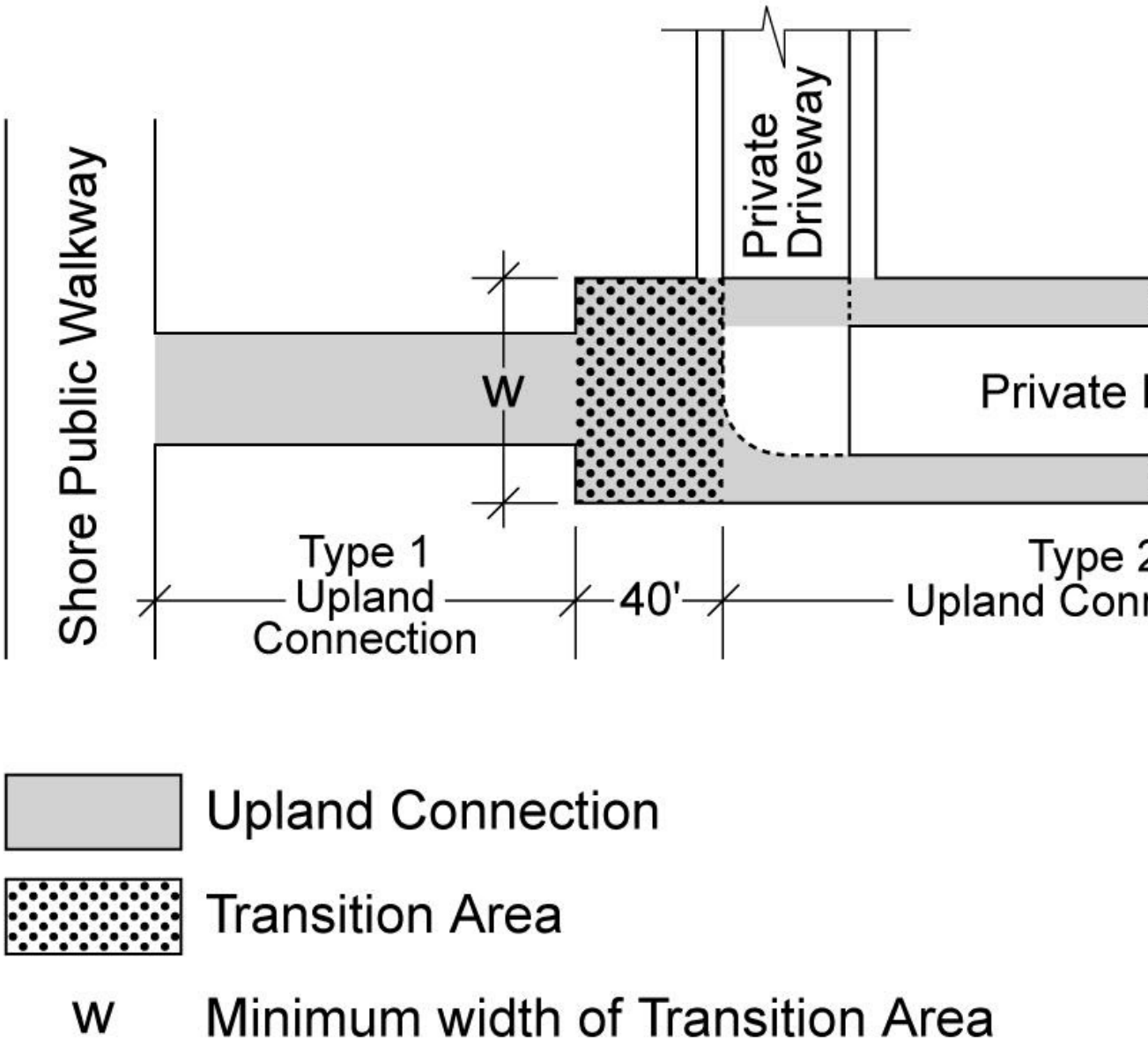


Illustration 1: Upland Connection with Roadbed Turn

(62-561b2.1)

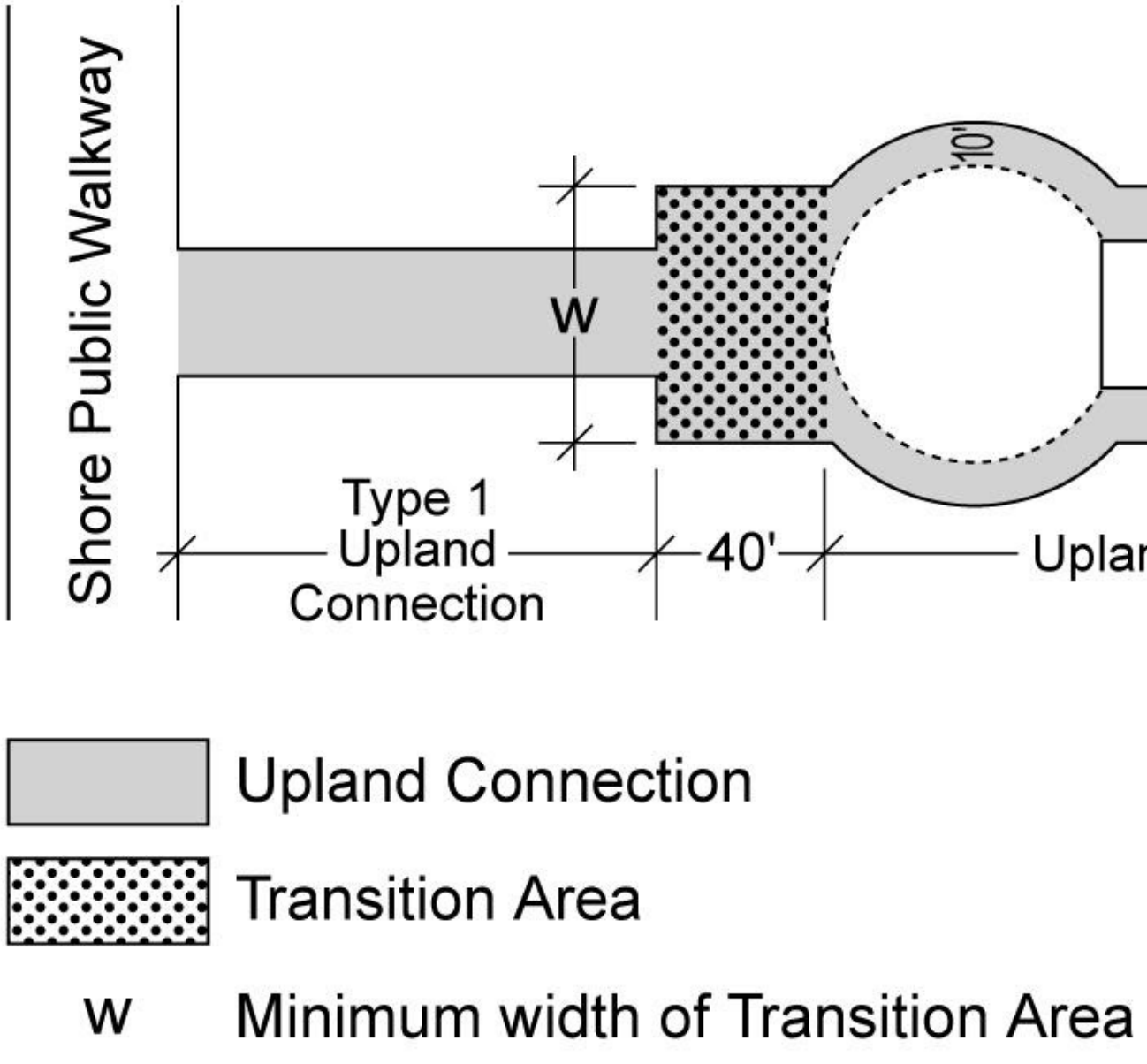


Illustration 2: Upland Connection with Vehicular Turnaround

(62-561b2.2)

(3) Such transition area is not required for roadbeds that turn and are located within 15 feet of a #shore public walkway#, or for #waterfront zoning lots# that are less than 255 feet in depth and 260 feet in width. However, for #waterfront zoning lots# that are less than 255 feet in depth and 260 feet in width, an area of at least 10 feet in width shall be provided between the edge of the roadbed and the upland boundary of the #shore public walkway#, as shown in illustration 3.

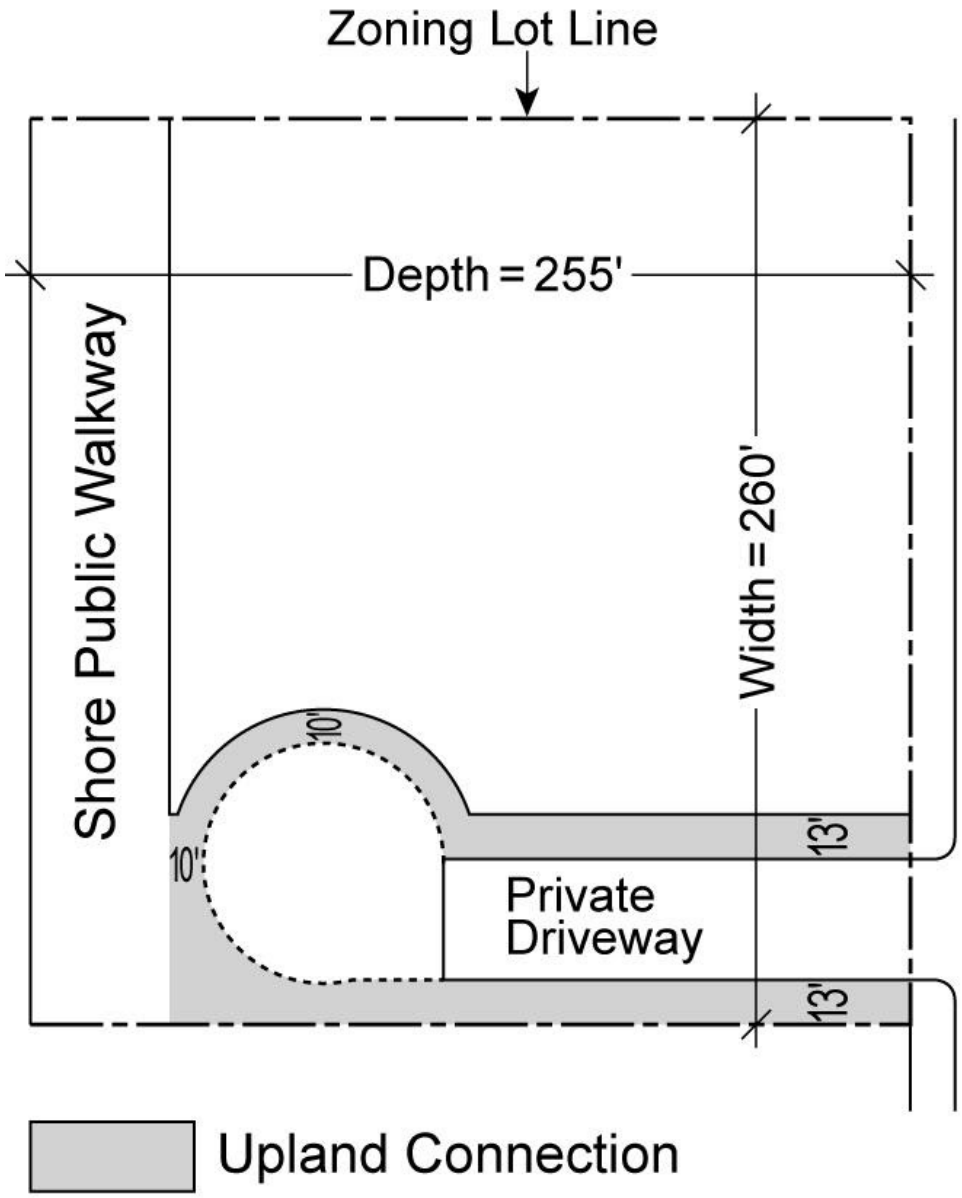


Illustration 3: Maximum Zoning Lot Dimensions to Waive Transition Area

(62-561b3)

62-57 - Requirements for Supplemental Public Access Areas

LAST AMENDED
4/22/2009

(a) If the aggregate area of the required #shore public walkways#, #upland connections#, public access areas on #piers#, and public access areas in conjunction with #floating structures# on the #zoning lot#, is less by 750 square feet or more than the amount of #waterfront public access area# required by the table in this Section, then #supplemental public access areas# shall be provided in order to meet the total amount of #waterfront public access area# required by the table. However, when a #zoning lot# is #developed# #predominantly# as a playground or publicly accessible private park, the requirements of this Section shall be deemed to be satisfied by such #use#.

(b) Where #supplemental public access areas# are required within New York State-designated wetlands or adjacent State-regulated areas, the area requirements and the design standards for such #supplemental public access areas# may be reduced or modified by the New York State Department of Environmental Conservation.

#Supplemental public access areas# shall not be required where the total area of such designated wetlands and adjacent State-regulated areas on the #zoning lot# is equal to or greater than the total #supplemental public access area# requirement and the Department of Environmental Conservation determines that public access to such areas is not permitted.

(c) Whenever a #zoning lot# is divided by a boundary between districts in which different thresholds apply pursuant to the table in this Section, the #waterfront public access area# requirement shall be met for the entire #zoning lot#, provided that:

(1) the #lot area# or length of #shoreline# in either district is less than the minimum threshold for which there is a total #waterfront public access area# requirement; and

(2) the total #lot area# or length of #shoreline# for the entire #zoning lot# is greater than the lowest threshold in either district for which there is a total #waterfront public access area# requirement.

Each portion of the #zoning lot# shall generate a total #waterfront public access area# requirement based on the percentage required in the table for the district in which it is located.

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

Districts	#Zoning Lot# Threshold	Total #Waterfront Public Access Area# Requirement as a Percentage of #Lot Area#
R3, R4, R5, C1 or C2 in R1-R5 C3, C4-1	#Lot area#: 65,340 sq. ft. #Shoreline# length: 600 ft.	15

R6, R7-1, R7-2, R7A, R7B, R7D, R8B and #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts# All other #Commercial# or #Manufacturing Districts# with a permitted #commercial# FAR of 4.0 or less	#Lot area#: 20,000 sq. ft. #Shoreline# length: 100 ft.	15
Other R7, R8, R9, R10, R11, R12 Districts and #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts# All other #Commercial# or #Manufacturing Districts# with a permitted #commercial# FAR above 4.0	#Lot area#: 20,000 sq. ft. #Shoreline# length: 100 ft.	20

A #supplemental public access area# shall also be subject to the provisions of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

62-571 - Location and area requirements for supplemental public access areas

LAST AMENDED
4/22/2009

#Supplemental public access areas# shall adjoin a #shore public walkway# in accordance with the requirements of this Section, except as modified by paragraphs (a) and (b) of Section 62-57, and the provisions of this Section:

(a) The minimum area of the #supplemental public access area#:

(1) when located at the intersection of a #shore public walkway# and an #upland connection# or #street#, shall be 750 square feet, have a minimum width to depth ratio of 1:1 and a maximum width to depth ratio of 3:1. The longest side shall adjoin the #shore public walkway#; or

(2) when located adjoining a #shore public walkway# without adjoining an #upland connection# or #street#, shall be 1,875 square feet and have a minimum width to depth ratio of 3:1. The minimum depth perpendicular to the #shore public walkway#, as a weighted average, shall be 25 feet.

The width to depth requirements of paragraphs (a)(1) and (a)(2) of this Section may be satisfied with weighted average dimensions. The minimum angle between the two boundary lines of a #supplemental public access area# coinciding with the private portion of the #zoning lot# shall be 90 degrees.

(b) A #supplemental public access area# may be provided:

(1) to widen the #shore public walkway#, with a minimum width of 10 feet running continuously along the #shore public walkway# between any two of the following: an #upland connection#, open #street#, #public park# or other public place;

(2) as a pedestrian sidewalk area abutting a roadbed running along the #shoreline#, provided such sidewalk has a minimum width of 13 feet and complies with the provisions for a Type 2 #upland connection# pursuant to Section 62-64. Any additional #supplemental public access area# shall comply with the requirements of this Section; or

(3) as a dedicated bicycle path if such path connects at each end to an open #street#. The minimum width of a bicycle path shall be 10 feet, with an additional two foot clearance on each side along the entire length of the path. There shall be a planted area between a bicycle path and a paved area for pedestrian use, pursuant to the requirements of paragraph (c) of Section 62-62.

62-58 - Requirements for Water-Dependent Uses and Other Developments

LAST AMENDED
2/2/2011

#Waterfront zoning lots# that are #developed# with #uses# listed in paragraph (b) of Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall provide a minimum amount of #waterfront public access area# in accordance with the table in Section 62-57 (Requirements for Supplemental Public Access Areas).

The total #waterfront public access area# requirement in such table shall be provided in any manner that will enable the public to access a waterfront viewing area on the #zoning lot# from a public

sidewalk within a #street#, #public park# or other public place. Such viewing area shall provide an unobstructed view of the water and comprise at least 50 percent of the total #waterfront public access area# required on the #zoning lot#. One linear foot of seating shall be provided for every 100 square feet of viewing area.

#Waterfront public access areas# improved in accordance with this Section shall comply with the provisions of Sections 62-61 (General Provisions Applying to Waterfront Public Access Areas) and 62-65 (Public Access Design Reference Standards).

For #developments# listed in paragraph (b)(1) of Section 62-52, on #zoning lots# containing a public access area established prior to October 25, 1993, by restrictive declaration, lease agreement, maintenance and operation agreement, or other agreement with a public entity, which public access area is required to be provided for the life of the #development#, subject to such agreement, the requirements for the #waterfront public access area# shall have been met if the established public access area is substantially in compliance with the provisions of this Section.

62-59 - Special Regulations for Zoning Lots That Include Parks

LAST AMENDED
4/22/2009

(a) In M2 and M3 Districts pursuant to Section 62-27 (Special Use Regulations for Playgrounds or Private Parks), where a #zoning lot# or adjoining #zoning lots# are #predominantly# #developed# as a park, the requirements of Sections 62-50, inclusive, and 62-60, inclusive, shall be deemed satisfied for that portion of the #zoning lots# occupied by such park #use#, provided that:

(1) such park is comprised of a minimum of nine acres of land above water and the #water coverage# of #piers# or #platforms#, located on the #zoning lot# or the #zoning lot#

and adjoining #zoning lots#, having at least 600 feet of #shoreline#;

(2) such park provides a continuous paved walkway along the entire portion of the #zoning lots# occupied by such #use# with a minimum clear width of no less than 12 feet, within 40 feet of the #shoreline# for at least 75 percent of those portions of the park that abut the #shoreline#;

(3) such walkway connects with all other #shore public walkways# on the #zoning lot# and adjoining #zoning lots# and any adjoining public sidewalks or other pedestrian areas within #pier# public access areas, a public #street#, #public park#, other public place or park;

(4) such walkway shall be open and accessible from #pier# public access areas, a public #street#, park or other public place at intervals over the length of the park, not exceeding 1,000 feet with an average of 600 feet, by a continuous paved walkway with a minimum clear width of not less than 10 feet;

(5) such park is open and accessible to the public from dawn to dusk, except when hazardous conditions are present that would affect public safety;

(6) a maintenance and operation agreement providing for the maintenance and operation of the park in good condition is entered into with the Department of Parks and Recreation (DPR), except that no such maintenance and operation agreement shall be required for a park developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such a park; and

(7) #visual corridors# shall be provided in accordance with Section 62-51 (Applicability of Visual Corridor Requirements).

Any maintenance and operation agreement required pursuant to paragraph (a)(6) of this Section shall include a requirement that prior to obtaining any building permit or opening any portion of the park to the public, the property owner or operator of the park shall post with DPR security in the form of a maintenance bond, letter of credit or other security acceptable to DPR, in an amount certified by a registered architect or landscape architect to be sufficient to cover 125 percent of the cost of maintaining the park for a 12 month period following its final completion, and that such security shall be replaced every five years with new security in an amount sufficient to cover 125 percent of the then current annual cost of maintaining the park, as certified by a registered architect or landscape architect, for the life of the park. Any maintenance and operation agreement shall be attached to or included within a duly recorded, signed declaration of restrictions, indexed against the #zoning lot#, binding the owners and any lessees, tenants, successors and assigns to maintain and operate the park in conformance with this Section and with the maintenance and operation agreement for the life of the park. The filing of such declaration, where required, shall be a precondition to certification pursuant to paragraph (e) of Section 62-811.

Any portion of a #zoning lot# that is not #developed# for a park #use# shall be subject to all of the requirements of Sections 62-50 and 62-60. For purposes of determining obligations pursuant to this Section, such portions of a #zoning lot# not used for park purposes shall be treated as a separate #zoning lot# or separate #zoning lots#, except that the entire #zoning lot#, including the portion used for park purposes, shall be considered in determining #lot area# for purposes of Section 62-53 (Requirements for Shore Public Walkways).

(b) In order to implement the East River Waterfront Esplanade and Piers Project described in the Final Environmental Impact Statement (FEIS) dated May 18, 2007, of the Lower Manhattan Development Corporation and the record of decision (ROD) adopted by such corporation on November 7, 2007 (the ERW Project), in C2-8, C4-6, C6-4 and M1-4 Districts located in Manhattan Community Districts 1 and 3, for #zoning lots# #predominantly# #developed# as publicly accessible open space under the ERW Project, the Chairperson of the City Planning

Commission shall allow for the phased implementation of such publicly accessible open space, and the requirements of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, provided that:

(1) the application for certification pursuant to Section 62-811 for any such phase(s) includes a report demonstrating that:

(i) a site plan of the design of the publicly accessible open space in such phase(s) has been shown by the applicant to the affected Community Boards and Council Member(s) and such Community Boards and Council Member(s) have had at least 45 days to review such plan;

(ii) any comments and recommendations of the affected Community Boards and Council Member(s) have been considered by the applicant, and such report includes a response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall address how the design has been modified;

(iii) the publicly accessible open space in such phase(s) will be open and accessible to the public at a minimum from dawn to dusk, except when hazardous conditions are present that would affect public safety; and

(iv) a maintenance and operation agreement providing for the maintenance and operation of the publicly accessible open space in such phase(s) in good condition is entered into with the DPR, except that no such maintenance and operation agreement shall be required for a publicly accessible open space

developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such publicly accessible open space; and

(2) the site plan of the design for the publicly accessible open space phase(s) in such application is determined by the Chairperson to be in substantial compliance with the ERW Project as described in the FEIS and ROD.

No excavation or building permit shall be issued for #development# under any phase for publicly accessible open space under the ERW Project certified pursuant to Section 62-811 in accordance with this paragraph, (b), until all applicable Federal, State and local permits and approvals have been received with respect to such phase, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

(c) In order to implement a portion of the East Side Coastal Resiliency Project described in the Final Environmental Impact Statement (FEIS) dated September 13, 2019, located in a marginal street, wharf or place used as a park, in an M1-1 District located in Manhattan Community District 6, for #zoning lots# #predominantly# #developed# as a park, the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, and the certification pursuant to Section 62-811 (Waterfront public access and visual corridors) shall not be required, provided that:

(1) the park will be open and accessible to the public at a minimum from dawn to dusk, except when hazardous conditions are present that would affect public safety; and

(2) a maintenance and operation agreement providing for the maintenance and operation of the park in good condition is entered into with the City of New York, except that no such maintenance and operation agreement shall be required for a park developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such park.

No excavation or building permit shall be issued within such #zoning lot# #predominantly# #developed# as a park, for the portion of the East Side Coastal Resiliency Project implemented pursuant to this paragraph (c), until all applicable Federal, State and local permits and approvals have been received, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

62-60 - DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

LAST AMENDED
2/2/2011

#Waterfront public access areas# required pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall comply with the provisions of this Section, inclusive.

62-61 - General Provisions Applying to Waterfront Public Access Areas

LAST AMENDED
5/12/2021

(a) All #waterfront public access areas# shall be unobstructed from their lowest level to the sky, except as set forth in Section 62-611 (Permitted obstructions). The lowest level of any portion of a #waterfront public access area# shall be determined by the elevation of the adjoining portion on the same or an adjoining #zoning lot# or the public sidewalk to which it connects. Reference elevations shall be established from the public sidewalks, #waterfront yard# levels and the elevations previously established by adjoining #zoning lots# at #lot line# intersections of a waterfront public access network, as applicable.

(b) The minimum required circulation path shall be connected and continuous through all #waterfront public access areas# on adjacent #zoning lots#.

(c) #Waterfront public access areas# shall be accessible to persons with physical disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines.

(d) All #waterfront public access areas# improved for public access shall meet the following regulations for site grading:

(1) In required circulation paths:

(i) for cross-sectional grading regulations (perpendicular to the general direction of pedestrian movement), the minimum slope of a required circulation path shall be one and one-half percent to allow for positive drainage and the maximum slope shall be three percent. Steps and stairways accommodating a cross-sectional grade change are only permitted outside of the required circulation path(s).

(ii) for longitudinal grading controls (parallel to the general direction of pedestrian movement), grade changes shall be permitted along the length of a required circulation path by means of steps or ramps in compliance with the

requirements for handicapped accessibility.

(2) In required planting areas, including screening buffers:

Within three feet of the edge of any planting area, the grade level of such planting area shall be no more than three feet higher or lower than the adjoining level of the pedestrian circulation path.

(e) Vehicle and emergency access

Vehicular access is prohibited within #waterfront public access areas# except for emergency and maintenance vehicular access. Parking areas, passenger drop-offs, driveways, loading berths and #building# trash storage facilities are not permitted within, or allowed to be accessed or serviced through, a #waterfront public access area#, except for vehicular access to drop-offs and other required services #accessory# to docking facilities or to #development# on a #pier# or #floating structure#.

Such vehicular ways shall be used only to provide access across the #shore public walkway#. No single driveway shall exceed a width of 25 feet. Bollards shall be installed in accordance with Section 62-651. A minimum 12 inch paved border shall be installed along the driveway boundaries and shall have a color distinct from the paving of the adjoining paved surface.

Vehicular roadways are permitted as part of an #upland connection# in accordance with the regulations of Section 62-56.

Any vehicular roadway crossing a required #waterfront public access area# shall comply with the requirements for paving in Section 62-656.

62-611 - Permitted obstructions

LAST AMENDED
5/12/2021

#Waterfront public access areas# shall be unobstructed from their lowest level to the sky except that the obstructions listed in this Section shall be permitted, as applicable. However, no obstructions of any kind shall be permitted within a required circulation path, except as specifically set forth herein.

(a) In all areas

(1) Trees and other plant materials, including grasses, vines, shrubs and flowers, watering equipment, arbors, trellises, observation decks, retaining walls;

(2) Seating, litter receptacles, drinking fountains, other outdoor furniture;

(3) Fountains, reflecting pools, waterfalls, sculptures and other works of art, temporary exhibitions;

(4) Guardrails, bollards, gates and other protective barriers, in accordance with Section 62-651;

(5) Lights and lighting stanchions, flag poles, exercise and other recreational equipment;

(6) Kiosks and open air cafes

Where a kiosk is provided, it shall occupy an area no greater than 150 square feet, including roofed areas. A kiosk may be freestanding or attached on only one side to a

#building# wall. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may only be occupied by news or magazine stands, food stands, flower stands, bicycle rental stands, information booths or #uses# #accessory# to permitted WD #uses#, as permitted by the applicable district #use# regulations or as modified by Section 62-29.

Open air cafes shall be permanently unenclosed except that they may have a temporary fabric roof. No kitchen equipment shall be installed within an open air cafe. Kitchen equipment may be contained in a kiosk adjoining the open air cafe.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers on a #waterfront public access area# through open windows;

(7) Structural landscaped berms and associated flood gates, including emergency egress systems that are assembled prior to a storm and removed thereafter, provided the height of such berm does not exceed the #flood-resistant construction elevation# required on the #zoning lot# or five feet above the lowest adjoining grade of the #waterfront yard# established pursuant to Section 62-332 (Rear yards and waterfront yards), whichever is higher;

(8) Temporary flood control devices and associated permanent fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter. Permanent fixtures for self-standing flood control devices shall be flush-to-grade, and shall be permitted obstructions within a required circulation path.

(b) In screening buffers

(1) Paved entrances to #buildings# fronting upon a screening buffer, including awnings and canopies over such entrances, seating located within 42 inches of an adjacent paved area, bicycle racks within six feet of the sidewalk of an open accessible #street# or within 10 feet of an #upland connection#;

(2) Service equipment necessary for maintenance of #waterfront public access areas# or the functioning of adjacent structures such as watering equipment, sheds for tool storage, electrical transformers or other mechanical or electrical service devices, provided all such equipment covers no more than 100 square feet in any location and has a maximum height of 10 feet. Such obstructions shall be screened in accordance with Section 62-655 (Planting and trees);

(3) Exhaust vents located on #building# walls fronting on the screening buffer, only if the bottom of such vent is a minimum of 10 feet above the adjacent ground level and projects no more than four inches from the #building# wall.

(c) Beyond 20 feet of the #shoreline#

Tot-lots, playgrounds, dog runs, public telephones, toilets, bicycle racks.

(d) In Community District 1 in the Borough of Brooklyn

Any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

62-62 - Design Requirements for Shore Public Walkways and Supplemental Public Access Areas

LAST AMENDED
5/12/2021

The design requirements of this Section shall apply to #shore public walkways# and #supplemental public access areas#, except as modified by Section 62-57 (Requirements for Supplemental Public Access Areas).

(a) Circulation and access

(1) In all districts, a #shore public walkway# shall provide a circulation path with a minimum clear width of 12 feet, except that in R3, R4, R5, C1, C2 and C3 Districts, and in C1 or C2 Districts mapped within R1 through R5 Districts, the minimum clear width shall be 10 feet.

Such path shall be located within 10 feet of the #shoreline# for at least 20 percent of the length of such #shoreline#, and the remainder of the path may be located anywhere within the #shore public walkway# or #supplemental public access area#. Secondary paths, when provided, shall be at least six feet wide. When two circulation paths are parallel to each other, they shall be connected by other paths or accessible lawn at intervals not to exceed 200 feet. In order to facilitate the future connection of pedestrian circulation paths, where a #shore public walkway# is on a #zoning lot# that is adjacent to a #zoning lot# without a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning# #lot line# shall be located within 30 feet of the #shoreline#.

(2) A #supplemental public access area# shall provide at least one circulation path with a minimum clear width of six feet that provides access throughout the #supplemental

public access area#. This requirement may be met by a circulation path of the #shore public walkway# that traverses the #supplemental public access area#;

(b) Seating

One linear foot of seating shall be provided for every 75 square feet of #shore public walkway# and #supplemental public access area#. Such seating may be located anywhere within such public access areas and shall comply with the standards of Section 62-652.

In addition, up to 25 percent of required seating may be located seaward of the #shore public walkway# and shall be subject to the provisions of Section 62-652, paragraph (h).

(c) Planting

(1) Planting areas

An area equal to at least 35 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted.

In addition, the following conditions shall apply:

(i) Where a #supplemental public access area# is greater than 1,875 square feet, at least 15 percent of the required planting area of the #shore public walkway# and #supplemental public access area#, combined, shall be provided as lawn;

(ii) Up to 30 percent of the required planting area may be provided as #tidal wetland area# and shall be measured in plan view and not along the planted slope; or

(iii) When a dedicated bicycle path is provided within a #supplemental public access area#, a planting area with a width of at least five feet shall be provided between the bicycle path and any paved area for pedestrian use. For the purpose of calculating planting requirements, the area of the bicycle path may be deducted from the combined area of the #shore public walkway# or #supplemental public access area#.

Such planting areas in this paragraph, (c), may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-655.

(2) Screening buffer

(i) A screening buffer shall be provided within the #shore public walkway# or the #supplemental public access area#, running along the entire upland boundary of such area where it abuts non-publicly accessible areas of the #zoning lot#, except as waived pursuant to paragraph (c)(2)(iii) of this Section. Any screening buffer provided pursuant to this Section may be used to meet the planting requirements of paragraph (c)(1) of this Section.

(ii) The minimum width of the screening buffer shall be six feet. On shallow lots where the width of the #shore public walkway# may be reduced pursuant to Section 62-53, the width of the screening buffer may be reduced proportionally but shall not be less than four feet.

(iii) No screening buffer shall be required:

(a) adjacent to a private drive, a #street# or at the entrances to #buildings#; or

(b) for a #commercial# or #community facility# #use# within a distance of 15 feet from the sidewalk or #waterfront public access area#, that is glazed with windows, transoms or glazed portions of doors in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

(3) Trees and additional planting

(i) A minimum of one canopy tree shall be provided for every 2,000 square feet of #shore public walkway# and #supplemental public access area#. In no event may a #shore public walkway# have less than two canopy trees for every 100 feet of #shoreline#.

(ii) In addition to the trees required pursuant to paragraph (c)(3)(i) of this Section, for every 1,250 square feet of #shore public walkway# and #supplemental public access area#, one of the following must be provided: a canopy tree, an ornamental tree or a multi-stemmed equivalent, 60 square feet of planting beds or 110 square feet of accessible lawn.

Trees and additional planting areas may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-655.

(4) Reduction in minimum required planting area

The minimum planting area, required by paragraph (c)(1) of this Section, may be

reduced by 10 square feet for every linear foot of:

(i) #shoreline# improved for boat launching or mooring or designed with architectural features to facilitate direct access to the water, such as steps or other forms of "get-downs," except that rip-rap used as stabilized shore shall not qualify for a planting reduction; or

(ii) WE #uses# with frontage adjoining, and having a public entrance on, the #shore public walkway# or #supplemental public access area#, provided that the screening buffer for such #shore public walkway# or #supplemental public access area# is waived pursuant to the conditions of paragraph (c)(2)(iii) of this Section.

However, where a #supplemental public access area# having an area of least 7,500 square feet containing a playground of at least 3,500 square feet in area and improved in accordance with the standards of the Department of Parks and Recreation is provided, the required minimum planting area may be reduced by one square foot for every five square feet of playground area. The playground area may be located anywhere within the #waterfront public access area# that is beyond 20 feet of the #shoreline#.

In no event shall the reduced planting area be less than 25 percent of the combined area of the #shore public walkway# and #supplemental public access area#.

(d) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided within a #waterfront public access area#.

Furthermore, when the combined area of the #shore public walkway# and #supplemental

public access area# is greater than 8,000 square feet, two additional bicycle parking spaces shall be provided for every additional 2,000 square feet of #shore public walkway# or #supplemental public access area#.

Bicycle racks shall be adjacent to a circulation path and at least 20 feet from the #shoreline#. Such bicycle racks may be located in public sidewalks adjacent to the #zoning lot#. All bicycle racks shall comply with the standards of Section 62-657.

(e) Trash receptacles

One trash receptacle shall be provided for every 4,000 square feet of #shore public walkway# and #supplemental public access area#, and all trash receptacles shall be located in visible and convenient locations. All trash receptacles shall comply with the standards of Section 62-658.

62-63 - Design Requirements for Public Access on Piers and Floating Structures

LAST AMENDED
4/22/2009

62-631 - Design requirements for public access on piers

LAST AMENDED
3/26/2014

The design requirements of this Section shall apply to #waterfront public access areas# on #piers#, pursuant to Section 62-54.

(a) Circulation and access

At least one circulation path having a minimum clear width of 10 feet shall be provided throughout the public access area required on the #pier#.

(b) Permitted obstructions

In addition to permitted obstructions pursuant to Section 62-611, #pier# public access areas may include one freestanding open or enclosed public pavilion, provided such structure does not exceed one #story#, is no taller than 30 feet and has an area no larger than 1,600 square feet. At least 50 percent of the perimeter wall area on all sides, up to a height of 15 feet, shall consist of clear or glazed materials which may include #show windows#, glazed transoms, glazed portions of doors or latticework. Such structures shall be exempt from #building# spacing requirements on #piers# provided they maintain a spacing of at least 12 feet from other #buildings# and from any water edge of the #pier#, except that when a #pier# is 30 feet or less in width, a pavilion may abut one water edge.

In Community District 1 in the Borough of Brooklyn, any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

(c) Seating

At least one linear foot of seating is required for every 100 square feet of #pier# public access area, subject to the provisions of paragraphs (a) through (d) of Section 62-652.

62-632 - Design requirements for public access on floating structures

LAST AMENDED
4/22/2009

The design requirements of this Section shall apply to #shore public walkways# provided in conjunction with as-of-right #development# on #floating structures#, pursuant to Section 62-55.

(a) Circulation and access

A circulation path shall be provided with a minimum clear width of 10 feet. On shallow portions of #zoning lots# where the width of the #shore public walkway# may be reduced in accordance with Section 62-53, the minimum clear width of the path may be reduced to a minimum of six feet when the #shore public walkway# is less than 16 feet.

(b) Seating

At least one linear foot of seating is required for every 100 square feet of public access area, subject to the provisions of paragraphs (a) through (d) of Section 62-652.

(c) Screening

Any service areas, such as that used for equipment storage or similar purposes, shall be screened from the circulation path in accordance with the standards for screening in Section 62-655 (Planting and trees).

62-64 - Design Requirements for Upland Connections

LAST AMENDED
4/22/2009

#Upland connections# shall be improved in accordance with the provisions of this Section.

(a) Circulation and access

(1) For Type 1 #upland connections# provided in accordance with the provisions of paragraph (a) of Section 62-561, there shall be at least one circulation path linking an open #street#, #public park# or other public place with a #shore public walkway#. Such path shall have a minimum clear width of 12 feet. Any secondary paths shall have a minimum clear width of six feet.

(2) For Type 2 #upland connections# provided in accordance with the provisions of paragraph (b) of Section 62-561, each pedestrian walkway shall have a circulation path with a minimum clear width of eight feet linking an open #street#, #public park# or other public place with a #shore public walkway#. However, when a turnaround is provided, the entire required area shall be provided as a circulation path.

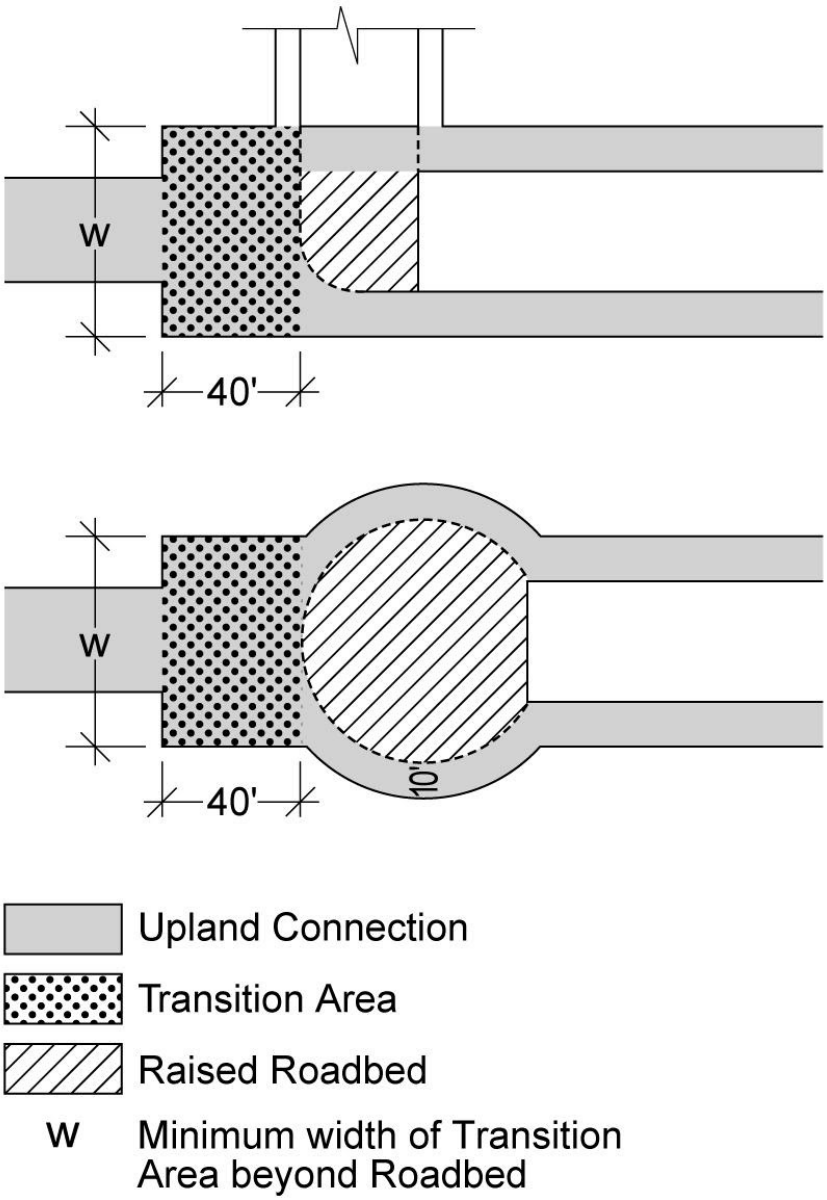
(3) For transition areas, a circulation path with a width of at least 12 feet shall connect each circulation path of the Type 2 #upland connection# with a circulation path of a #shore public walkway#, #supplemental public access area# or Type 1 #upland connection#, whichever is applicable.

(b) Paving

(1) For Type 1 #upland connections#, at least 40 percent but not more than 65 percent of the entry area shall be paved. Such paving shall include a five foot wide area along at least 70 percent of the frontage adjoining a public sidewalk.

(2) Where any #upland connection# is interrupted by a private driveway, the full width of the required #upland connection# shall traverse the roadbed without a drop in level, and be paved with materials distinct from the roadbed. Such portion of the #upland connection# shall not count towards fulfilling a minimum required amount of #waterfront public access area#.

In addition, for Type 2 #upland connections#, the area of the roadbed between both circulation paths, within which lines perpendicular to the #upland connection# traversing the roadbed can be drawn or the portion of the roadbed within a vehicular turnaround, shall be raised to be flush with the level of such adjoining #upland connections#.



Type 2 Upland Connection

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(3) The roadbed paving material of a private driveway leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be

raised to be flush with the level of adjoining circulation paths.

(c) Planting

(1) For Type 1 #upland connections#, at least 40 percent of the area of the #upland connection# shall be planted in accordance with the provisions set forth in Section 62-655 (Planting and trees).

In addition, the following rules shall apply:

(i) where such #upland connections# do not abut open parking lots or private driveways, six caliper inches of ornamental trees or their equivalent in multi-stemmed plants shall be required for every 100 linear feet of #upland connection#.

(ii) where such #upland connections# abut an open parking lot, screening shall be provided within the #upland connection# along the curb of such parking lot in accordance with Section 37-921 (Perimeter landscaping).

(iii) where such #upland connections# abut a private driveway, a continuous tree pit shall be provided within the #upland connection# along the curb of the driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-655, and in addition, shall be planted with one tree for every 25 feet of private driveway frontage.

(iv) where such #upland connections# do not coincide with a #visual corridor#, at least 30 percent of the required open area along the length of the #upland connection# shall be planted, and the requirements of Section 62-513

(Permitted obstructions in visual corridors) shall apply within such open areas.

(2) For Type 2 #upland connections#, a continuous tree pit shall be provided within the #upland connection# along the curb of the private driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-655, and in addition, shall be planted with one tree for every 25 feet of private driveway frontage. Portions of the continuous tree pit may be paved with permeable paving such as Belgian block or similar unit pavers in order to accommodate any required amenities, such as benches or bicycle racks, or other permitted obstructions in accordance with the provisions of Section 62-611. However, no continuous tree pit shall be required where an #upland connection# abuts a portion of a roadbed that is required to be raised pursuant to paragraphs (b)(2) or (b)(3) of this Section.

(3) For transition areas, at least 40 percent of such area shall be planted. In addition, a minimum of two canopy trees or their equivalent in caliper inches of ornamental trees or multi-stemmed plants are required.

(d) Seating

At least 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#, excluding the length of any entry or transition areas and the first 50 feet of a Type 2 #upland connection#. Such excluded areas shall have at least 24 linear feet of seating.

(e) Trash receptacles

One trash receptacle shall be provided within 15 feet of a #street#, #public park# or other public place and one receptacle shall be provided where the #upland connection# adjoins a #shore public walkway# or #supplemental public access area#, pursuant to Section 62-658.

62-65 - Public Access Design Reference Standards

LAST AMENDED
4/22/2009

The standards of this Section, inclusive, shall be applicable to all #waterfront public access areas# and #visual corridors#.

No hollow plastic material, such as PVC (polyvinyl chloride) or similar material shall be permitted in guardrails, fences, seating, trash receptacles or other similar furniture within a #waterfront public access area#. However, high-density polyethylene shall be permitted.

62-651 - Guardrails, gates and other protective barriers

LAST AMENDED
4/22/2009

(a) Guardrails

For the purposes of this paragraph, (a), the term "guardrail" shall refer only to fencing or similar structures provided along a bulkhead, stabilized shore or the water edges of a #pier# or #platform#.

When a guardrail is provided, it shall have a maximum height of 42 inches measured from the adjoining grade level, and shall be at least 70 percent open. Guardrails may be mounted on a solid curb not higher than six inches.

A guardrail may be substituted for a wall, pursuant to paragraph (c)(3) of this Section.

(b) Bollards

(1) Bollards shall be limited to the following locations:

(i) along the bulkhead, stabilized shore or the water edges of a #pier# or #platform#;

(ii) along a #zoning# #lot line# adjacent to, and limiting access from an upland #street#; and

(iii) along the boundaries of a roadway within an #upland connection#.

(2) Bollards shall not exceed 30 inches in height and shall be between six and 15 inches in width. The top of bollards shall not consist of any sharp edges. The minimum clearance between two bollards shall be five feet.

(c) Fences and walls

(1) Fences and walls, when provided, shall be limited to the following locations:

(i) along the boundary of a #waterfront public access area# and an adjoining private area on the #zoning lot#;

(ii) around the perimeter of a playground, tot-lot or dog-run;

(iii) adjoining WD #uses#;

(iv) within a #visual corridor#; and

(v) along any grade level change of 30 inches or greater.

(2) Fences shall have a maximum height of 36 inches measured from the adjoining grade level, and be at least 70 percent open. Fences may be mounted on a solid curb not higher than six inches.

(3) Walls shall not exceed a height of 21 inches, and may be fully opaque.

(4) Chain link fencing or barbed or razor wire shall not be permitted.

(d) Gates

Gates attached to fences and walls that limit physical access to #waterfront public access areas# from #streets#, #public parks# or other public ways, or from adjacent #waterfront public access areas# on adjoining #zoning lots#, shall comply with the provisions of this paragraph (d). Such gates shall be permitted only at the boundaries of #waterfront public access areas# and such adjacent publicly accessible areas, except that in Type 1 #upland connections# gates may be located at the seaward boundary of the entry area. Gates shall not intrude into any planting area. Gates may be closed only pursuant to Section 62-71 (Operational

Requirements).

The maximum height of a gate shall be four feet above the adjoining grade level. Gates shall be no more than 30 percent opaque.

When opened for access, 70 percent of the total width, in aggregate, of the #waterfront public access area# shall be free of obstructions associated with the gate, and there shall be a minimum clear distance of at least 16 feet between any two obstructions of the gate.

In addition, in its open position, the gate and its support structures shall not obstruct:

(1) any circulation path;

(2) 25 percent of the width of the entry area of an #upland connection# along each side of the centerline of such entry area; and

(3) at least 50 percent of the width of the #shore public walkway# closest to the #shoreline#.

62-652 - Seating

LAST AMENDED
4/22/2009

All required seating shall comply with the following standards:

(a) Seating with backs

At least 50 percent of the required seating shall have backs, and at least 50 percent of such seating shall face in the general direction of the water. Seat backs shall be at least 14 inches high. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from the vertical between 10 to 15 degrees.

(b) Depth

Seating with or without backs shall have a depth of not less than 18 inches, and for seating with backs, such depth shall not be greater than 20 inches. Seating with a depth of at least 36 inches, and accessible from both sides, may be credited as double seating. When seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(c) Height

At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent grade. Seating higher than 36 inches or lower than 12 inches shall not qualify toward the seating requirements. Seating may be mounted on a solid curb not higher than six inches.

(d) Clearance

Seating shall be located a minimum of 22 inches from any circulation path or permitted obstruction along the accessible side of such seating, except that seating without backs may be as close to a guardrail as 12 inches.

(e) Types of seating

In #shore public walkways# and #supplemental public access areas#, at least two of the following types of seating are required: moveable seating, fixed individual seats, fixed benches with backs, fixed benches without backs, lounging chairs and design feature seating.

(1) Design feature seating

Planter ledges, seating walls, and seating steps may be provided, and shall be limited to 25 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(2) Moveable seating

Moveable chairs, excluding those in open air cafes, may be credited as 18 inches of linear seating per chair; however, not more than 50 percent of required linear seating may be in moveable chairs. Moveable chairs may be placed in storage outside of the required hours of operation, pursuant to Section 62-71, paragraph (a). All moveable chairs must have backs. Moveable chairs shall not be chained, fixed, or otherwise secured while the #waterfront public access area# is open to the public.

(3) Seating steps

Seating steps shall not include any steps intended for circulation and must have a height not less than 12 inches nor greater than 30 inches and a depth not less than 18 inches.

(4) Lounge chairs

Lounge chairs shall allow for a reclined position supporting the back as well as the legs. Lounge chairs may be credited as 36 inches of linear seating per chair.

(f) Social seating and tables

At least 25 percent of required seating shall be social seating, consisting of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction. A minimum of two square feet of tables shall be required for every three linear feet of social seating. However, any requirement for tables that, in total, is less than 10 square feet shall be waived, and no more than 150 square feet of tables shall be required in any site.

(g) Shaded seating

At least 20 percent of required seating shall be shaded. Seating shall be considered shaded if it is located under a canopy tree or shade structure, or on the eastern side and within 45 feet of the trunk of a canopy tree or of a shade structure.

(h) Seaward seating

Up to 25 percent of required seating may be located seaward of the #shore public walkway# provided it is designed as:

(1) a generally smooth and flat surface within a stabilized natural #shoreline#, in the form of rock, stone, wood or other solid material that measures at least 15 inches in width and depth and is between 12 and 30 inches high measured from the adjoining accessible surface; or

(2) steps, with a depth and height between 12 and 30 inches, that facilitate access to the water.

Seaward seating shall not be subject to the provisions of paragraphs (a) through (g) of this Section.

Seating in open air cafes or stairs shall not qualify towards seating requirements. All seating located within a planting area shall be on permeable pavement and secured for stability.

62-653 - Lighting

LAST AMENDED
2/2/2011

All #waterfront public access areas# shall provide lighting in accordance with the following requirements:

An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required. Such level of illumination shall be maintained from one-half hour before sunset to one-half hour after sunrise.

The average illumination to minimum foot candle uniformity ratio shall be no greater than 10:1 within a #waterfront public access area#.

Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak foot candle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with a color temperature range of 3000 K to 4100 K with a minimum color rendering index of 65.

All lenses and globes shall be polycarbonate or equivalent.

All lighting sources that illuminate a #waterfront public access area# and are mounted on or located within #buildings# adjacent to the #waterfront public access area# shall be shielded from direct view. In addition, all lighting within the #waterfront public access area# shall be shielded to minimize any adverse effect on surrounding #buildings# containing #residences#.

62-654 - Signage

LAST AMENDED
4/22/2009

The provisions of this Section shall apply to signs required in #waterfront public access areas#. All such signs shall be located in directly visible locations, without any obstruction at any time. Such signs shall be fully opaque, non-reflective and constructed of permanent, highly durable materials, such as metal or stone. All lettering shall be in a clear, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color with a minimum height of one-quarter inch, unless otherwise specified in this Section, and shall highly contrast with the background color.

Drawings documenting the size, format, and orientation of all required signs shall be included in the application for certification, pursuant to Section 62-80. Such drawings shall include detailed information about dimensions of the sign, lettering size, color and materials.

(a) Entry signage

All #waterfront public access areas# shall contain an entry sign mounted on a permanent structure. Such sign shall be located within five feet of the boundary of the entrance from a #street#, #public park# or other public way. Required signage shall contain:

(1) the New York City waterfront symbol, 12 inches square in dimension, as provided in the Required Signage Symbols file at the Department of City Planning website and the "The New York Waterfront Symbol Standards and Specifications" (published by the Department of City Planning, April 1989, and as modified from time to time);



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(2) lettering at least one-and one-half inches in height, stating "OPEN TO PUBLIC" in bold type;

(3) lettering at least one-half inch in height stating the approved hours of operation as required pursuant to Section 62-71 (Operational Requirements), paragraph (a);

(4) lettering at least one-half inch in height stating “Do not enter outside of hours of operation”;

(5) the International Symbol of Access for persons with physical disabilities, at least three inches square, or the statement: “This public access area is accessible to persons with physical disabilities”;

(6) the address of the property where the #waterfront public access area# is located;

(7) the name of the current owner and the name, phone number and email address of the person designated to maintain the #waterfront public access area#;

(8) the statement: "For complaints or questions: call 311”;

(9) the statement: “For more information go to http://nyc.gov/planning”; and

(10) rules of conduct as specified in Section 62-71, paragraph (b).

Information in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity, such as a seating wall or sculpture.

All information required in this paragraph, (a), shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above the adjoining grade shall be three feet for a horizontal sign and five feet for a vertical sign. The bottom of all signs shall be at least eighteen inches above adjoining grade, except for signs angled 45 degrees or less as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity.

(b) Signage at #zoning lot# line

A sign shall be required to be located within five feet of any #zoning lot line# adjacent to another #zoning lot# within a #shore public walkway# and at a distance no greater than five feet from the required circulation path. All information required in paragraph (a) of this Section shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above adjoining grade shall be three feet. The bottom of all signs shall be at least 18 inches above adjoining grade, except for signs angled 45 degrees or less, as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) of this Section need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity, such as a seating wall or sculpture.

However, the waterfront symbol required pursuant to paragraph (a)(1) shall be no larger than four inches square, or 12 inches square if inscribed in pavement or any appropriate amenity, and the information required in paragraph (a)(2) of this Section shall be one inch high.

The information required in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity.

(c) Other signage

Seating areas within #waterfront public access areas# allowed pursuant to paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be identified by a sign with the words “SEATING OPEN TO PUBLIC” in lettering at least one inch high. Such sign shall be clearly visible from the #waterfront public access area#. In addition, such sign shall be no greater than 60 square inches, no higher than 18 inches above adjacent grade, and angled for visibility. The required sign may be freestanding or attached to a permitted amenity within the #waterfront public access area#.

No #advertising signs# may be located within a #waterfront public access area#.

62-655 - Planting and trees

LAST AMENDED
5/12/2021

Within #waterfront public access areas# and parking areas where planting or screening is required, the design standards of this Section shall apply.

A detailed landscape plan prepared by a registered landscape architect shall be submitted to the Department of Parks and Recreation prior to seeking certification by the Chairperson of the City Planning Commission, pursuant to the requirements of Section 62-80. Such plans shall include plants suited for waterfront conditions and include a diversity of species with emphasis on native plants, species that are tolerant of salt, sediment, high seasonal water flow, and high winds, as applicable to the location and the facilitation of sustainable wildlife habitats, where appropriate. No species listed on quarantine or as a host species for any disease listed by the Department of Parks and Recreation at the time of application shall be included.

All landscaped areas shall contain a built-in irrigation system or contain hose bibs within 100 feet of all planting areas.

(a) Planting areas

Wherever a minimum percentage of planting area is specified for a #waterfront public access area#, such requirements shall be met only through the provisions of the types of planting areas listed in paragraphs (a)(1) through (a)(8) of this Section. A curb with a maximum height of six inches is permitted along the perimeter of any planting area. Any edging higher than six inches above adjacent grade shall be considered a retaining wall. Retaining walls shall not exceed a maximum height of three feet, as measured from the level of the adjoining grade or planted area below such wall so that no more than three feet of such retaining wall is visible

from the #waterfront public access areas#. Where not specifically indicated, the minimum planting standard for required planting areas shall be turf grass, other natural grasses or groundcover. All planting areas shall be located on undisturbed subsoil or clean fill.

(1) Single tree pits

A single tree pit shall have a minimum dimension of five feet with a minimum area of 30 square feet and a minimum depth of 3 feet, 6 inches. Only tree pits planted with ground cover shall count towards meeting a minimum planting area requirement.

(2) Continuous tree pits

A continuous tree pit is a planting area containing two or more trees. Continuous tree pits shall have a minimum width of five feet and a minimum depth of 3 feet, 6 inches, and a length as required to meet a minimum of five feet from the trunk of the tree to the end of the tree pit.

(3) Planting beds

Planting beds for turf grass or groundcovers shall have minimum dimensions of two feet in any direction and a minimum depth of two feet. Planting beds for shrubs shall have minimum dimensions of three feet by three feet for each shrub and a minimum depth of 2 feet, 6 inches. Planting beds containing trees shall have a minimum dimension of five feet and a minimum area of 30 square feet for each tree, with a minimum depth of 3 feet, 6 inches. Trees, shrubs or groundcovers may be combined in a single planting bed only if such bed meets the minimum depth required for the largest plant.

Retaining walls are permitted along the perimeter of a planting bed in accordance with the regulations for planting areas in paragraph (a) of this Section.

(4) Terraced planting area

A “terraced planting area” is a planting area with two or more planting beds incorporating retaining walls on a slope with a grade change greater than or equal to three feet. A terraced planting area shall comply with the dimensional standards for a planting bed except that the average depth of the individual planting beds between the two retaining walls shall not be less than three feet, as measured perpendicular to the edge of the retaining wall. In addition, for retaining walls between two or more planting beds, their height may exceed three feet, provided that the front of such retaining walls is screened by plant material.

(5) Berms

A "berm" is a planting area with sloped grade stabilized primarily by plant materials rather than retaining walls or other similar built structures. A berm shall comply with the dimensional standards for a planting bed except that the height of the berm shall not exceed the #flood-resistant construction elevation# on the #zoning lot#, or five feet above the lowest adjoining grade of the #waterfront yard# established pursuant to Section 62-332 (Rear yards and waterfront yards), whichever is higher.

(6) Lawns

A "lawn" is an area planted with turf grass having a minimum soil depth of 2 feet, 6 inches. Along at least 60 percent of the perimeter, a lawn shall have a grade level within six inches of the adjacent grade providing unobstructed pedestrian access. Any

required lawn shall have a minimum area of 500 square feet and no dimension less than 18 feet.

(7) Screening

Screening is intended to create a landscaped buffer between the #waterfront public access areas# and adjoining non-public #uses# to protect the privacy or minimize the visual impact of blank walls, equipment, loading and parking areas or similar conditions.

(i) Screening buffers

Screening buffers required pursuant to paragraph (c)(2) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting. The requirements of this paragraph, (a)(7)(i), may also be satisfied by the requirements of paragraph (a)(7)(ii) of this Section.

(ii) Blank walls and service areas

Blank walls higher than four feet measured from an adjacent grade level and service areas anywhere within a #waterfront public access area# shall be screened with any combination of evergreen trees, vines or espaliered trees or shrubs, and an architectural treatment such as a pergola, stone rustication, grills or sculptural features.

(iii) Parking garage screening

Open parking areas on any #zoning lot# fronting on an #upland connection# or #street# on any #waterfront block#, notwithstanding the #use# on such lot, shall require screening pursuant to Section 37-921 (Perimeter landscaping). Screening required pursuant to Section 62-453 shall consist of a planting strip at least four feet wide. Plants shall be at least four feet high at the time of planting and 50 percent of them shall be evergreen shrubs.

All required screening may be interrupted by vehicular or pedestrian entrances.

(8) Tidal wetland area

A #tidal wetland area# may satisfy up to 30 percent of the required planting area for #waterfront public access areas#.

(b) Trees

(1) Tree caliper

At time of planting, canopy trees shall be a minimum of three inches caliper and ornamental trees shall be a minimum of two inches caliper.

(2) Trees in single tree pits

One of the procedures in this paragraph, (b)(2), shall be employed to protect trees planted at grade:

(i) granite or cast concrete block pavers with a minimum four inch depth shall be installed in accordance with New York City Department of Parks and Recreation (DPR) standards for #street# trees;

(ii) a grate shall be installed over the root zone, supported at its edges and set flush with the adjacent pavement for pedestrian safety, in accordance with DPR standards for #street# trees for grate size; or

(iii) the root zone shall be surrounded with barrier hedge planting.

62-656 - Paving

LAST AMENDED
4/22/2009

Paving in #waterfront public access areas# shall comply with the following:

(a) Locational requirements

(1) Within required circulation paths

All paving material for a required circulation path shall be permanent, durable, accessible to persons with physical disabilities, and shall consist of one or a combination of the following:

(i) Unit pavers constituted of stone, concrete, granite, asphalt or a mix of these materials with other aggregates;

(ii) Concrete, prefabricated, poured or permeable;

(iii) Wood planks for boardwalk or decking, except that tropical hardwood shall not be permitted;

(iv) Solid plastic, such as "plastic lumber," high density polyethylene, wood composite plastic or fiber-reinforced plastic.

(2) Other than within required circulation paths

In addition to the permitted paving materials of paragraph (a)(1) of this Section, the following materials shall be permitted anywhere in a #waterfront public access area#:

(i) Blocks such as Belgian blocks, cobble stones, concrete cobbles or Eurocobble;

(ii) Gravel, loose, installed over a solid surface or glued with resin;

(iii) Wood chips or other similar material;

(iv) Metal grating, limited to locations that require drainage and for #platforms#;

(v) Asphalt, impermeable or porous, which may be imprinted with thermoplastic patterns.

(3) Special regulations for Type 2 #upland connections#

Paving for driveways and pedestrian paths shall be subject to the standards of the New York City Department of Transportation for roadbeds and sidewalks.

(b) Dimensional requirements

(1) All unit pavers shall have a minimum thickness dimension of two inches for pedestrian use and three inches for vehicular use and shall not exceed a maximum of four square

feet in area.

(2) Wood planks or plastic lumber for boardwalk or decking shall be a minimum of three inches thick (nominal dimension). The direction of planks shall not be parallel to the direction of traffic.

(3) Concrete slabs, other than in #upland connections#, shall be a maximum of two feet in any one dimension.

All the above materials may be installed to facilitate storm water management appropriate for specific site conditions.

62-657 - Bicycle racks

LAST AMENDED
4/22/2009

Each bicycle rack shall allow for the bicycle frame and one wheel to be locked to the rack. If bicycles can be locked to each side of the rack, each side may be counted as a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

62-658 - Trash receptacles

LAST AMENDED
4/22/2009

Trash receptacles shall be placed within 50 feet of a seating area, have a minimum capacity of 25 gallons and have either top openings that measure at least 12 inches wide or side openings that inscribe a rectangle measuring at least 12 inches wide and six inches high. Trash receptacles shall be able to use standard bags used to collect trash.

62-70 - MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

LAST AMENDED
4/22/2009

62-71 - Operational Requirements

LAST AMENDED
2/2/2011

(a) Hours of operation

All #waterfront public access areas# shall be open to the public at the times indicated in the table in this Section, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area, as set forth in the maintenance and operation agreement required pursuant to Section 62-74 (Requirements for Recordation).

HOURS OF OPERATION FOR WATERFRONT PUBLIC ACCESS AREAS

Districts	April 15 to October 31	November 1 to April 14
#Zoning lots# containing #predominantly# #community facility# #uses# in: R3 R4 R5 C1 or C2 in R3 thru R5 C3 C4-1 C8 M1 M2 M3	Dawn to dusk*	Dawn to dusk*
#Zoning lots# containing #predominantly# #commercial# #uses# in all districts	Dawn to dusk or business closing, whichever is later**	Dawn to dusk or business closing, whichever is later**
All other #zoning lots# providing #waterfront public access areas#	6:00 A.M. to 10:00 P.M.	7:00 A.M. to 8:00 P.M.

* Dawn shall be defined as one half hour before sunrise, and dusk shall be defined as one half hour after sunset

** #Waterfront public access areas# on #zoning lots# containing predominantly #commercial# #uses# shall not be required to be open to the public beyond 10 P.M. from April 15th to October 31st and 8 P.M. from November 1st to April 14th

(b) Rules of conduct

Rules of conduct for the #waterfront public access area# shall be established with the Department of Parks and Recreation and set forth in the maintenance and operation agreement as required pursuant to Section 62-74. Such rules of conduct shall not prohibit typical promenade activities consistent with public enjoyment of the waterfront, such as walking, jogging, sitting or reclining, gathering in small groups, or consumption of food or non-alcoholic beverages.

62-72 - Performance and Maintenance Requirements

LAST AMENDED
4/22/2009

(a) Performance and maintenance

(1) The property owner shall be responsible for the completion and maintenance of all required #waterfront public access areas# on the #zoning lot#. No certificate of occupancy shall be issued until all required #waterfront public access area# improvements are completed except as otherwise provided in a phasing plan pursuant to Sections 62-811 (Waterfront public access and visual corridors) or 62-822 (Modification of waterfront public access area and visual corridor requirements).

(2) To ensure the maintenance of the #waterfront public access areas#, prior to obtaining any certificate of occupancy, the property owner shall post security in the form of a maintenance bond, letter of credit or other security acceptable to the Department of Parks and Recreation (DPR), with the DPR in an amount certified by a registered architect or landscape architect to be sufficient to cover 125 percent of the cost of maintaining the #waterfront public access areas# for a 12 month period following final completion of such #waterfront public access areas#. The security shall be replaced every five years with a new security in an amount sufficient to cover 125 percent of the current annual cost of maintaining the #waterfront public access areas#, as certified by a registered architect or landscape architect. The security shall be in effect for the life of the #development#.

(b) Maintenance and liability

Any declaration by the owner, its successor or assigns, or agreement between the owner, its successor or assigns, and the City of New York, provided in accordance with Section 62-74 (Requirements for Recordation) regarding the maintenance and operation of a required #waterfront public access area# as established in Section 62-52 (Applicability of Waterfront Public Access Area Requirements), shall provide that:

(1) the owner, its successor or assigns, will construct and be responsible for ordinary maintenance and repair of all such areas;

(2) the City will indemnify and defend the owner, its successor or assigns, for judgments resulting from litigation of claims of personal injury on such areas in accordance with reasonable provisions and procedures in the declaration and the maintenance and operation agreement, provided that the owner, its successor or assigns, has fully complied with the design and maintenance requirements set forth in this Resolution and the maintenance and operation agreement; and

(3) in the event such areas are destroyed or substantially damaged as a result of flood, storm, fire or other acts of God, reconstruction shall be the responsibility of the City, provided that such destruction or damage is not the result of the negligence of the owner, or of the owner's failure to construct or maintain such areas in accordance with the provisions of this Resolution and the maintenance and operation agreement.

62-73 - Request to Transfer Title to Certain Waterfront Public Access Areas

LAST AMENDED
4/22/2009

(a) The owner of a #zoning lot# on a #waterfront block# may, at the owner's option, and prior to commencement of design and construction of #waterfront public access areas#, make a request directed to the Office of the Mayor (Request) to transfer to the City of New York its fee simple absolute interest, free and clear of any encumbrances that are not deemed acceptable by the City, in the #waterfront public access area# on such #zoning lot#.

(1) The City may accept the Request, provided that transfer will be made in a manner acceptable to the Chairperson of the City Planning Commission and the Commissioner of Parks and Recreation, who may specify conditions for transfer including, without limitation, establishment by the owner of an account for the funding of ordinary maintenance of the #waterfront public access area# and a capital reserve or funding mechanism for future capital repair, and adequate guarantees of access to the #waterfront public access area# and, provided further, that transfer is made pursuant to such instruments, which shall be a condition of certification pursuant to Section 62-811 (Waterfront public access and visual corridors), paragraphs (b) and (c), as are necessary for implementation. Where the Request is for

transfer of a phase of the #waterfront public access area# pursuant to a phased implementation of required public access areas certified by the Chairperson pursuant to Section 62-811 or authorized by the City Planning Commission pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements), the City shall consider, in determining whether to accept such Request, such factors as the size, location and access for purposes of maintenance, repair and reconstruction, of the phase which is the subject of the Request, and may require as a condition of acceptance that the owner make binding commitments to the transfer of subsequent phases.

(2) The Department of Parks and Recreation (DPR) shall review and approve the design and construction specifications for the #waterfront public access areas# proposed for transfer, and transfer of such areas shall be made prior to the issuance of any temporary or permanent certificate of occupancy for any part of the #development# for which such areas are required to be constructed, upon determination by the DPR that construction of such areas is complete, as required pursuant to Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), and is in accordance with the previously approved design and construction specifications, except that signage required pursuant to Section 62-654 may be replaced by DPR signage.

(3) The provisions of Section 62-72 (Performance and Maintenance Requirements), paragraphs (a)(2) and (b), shall not apply to any #waterfront public access area# transferred pursuant to this Section.

In the event of a transfer under this paragraph, (a), the #bulk# and parking computations for the #zoning lot# shall include the transferred property. Such transfer shall not be deemed to have created a #non-compliance#.

(b) For parcels identified in Waterfront Access Plan BK-1, the owners of two or more parcels may, either for purposes of certification pursuant to Section 62-811 or at any time thereafter, submit an alternate plan to the Chairperson for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-72, as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:

(1) implementation of the plan would enhance maintenance and operation of the #waterfront public access areas# consistent with the purposes of this Chapter; and

(2) participation in the plan is available to owners of contiguous parcels identified in Waterfront Access Plan BK-1 on an equal basis.

62-74 - Requirements for Recordation

LAST AMENDED
4/22/2009

All required #visual corridors# and #waterfront public access areas# other than those provided in parks #developed# pursuant to Section 62-59 (Special Regulations for Zoning Lots That Include Parks), once certified in accordance with the provisions of Section 62-811 (Waterfront public access and visual corridors), paragraphs (b) or (c), shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement with the Department of Parks and Recreation when a #waterfront public access area# is provided, indexed against the property, binding the owners, successors and assigns to provide #visual corridors# and to construct and maintain the #waterfront public access areas#, except as provided in the provisions of Section 62-70, inclusive, and provide public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the #waterfront public access areas# are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times, and shall set forth rules of conduct consistent with the provisions of paragraph (b) of Section 62-71 (Operational Requirements). The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the preceding #waterfront public access areas# elements shall be recorded on the certificate of occupancy by the Departments of Buildings or Business Services, as applicable, and shall be a condition of issuance of such certificate of occupancy.

For parcels identified in Waterfront Access Plan BK-1 for which an alternate plan for joint maintenance and operation has been approved, or for parcels for which a transfer to the City is proposed pursuant to paragraph (b) of Section 62-73 (Request to Transfer Title to Certain Waterfront Public Access Areas), the provisions of such instruments as are necessary to effectuate such paragraph shall supersede those of the maintenance and operation agreement described in this Section.

62-80 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
4/22/2009

An application to the Department of Buildings, Department of City Planning or Department of Business Services, involving a #zoning lot# subject to the provisions of this Chapter, shall include a survey of the #zoning lot# showing the following elements, as applicable, and documentation showing compliance with all requirements for #waterfront public access areas#:

(a) pierhead line;

(b) bulkhead line;

(c) #shoreline#, including its length;

(d) #upland lot#, including its area;

(e) #seaward lot#, including its area;

(f) area of the portion of the #zoning lot# seaward of the #shoreline#;

(g) #existing piers#, #platforms# or #floating structures#, including #water coverage# and surface elevation or height, as applicable;

(h) previously established and recorded #visual corridors# and #waterfront public access areas# or any other public access area on the #zoning lot# or on adjoining #zoning lots#;

(i) #visual corridors# or #waterfront public access areas# required on the #zoning lot# by a Waterfront Access Plan set forth in Section 62-90; and

(j) existing bulkheads and stabilized portions of natural shore showing seaward and landward edges, as well as their top elevations.

62-81 - Certifications by the Chairperson of the City Planning Commission

LAST AMENDED
6/6/2024

The provisions of Sections 62-811 and 62-812, relating to certifications for #waterfront public access areas#, #visual corridors# and #zoning lot# subdivisions, shall apply to all #zoning lots# within #waterfront blocks# and any other #blocks# included within a Waterfront Access Plan, except that the following shall not be subject to the provisions of Section 62-811:

airports, heliports and seaplane bases;

in any district, existing #zoning lots# of less than 10,000 square feet #developed# #predominantly# with #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings#, provided such #zoning lots# are not included within an area subject to a Waterfront Access Plan pursuant to Section 62-90;

#zoning lots# in R1 and R2 Districts; and

#zoning lots# in C8 and #Manufacturing Districts#, containing #predominantly# #uses# listed under Use Groups IV(B), IX or X, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels.

62-811 - Waterfront public access and visual corridors

LAST AMENDED
5/12/2021

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

(a) there is no #waterfront public access area# or #visual corridor# requirement for the #zoning lot# containing such #development# due to the following:

(1) the #development# is exempt pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) or 62-51 (Applicability of Visual Corridor Requirements); or

(2) the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section 62-90 (WATERFRONT ACCESS PLANS);

(b) a site plan and all other applicable documents have been submitted showing compliance with the provisions of Sections 62-332 (Rear yards and waterfront yards), 62-50 (GENERAL

REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);

(c) a site plan has been submitted showing compliance with the provisions of Section 62-90;

(d) for #developments# listed in Section 62-52, paragraph (b), on a #zoning lot# containing a public access area established prior to October 25, 1993, meeting the terms of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments), by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for the life of the #development# subject to such agreement, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of Section 62-58 have been submitted; or

(e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-59 (Special Regulations for Zoning Lots That Include Parks).

For any parcel identified in Waterfront Access Plan BK-1, the Chairperson shall allow for the phased implementation of all required #waterfront public access areas# upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of #waterfront public access area# proportionate to the amount of #floor area# being #developed# in each phase. Additionally, for any #development# located within 240 feet of a #shoreline#, the initial phase and each subsequent phase shall provide a minimum of 200 linear feet of #shore public walkway# and any adjacent #supplemental public access area# located between such #development# and such #shore public walkway#, one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#, and at least one other connection from the #shore public walkway# to an adjacent #shore public walkway#, #street# or other #upland connection#. For any #development# located entirely beyond 240 feet of a #shoreline#, the initial phase and each subsequent phase shall also provide a minimum of 100 linear feet of #shore public walkway# and one

#upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#. However, no #waterfront public access area# need be provided for a phase consisting of a #development# in which all #residences# in such phase are #affordable housing units# as set forth in Section 27-111 (General definitions), provided that such exemption shall only apply where 25 percent or less of the total #residential# #floor area#, including any applicable #floor area# bonuses, on the parcel has been #developed#.

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Department of Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

62-812 - Zoning lot subdivision

LAST AMENDED
4/22/2009

An existing #zoning lot# within a #waterfront block#, or within any other #block# included in a Waterfront Access Plan, may be subdivided into two or more #zoning lots#, or reconfigured in a manner that would reduce its area or any dimension, only in accordance with the provisions of this Section or as modified pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements).

Such #zoning lot# may be subdivided or reconfigured provided that the Chairperson of the City Planning Commission certifies that:

(a) there are no requirements in this Chapter for a #waterfront public access area# or #visual corridors# on such #zoning lot# for any #use# permitted on such #zoning lot#; or

(b) a restrictive declaration shall be recorded against each subdivided or reconfigured #zoning lot#, binding all such #zoning lots# to provide #waterfront public access areas# or #visual corridors# at the time of a #development#, other than an exempt #development#, as set forth in Section 62-52. Such restrictive declaration shall include a site plan that sets forth the amount and location of the required #waterfront public access areas# and #visual corridors# on all resulting #zoning lots#. Such #waterfront public access area# or #visual corridor# shall be provided as required for the original #zoning lot# at the time of #development# of a non-exempt #use#; or

(c) there are existing publicly accessible waterfront open areas on the #zoning lot# constructed as part of a previously approved site plan providing physical and visual access to and along the waterfront, and such open areas are no smaller in square footage than that required under the provisions of this Chapter for #waterfront public access areas# and #visual corridors#, and restrictions have been recorded against the property requiring such existing open area to remain accessible to the public for the life of the #development#.

62-813 - Docking facilities for ferries or water taxis in certain waterfront areas

LAST AMENDED
12/5/2024

In Community District 1 in the Borough of Brooklyn, docking facilities for ferries or water taxis set forth in paragraph (a) of this Section shall be permitted, provided that the Chairperson of the City Planning Commission certifies to the Commissioner of the Department of Buildings that such docking facilities comply with the standards for required amenities set forth in paragraph (b) of this Section and, where provided, the standards for permitted amenities set forth in paragraph (c) of this Section. In conjunction with such certification, parking and drop-off and pick-up area requirements for docking facilities with a vessel capacity of up to 399 passengers shall be waived, as applicable. Where such docking facilities are proposed within a #waterfront public access area#, such docking facilities shall also comply with the provisions of paragraph (d) of this Section. Where modifications to a docking facility certified pursuant this Section are made, including the amount or configuration of docking facility amenities, establishment of, or modification to, #waterfront public access areas# on the same #waterfront zoning lot#, or the cessation of ferry or water taxi service to such docking facility, the provisions of paragraph (e) of this Section shall apply.

The amount of amenities permitted or required pursuant to paragraphs (b) and (c) of this Section shall be calculated for each docking facility on the #waterfront zoning lot# and not according to the number of vessels a single docking facility can accommodate.

(a) Docking facilities

The following docking facilities, listed under Use Group IV(B), are subject to the certification provisions of this Section:

(1) in R6 through R12 Districts, #Commercial Districts# and #Manufacturing Districts#, docks for water taxis, with a vessel capacity of up to 99 passengers;

(2) in R6 through R12 Districts, #Commercial Districts# and #Manufacturing Districts#, docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399

passengers; and

(3) in C4, C5, C6, C7 and C8 Districts, and #Manufacturing Districts#, docks for ferries with an unlimited capacity.

(b) Required amenities

Passenger queuing space, bicycle parking and a trash receptacle shall be provided in accordance with the applicable provisions of this paragraph (b), inclusive. All applications shall include a site plan denoting the location of each required amenity, dimensioned plans and elevations of individual amenities, as applicable, as well as any other material required to demonstrate compliance with such provisions.

(1) Passenger queuing space

Passenger queuing space shall be provided in accordance with the provisions of this paragraph (b)(1), inclusive.

(i) Amount

A minimum of four square feet of queuing space per passenger shall be provided on the #waterfront zoning lot# for 40 percent of the U. S. Coast Guard certified passenger capacity of the largest vessel proposed to dock at such facility. Queuing space may be either standing space or seating space, and may be either open to the sky or provided within a sheltered space for passengers in accordance with the provisions of paragraph (c)(1), inclusive, of this Section.

(ii) Standing space

All standing queuing space shall be contiguous and clear of obstructions, except for any interruption by circulation paths required for access to docking facilities through a gangway, or pier access thereto. However, such standing queuing space may be non-contiguous and temporary dividers may be permitted as obstructions within such queuing space where the applicant signs an affidavit, or provides materials demonstrating in a manner that is satisfactory to the Chairperson, that an attendant will manage queues whenever such measures are implemented.

(iii) Seating space

A minimum of 10 percent of required queuing space shall be provided as seating, and up to 50 percent of required queuing space may be provided as seating. However, no seating shall be required within a previously approved #waterfront public access area#. For the purpose of applying seating towards the queuing requirement, one linear foot of seating shall equal one square foot of queuing space.

Any seating space provided pursuant to this Section within an existing or proposed #waterfront public access area# shall not count towards the maximum amount of seating permitted to be located seaward of the #shore public walkway# pursuant to paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

All seating provided for queuing space shall comply with the applicable dimensional criteria of Section 62-652 (Seating), but need not comply with the percentage requirements for different types of seating required pursuant to such Section. However, moveable chairs shall not constitute seating for queuing.

(iv) Location

Queuing space shall be provided on the #waterfront zoning lot# within 150 feet of the landward terminus of the gangway leading to the docking facility.

(2) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided on the #waterfront zoning lot#. Such bicycle racks shall comply with the standards of Section 62-657.

(3) Trash receptacle

One trash receptacle shall be provided on the #waterfront zoning lot# within 25 feet of the landward terminus of the gangway leading to the docking facility. Such trash receptacle shall comply with the standards of Section 62-658.

(c) Permitted amenities

Passenger queuing shelters and ticketing machines may be provided only in accordance with the applicable standards of this paragraph (c), or, where applicable, the authorization provisions set forth in Section 62-824 (Modifications to passenger queuing shelters for ferry or water taxi docking facilities).

All applications shall include a site plan denoting the location of such amenities, dimensioned plans and elevations of individual amenities, as well as any other material required to demonstrate compliance with the following standards:

(1) Passenger queueing shelter

Where provided, passenger queueing shelters shall comply with the provisions of this paragraph (c)(1), inclusive. All heights are measured from adjoining grade.

(i) Maximum dimensions and permitted enclosing walls

The maximum height of a shelter shall be 10 feet. Below a height of seven feet, the maximum width shall be four feet, and above a height of seven feet, the maximum width shall be eight feet. The maximum length of a shelter shall not exceed 16 feet, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, such maximum length may be increased to 20 feet.

Shelters shall be permitted a total of three enclosing walls, one along the long dimension of the shelter, and one along each narrow end.

(ii) Support structures below the roof

A maximum of two vertical columns may support the enclosing walls and the roof of a shelter, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, an additional column shall be permitted. The maximum width and depth of such columns

shall not exceed 12 inches. All such columns shall be aligned so that when viewed in elevation view along the narrow end of the shelter, only one column shall be visible.

Below a height of 30 inches, one horizontal structural element shall be permitted along the long dimension of the shelter. The maximum depth and height of such structural element shall not exceed 12 inches. Between a height of 30 inches and seven feet no horizontal structural elements shall be permitted, and above a height of seven feet, horizontal structural elements shall be considered part of the roof structure.

Additional support structures needed to support glazing in the enclosing walls are permitted, provided that such structures are to the minimum amount necessary.

(iii) Roof structure

The roof of the shelter, including all associated structural elements and materials, shall be located above a height of seven feet.

The maximum depth of the roof, including all associated structural elements and materials, shall not exceed 12 inches, as measured perpendicular to the roof surface. In addition, within six inches of the edge of any portion of the roof that cantilevers over passenger queuing space, as viewed in elevation along the narrow end of the shelter, the depth of the roof shall be limited to three inches.

No slopes or curves shall be permitted in the roof along the long dimension of the shelter. Along the narrow end of the shelter, slopes not to exceed 15 degrees and curves with a radius of at least 10 feet shall be permitted. Where two slopes are provided, in no event shall both portions of the roof angle downward from the same point.

(iv) Materials, lighting and permitted signage

On each narrow end of the shelter, the enclosing wall or associated vertical support column may accommodate up to six square feet of way-finding ferry #signs#, with a width not to exceed 12 inches. In addition, the enclosing wall on the long end of the shelter or a face of a ticketing machine provided in accordance with paragraph (c)(2) of this Section may accommodate up to six square feet of materials related to ferry operations, including maps and schedules of ferry service. No #advertising signs# shall be permitted.

All structural elements shall be composed of unpainted, metallic materials. The entire surface area of all enclosing walls shall be composed of untinted, transparent materials, except for transparency distraction markers and any support structures or signage permitted pursuant to this paragraph (c)(1). A minimum of 50 percent of the surface area of the roof shall be composed of translucent materials, except that any portion occupied by solar panels shall be excluded from such calculation. Benches provided within a shelter shall either match or complement such shelter materials.

Where lighting is provided within a shelter, the luminaire shall be shielded so the

light source is not visible.

(v) Location and orientation

Shelters shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

The long dimension of the shelter shall be oriented so as to be within 15 degrees of being perpendicular to the shoreline or, where located on a pier, within 15 degrees of being parallel to such pier.

Where a shelter is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location and orientation provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(2) Ticketing machines

Ticketing machines provided in conjunction with a docking facility shall comply with the provisions of this paragraph (c)(2).

(i) Maximum square footage

The maximum area of all ticket machines, as measured in plan around the furthest extent of such machines, shall not exceed 12 square feet.

(ii) Location

Ticketing machines shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

Where a passenger queuing shelter is provided in conjunction with the ferry or water taxi docking facility pursuant to paragraph (c)(1) of this Section, ticketing machines shall be located either within, or immediately adjacent to the upland portion of such shelter.

Any ticketing machine not placed within a passenger queuing shelter shall be placed in a location open to the sky.

Ticketing machines shall either front directly upon a required circulation path or shall be connected thereto by a walkway with an unobstructed minimum clear width of at least five feet.

Where a ticketing machine is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(d) Provisions for adding amenities for docking facilities to a #waterfront public access area#

Docking facilities proposed within a previously approved #waterfront public access area# or in conjunction with a certification for such approval, pursuant to Section 62-811 (Waterfront public access areas and visual corridors), shall comply with the applicable provisions of this paragraph (d).

(1) Permitted obstructions

In no event shall amenities provided pursuant to paragraphs (b) or (c) of this Section be permitted to encroach upon the minimum circulation paths required pursuant to the applicable provisions of Sections 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), 62-63 (Design Requirements for Public Access on Piers and Floating Structures) and 62-64 (Design Requirements for Upland Connections).

(2) Providing amenities in previously approved #waterfront public access areas#

All seating, bicycle parking and trash receptacles provided for docking facilities in accordance with the provisions of paragraph (b) of this Section, within a previously approved #waterfront public access area#, shall be provided in addition to the amount of seating, bicycle parking, or trash receptacles required for such #waterfront public access area# pursuant to the applicable provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). Where excess seating, bicycle parking or trash receptacles have been provided within such previously approved #waterfront public access areas#, such additional amenities may be applied towards compliance with the provisions for docking facilities of this Section, provided that such amenities comply with the applicable provisions of paragraph (b) of this Section. Where previously approved #waterfront public access areas# are #non-complying# as to the provision of required amenities, in no event shall the minimum amount of amenity provided for docking facilities pursuant to paragraph (b) reduce the degree of #non-compliance# of such #waterfront public access area#.

All seating, bicycle parking and trash receptacles provided in accordance with the

provisions of paragraph (b) of this Section in an existing #waterfront public access area# shall either match or shall be comparable with such existing amenities, with regard to quality, materials, finishes and form.

Modifications to a previously approved #waterfront public access area# in order to accommodate amenities to be provided for a docking facility in accordance with paragraphs (b) or (c) of this Section shall not constitute a design change to such #waterfront public access area#, and shall not necessitate a new certification pursuant to Section 62-811, provided that the applicant demonstrates to the Chairperson of the City Planning Commission that such modifications are to the minimum extent necessary in order to accommodate the amenities being provided for such docking facility.

(3) Providing amenities in conjunction with a new #waterfront public access area#

All amenities provided for docking facilities in accordance with the provisions of paragraph (b) of this Section shall be provided in addition to all required seating, bicycle parking, or trash receptacles for a #waterfront public access area# being #developed# in conjunction with the provision of a docking facility. All such proposed amenities for the docking facility shall complement the proposed amenities for such #waterfront public access area#.

(e) Modifications of certified docking facilities

Any modification to a docking facility certified pursuant to this Section, shall comply with the applicable provisions of this paragraph (e).

(1) Modification of amenities

Any modification of the required or permitted amenities for a docking facility certified pursuant to this Section, including the configuration of such amenities, shall be subject to a new certification pursuant to this Section.

Any ferry or water taxi service modification resulting in a reduction of passenger capacity of the largest vessel docking at such facility shall not be subject to a new certification provided that the amount of queuing space required at the time of approval, pursuant to paragraph (b) of this Section, is not diminished.

(2) Establishment of or modifications to #waterfront public access areas#

Any establishment of a #waterfront public access area# or modification to a previously approved #waterfront public access area# where a docking facility certified pursuant to this Section is located, shall require a new certification, pursuant to this Section, in conjunction with the certification set forth in Section 62-811.

(3) Cessation of ferry or water taxi service

Where ferry or water taxi service ceases operations to a docking facility certified pursuant to this Section, and ferry docking infrastructure is removed from the #waterfront zoning lot# which would preclude further service, the following shall apply:

(i) Passenger queuing shelters and ticketing machines provided pursuant to paragraph (c) of this Section shall be removed from the #waterfront public access area#;

(ii) Seating, bicycle racks, and litter receptacles provided pursuant to paragraph (b) of this Section need not be removed; and

(iii) any breach in a guardrail along a #pier# or along the #shore public walkway# to accommodate a gangway to a docking facility shall be repaired and shall match the adjacent guardrail.

62-82 - Authorizations by the City Planning Commission

LAST AMENDED
4/22/2009

62-821 - Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels

LAST AMENDED
3/26/2014

(a) In C1, C2, C3 and C7 Districts, the City Planning Commission may authorize modification of the #use# regulations of Section 32-10 (USES PERMITTED AS-OF-RIGHT) in order to allow docks for ferries with an operational passenger load greater than 150 passengers per half hour, or in Community District 1 in the Borough of Brooklyn, a vessel capacity larger than 399 passengers, provided the Commission finds that:

(1) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect the surrounding area;

(2) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby; and

(3) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in adjoining residential areas.

(b) In all districts, the Commission may authorize a reduction or waiver of the parking requirements of Section 62-43 for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the applicant submits a report that enables the Commission to make one or more of the following findings:

(1) that there is or would be adequate public or private transit in close proximity to the facility and that there is or would be a consistent pattern of usage by a significant percentage of passengers;

(2) that there is or would be a consistent pattern of passenger drop-off and pick-up by private cars, taxis or vans by a significant percentage of passengers;

(3) that there is or would be a consistent pattern of arrivals and departures on foot or by bicycle by a significant percentage of passengers;

(4) that there is a consistent pattern of underutilization of existing #accessory# parking spaces; or

(5) that the dock serves or would serve vessels operating at different times during the day or week and that there is or would be shared usage of common parking spaces at mutually exclusive time periods.

(c) In all districts, the Commission may authorize modification of the passenger drop-off and pick-up area requirements of Section 62-462, including a reduction in the number of required spaces, for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the Commission finds that:

(1) due to the configuration of the #zoning lot#, strict adherence to the regulations would not be possible to achieve;

(2) there is no practical possibility of locating such area on another #zoning lot# that would be contiguous, except for its separation by a #street# or #street# intersection, because appropriate sites are occupied by substantial improvements;

(3) there is no practical possibility of providing a lay-by area on an adjoining #street# that would be acceptable to the New York City Department of Transportation; and

(4) such modifications would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

62-822 - Modification of waterfront public access area and visual corridor requirements

LAST AMENDED
12/5/2024

(a) Authorization to modify requirements for location, area and minimum dimensions of #waterfront public access areas# and #visual corridors#

The City Planning Commission may modify the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required #waterfront public access area#

to be provided off-site on an adjoining public property.

The Commission shall file any such authorization, pursuant to this paragraph (a), with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve such authorization in whole or in part, with additional or modified restrictions or conditions, or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

(1) In order to modify the location of #waterfront public access areas# and #visual corridors#, the Commission shall find that such areas, provided either on the #zoning lot# or off-site adjacent to the #zoning lot#, shall:

(i) comply with the required minimum dimensions and equal the required total area, in aggregate; and

(ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; or

(2) In the event the Commission determines that there is no feasible way to provide equal alternative #waterfront public access areas# either on the #zoning lot# or off-site on an adjoining public property or to provide equal alternative #visual corridors#, the Commission may authorize a reduction in minimum dimensions or area, or may waive such requirements, provided that:

(i) such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and

(ii) that the reduction or waiver of requirements is the minimum necessary.

(b) Authorization to modify requirements within #waterfront public access areas#

The City Planning Commission may modify the requirements within the #waterfront public access area# provisions of Sections 62-513 (Permitted obstructions in visual corridors), 62-58 (Requirements for Water-Dependent Uses and Other Developments), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-90 (WATERFRONT ACCESS PLANS), inclusive.

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

(1) are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or

(2) would result in a design of #waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable provisions.

(c) Authorization for phased #development# of #waterfront public access areas#

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning

lots# subdivided or reconfigured, pursuant to Section 62-812.

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

(1) the amount of #waterfront public access area# #developed# in any phase is proportionate to the #lot area# being #developed# in such phase; or

(2) physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is #developed# in each phase.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time each phase is #developed#.

(d) Authorization to modify minimum hours of operation and to install gates

The City Planning Commission may authorize, for a period not to exceed 10 years, modifications of the requirements for hours of operation set forth in Section 62-71, paragraph (a), or the installation of gates in #predominantly# #residential# #developments# in accordance with the provisions of Section 62-651, paragraph (c)(2).

The Commission shall find that any modification of the hours of operation and the installation of gates in #predominantly# #residential# #developments# are warranted due to the remote location of the #waterfront public access areas#, and that such modified hours of operation or gates will not thereby unduly restrict public access to the waterfront.

As a condition of granting such authorization, the Commission shall find that all gates comply

with the design requirements set forth in Section 62-651.

Public access to the #waterfront public access areas# shall be assured by appropriate legal instruments. Signage setting forth hours of operation shall be affixed to the gate which shall indicate the hours of public access authorized pursuant to this paragraph (d).

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include, but are not limited to, deed restrictions, easements or performance bonds.

62-823 - Modification of use regulations in C3 Districts

LAST AMENDED
6/6/2024

In C3 Districts, the City Planning Commission may authorize modification of #use# regulations to allow a WE #use# not otherwise allowed as-of-right or by special permit. In conjunction with such authorization, the Commission may also allow the #sign# regulations of a C1 District to apply to the #zoning lot#.

As a condition to the granting of such authorization the Commission shall find:

(a) that such WE #use# is a #use# listed under Use Groups V, VI, VII or VIII;

(b) that the #zoning lot# also includes a WD #use# that is either permitted in the district as-of-right or has been permitted by special permit;

(c) that such WE #use# will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;

(d) that the entrances and exits for #accessory# parking or loading facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and

(e) that such WE #use# will not impair the character or future use or development of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include limitations on the size of the establishment, limitations on lighting and signage or screening requirements.

62-824 - Modifications to passenger queuing shelters for ferry or water taxi docking facilities

LAST AMENDED
3/26/2014

In Community District 1 in the Borough of Brooklyn, the City Planning Commission may authorize a ferry passenger queueing shelter exceeding the dimensions set forth in paragraph (c)(1) of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas), provided that the Commission finds that:

(a) the public benefit derived from the proposed shelter merits the larger dimensions authorized;

(b) the proposed shelter utilizes the design standards set forth in paragraph (c)(1) of Section 62-813 regarding permitted support structures, materials, signage and roof construction to the

greatest extent feasible;

(c) any modification to such provisions of Section 62-813 will not unduly limit views from the #waterfront public access area#; and

(d) the design of the proposed shelter will result in a quality structure that complements the #waterfront public access area# or the publicly accessible area of a #waterfront zoning lot# accommodating the ferry or water taxi docking facility.

62-825 - Modifications for wind energy systems

LAST AMENDED
12/6/2023

In any district, the City Planning Commission may authorize modifications to the applicable #bulk# or #waterfront public access area# regulations in order to accommodate wind energy systems, whether #accessory# or as part of #energy infrastructure equipment#, provided the Commission finds that:

(a) there would be a practical difficulty in complying with regulations set forth for wind energy systems as set forth in the underlying district regulations, and as modified by this Chapter, without such modifications;

(b) such modifications are the minimum necessary to allow for an appropriate wind energy system; and

(c) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located.

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

62-83 - Special Permits by the City Planning Commission

LAST AMENDED
4/22/2009

62-831 - General provisions

LAST AMENDED
3/22/2016

Where a special permit application would allow a significant increase in #residential# #floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of Section 27-131 (Mandatory Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 27-12 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of such paragraph (d).

62-832 - Docks for passenger ocean vessels in C6 Districts

LAST AMENDED
3/22/2016

In C6 Districts, the City Planning Commission may permit docks for passenger ocean vessels, other than #gambling vessels#.

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

(a) such facility will not create serious pedestrian or vehicular traffic congestion that would unduly inhibit surface traffic and pedestrian flow in the surrounding area;

(b) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby;

(c) an area will be provided for the drop-off and pick-up of passengers by private car, taxi, van and bus that, at a minimum, meets the requirements of Section 62-462 (Passenger drop-off and pick-up areas for docking facilities), and which is so designed as to avoid traffic or pedestrian conflict on the #streets# providing access to the facility; and

(d) such #use# will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including the provision of #accessory# off-street parking spaces, #accessory# off-street loading berths or additional area for the temporary parking of vehicles or buses for drop-off and pick-up of passengers.

62-833 - Docks for ferries or water taxis in Residence Districts

LAST AMENDED
6/6/2024

In all #Residence Districts#, except R1 and R2 Districts, and except within Community District 1 in the Borough of Brooklyn, where the certification provisions of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) shall apply, the City Planning Commission may permit docks for ferries or water taxis as listed in Use Group IV(B), provided that:

(a) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;

(b) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in the adjoining residential area;

(c) there is appropriate landscaping along #lot lines# to enable such #use# to blend harmoniously with the adjoining residential area;

(d) #accessory# off-street parking spaces are provided in accordance with Section 62-43 (Parking Requirements for Commercial Docking Facilities) and the entrances and exits for such #accessory# parking facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and

(e) such #use# will not impair the character or the future use or development of the surrounding residential area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and to protect #residential# properties which are adjoining or across the #street# from the facility. Such additional conditions and safeguards may include provisions for temporary parking of vehicles for passenger drop-off and pick-up, additional #accessory# off-street parking spaces and limitations on lighting and signage.

62-834 - Uses on floating structures

LAST AMENDED
12/5/2024

In all districts, the City Planning Commission may permit a #use# not otherwise allowed as-of-right by Section 62-25 to be located on a #floating structure# provided the #use# is permitted by the applicable district regulations and the #floating structure# complies with the height and setback regulations of Section 62-345.

An application for a #use# on a #floating structure# pursuant to this Section shall be made jointly by the property owner and the owner of the #floating structure#, if they are separate entities. In addition, the application shall include copies of all Federal and State permit applications that are required to be filed in conjunction with the proposed #use#.

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

(a) the proposed #use# is a WE #use# or is either a power plant or government-owned and operated facility that requires such a location due to the absence of a reasonable way to site the facility without use of a #floating structure#;

(b) a plan for public access on the #floating structure#, elsewhere on the #zoning lot#, or off-site on public property adjacent to the #zoning lot#, is provided that is appropriate to the size and intensity of #use# on the #floating structure#;

(c) except for power plants or government-owned and operated facilities, the location of such #use# on a #floating structure# will enhance public access to and use of the waterfront; and

(d) the location of such #use# on a #floating structure# will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

However, the Commission may waive the public access requirement for a power plant or government-owned and operated facility either where such access would conflict with the operation of the facility or be detrimental to the public welfare.

The Commission may also permit modification of the #visual corridor# requirements of Section 62-51, inclusive, provided it makes the additional finding that the location and configuration of the #floating structure# minimizes any adverse effects on significant views to the water from upland public #streets# or other public places.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #floating structures# on the same or adjoining #zoning lots# and limitations on lighting or signage.

62-835 - Developments on piers or platforms

LAST AMENDED
12/5/2024

In all districts, the City Planning Commission may permit:

(a) a change of #use# on a #new pier# or #new platform# from a WD #use# or playground or publicly accessible private park, to any other WE #use# permitted by the applicable district regulations and, in conjunction with such change of #use#, modification of the #bulk# regulations of Section 62-30 for an existing #building#, except for Section 62-31, paragraph (a), or the maximum #floor area ratio#, provided the Commission finds that:

(1) existing permitted WD #uses# and open WE #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately prior to the date of application;

(2) the proposed WE #use# will significantly enhance public use and enjoyment of the waterfront;

(3) there is no increase in #water coverage#; and

(4) in the case of modification of #bulk# regulations for an existing #building#, findings (b)(3) through (b)(6) of this Section are also met. Finding (b)(4) shall also include #platforms# within the #seaward lot#.

(b) for an #existing pier#, any #use# permitted by the applicable district regulations and modifications of the provisions of Sections 62-332 (Rear yards and waterfront yards) and 62-344 (Developments on piers), provided the Commission finds that:

(1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;

(2) #accessory# parking or loading facilities provided in conjunction with such #uses# are arranged and designed so as to not adversely impact public access areas anywhere on the #zoning lot#;

(3) the proposed #development# does not violate the #bulk# provisions of Section 62-34 (Height and Setback Regulations on Waterfront Blocks);

(4) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;

(5) such #bulk# modifications would not unduly obstruct the light and air or waterfront views of neighboring properties; and

(6) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

(c) for #piers#, modification of the #waterfront public access area# and #visual corridor# requirements of Sections 62-50 and 62-60, provided the Commission finds that:

(1) the proposed #development# would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60, inclusive; and

(2) an alternative #waterfront public access area# and #visual corridors# on the #zoning lot#, or off-site on a public property adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas.

In the event that the Commission determines there is no feasible way to provide substantially equal alternative public access areas, either on the #zoning lot# or off-site on an adjoining public property or to provide substantially equal alternative #visual corridors#, the Commission may authorize a reduction or waiver of the requirements.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #buildings# on the same or adjoining #zoning lots#, limitations on lighting and signage and limitations on size of individual establishments.

62-836 - Public parking facilities on waterfront blocks

LAST AMENDED
12/5/2024

In C1, C2, C4, C5, C6 and C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# on #waterfront blocks# in accordance with applicable district regulations, provided the parking facility is an interim #use# limited to a term of not more than five years, or the Commission finds that:

(a) the facility is needed to serve primarily waterfront #developments# containing WD or WE #uses#; and

(b) there is no practical possibility of locating such facility on a non-#waterfront block# because appropriate sites on such #blocks# are occupied by substantial improvements.

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

62-837 - Bulk modifications on waterfront blocks

LAST AMENDED
12/5/2024

In all districts, the City Planning Commission may permit modification of any applicable #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations, for a #development# on a #zoning lot# within a #waterfront block#, excluding any portion on a #pier# or #new platform#, provided the Commission finds that such modifications will not adversely affect access to light and air on surrounding #waterfront public access areas#, #streets# and properties; and

(a) will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding neighborhood, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations; or

(b) are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#.

62-838 - Docks for gambling vessels

LAST AMENDED
6/6/2024

In all #Commercial Districts# and in all #Manufacturing Districts#, the City Planning Commission may permit docks for #gambling vessels#, provided that, in #Commercial Districts#, the maximum aggregate dock capacity per #zoning lot# set forth in paragraph (b)(3) of Section 32-142 (Use Group IV – uses subject to size limitations) shall apply.

As a condition for permitting such #use#, the Commission shall find that:

(a) the #streets# providing access to such docking facility will be adequate to ensure that the traffic generated will not unduly impede surface traffic and pedestrian flow in the surrounding area;

(b) any noise and activity related to the docking facility, including vessel operations, will not have a detrimental impact on the waterfront and surrounding area; and

(c) such #use# will not be incompatible with the essential character, #use# or future growth of the waterfront and surrounding area.

Docks for #gambling vessels# shall comply with all provisions of the Resolution, including the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), applicable to the type of vessel on which the shipboard gambling business is operated.

The Commission may prescribe additional conditions and safeguards to minimize any adverse effects on the waterfront and surrounding area.

62-90 - WATERFRONT ACCESS PLANS

LAST AMENDED

4/22/2009

62-91 - General Provisions

LAST AMENDED
4/22/2009

62-911 - Establishment of Waterfront Access Plans

LAST AMENDED
4/22/2009

The City Planning Commission and City Council may adopt a Waterfront Access Plan as an amendment to this Resolution pursuant to Section 200 or 201 of the City Charter and in accordance with the provisions of Sections 62-912 (Elements of a Waterfront Access Plan), 62-913 (Conditions for adoption of a Waterfront Access Plan) and this Section in order to adjust the #waterfront public access area# and #visual corridor# requirements of Sections 62-50 and 62-60, inclusive, retain the #waterfront block bulk# regulations of Section 62-30 on newly-created non-#waterfront blocks# within a specifically defined portion of the #waterfront area#, or establish #waterfront yard# requirements for #developments# otherwise exempt from the requirements of Section 62-33 (Special Yard and Lot Coverage Regulations on Waterfront Blocks).

To be considered for a Waterfront Access Plan, an area shall:

(a) be entirely in the #waterfront area#;

(b) not include any portions within R1 or R2 Districts;

(c) comprise either entire #blocks# or a minimum of four acres, all portions of which are contiguous tracts of land except for intervening #streets#; and

(d) have at least 600 feet of #shoreline#.

62-912 - Elements of a Waterfront Access Plan

LAST AMENDED
6/6/2024

A Waterfront Access Plan may:

(a) on #zoning lots# where a #waterfront public access area# or #visual corridors# are required pursuant to the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, modify the size, configuration, location or design of required #waterfront public access areas# or #visual corridors# within certain designated areas in order to address local conditions, provided such plan does not impose a #waterfront public access area# or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a #zoning lot# may be applied regardless of any specific #use# permitted or proposed for such #zoning lot#. Within Waterfront Access Plan BK-1, the #waterfront public access area# and #visual corridor# requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the #waterfront public access area# and #visual corridor# requirements of each #zoning lot# within the parcel and such aggregated requirements may be modified within such parcel without regard to #zoning lot# lines;

(b) on #zoning lots# where #waterfront public access area# or #visual corridors# are not required pursuant to the provisions of Sections 62-50 and 62-60, inclusive, establish requirements for a #waterfront public access area# or #visual corridors#, except for those #zoning lots# #predominantly# #developed# for airports, heliports, seaplane bases or, in C8 or #Manufacturing Districts#, #uses# listed under Use Groups IV(B), IX or X, provided that such #zoning lots#, when improved would result in a community need for such physical or visual access to the waterfront or a waterfront linkage of #public parks# or other public areas. The plan may incorporate one or more of the #waterfront public access areas# or #visual corridors# listed in Section 62-50, inclusive, consistent with the standards of Sections 62-50 and 62-60, inclusive. Such standards may be modified as necessary to address local conditions provided such plan does not impose a requirement for any component greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60;

(c) modify or waive specific requirements for a #waterfront public access area# or #visual corridors# in certain designated areas where such requirements would not be compatible with local conditions and therefore not serve to further public enjoyment of the waterfront;

(d) identify shore terminations of mapped #streets# or #existing piers# or #platforms# within seaward prolongations of such #streets# and establish public access treatments for such areas after referral to the Department of Transportation or other City agency having jurisdiction over such property for its review and concurrence;

(e) apply the #bulk# regulations of Section 62-30, inclusive, to a non-#waterfront block# when such #block# results from a subdivision of a #waterfront block# as the result of a #street# mapping; and

(f) for #developments# where a #waterfront yard# is not otherwise required by Section 62-33 (Special Yard Regulations on Waterfront Blocks), establish requirements for a #waterfront yard# provided such plan does not impose a requirement greater than would be required by the provisions of Sections 62-331 (Front yards and side yards) or 62-332 (Rear yards and waterfront yards), as modified by the further provisions of this paragraph, (f), for such other

#developments#. #Enlargements# of #buildings or other structures# existing on the effective date of the Waterfront Access Plan shall be permitted within such #waterfront yard# provided that the #enlargement# is for WD #uses# or #uses# listed under Use Groups IV(B), IX or X and no portion of the #enlargement#, other than permitted obstructions, is within 20 feet of the seaward edge of the #waterfront yard#. In addition, obstructions shall be permitted within such #waterfront yard# pursuant to applicable district #yard# regulations, except that no #building# or portion of a #building# shall be permitted within 10 feet of the seaward edge of such #waterfront yard#.

A Waterfront Access Plan shall include the following elements:

(1) identification of the plan by Borough and plan number or area name;

(2) a #zoning map#, or portion thereof, showing the boundaries of the geographical area included within the plan, which shall constitute the plan map;

(3) delineation on the plan map of any physical or visual waterfront access features mandated by the plan to be at specific locations; and

(4) a description in the plan text of all features established or modified by the plan, with reference to affected #blocks# and lots.

62-913 - Conditions for adoption of a Waterfront Access Plan

LAST AMENDED
4/22/2009

As a condition precedent to its approval of a Waterfront Access Plan, the City Planning Commission shall find, in its report to the City Council for adoption, that such plan:

(a) would improve public use and enjoyment of the waterfront, thereby serving to implement the goals set forth in Section 62-00; and

(b) meets any of the following:

(1) is necessary to link #public parks# or other public areas along the waterfront or to the waterfront, and such linkage would not necessarily be achieved solely by the provisions of Sections 62-34 (Height and Setback Regulations on Waterfront Blocks), 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);

(2) is necessary to accommodate unique shore conditions or the retention of existing #buildings or other structures#, including bridges, viaducts or railways that would not be adequately accommodated by the provisions of Sections 62-50 and 62-60;

(3) is necessary to accommodate unique topography or natural features, such as wetlands conditions, significant grade changes, geologic formations, natural vegetation or wildlife habitats, which natural features or topography would not be adequately accommodated by the provisions of Sections 62-34, 62-50 and 62-60;

(4) is necessary to create a better physical or visual relationship of the waterfront to significant upland #streets# or preserves significant views of the water or historic structures from such #streets#, which would not necessarily be achieved by the provisions of Sections 62-34, 62-50 and 62-60;

(5) is necessary to achieve public access to the waterfront in an area characterized by large undeveloped tracts of land with a limited number of public #streets# leading to the shore;

(6) is necessary to maintain #visual corridors# that would be extinguished by a #street# de-mapping after October 25, 1993, or maintains #visual corridors# from certain upland

#streets# that would be exempted from such requirements as the result of an intervening #street# mapping after October 25, 1993; or

(7) is necessary to retain the #bulk# regulations of Section 62-30 on certain #blocks# that would be exempted from such requirements as the result of an intervening #street# mapping after October 25, 1993.

62-92 - Borough of The Bronx

LAST AMENDED
12/11/2017

The following Waterfront Access Plans are hereby established within the Borough of The Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-70 (HARLEM RIVER WATERFRONT ACCESS PLAN).

62-93 - Borough of Brooklyn

LAST AMENDED
11/23/2021

The following Waterfront Access Plans are hereby established within the Borough of Brooklyn. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BK-1: Greenpoint-Williamsburg, as set forth in Section 62-931

BK-2: Gowanus Canal, in the #Special Gowanus Mixed Use District#, as set forth in Section 139-50 (GOWANUS CANAL WATERFRONT ACCESS PLAN).

62-931 - Waterfront Access Plan BK-1: Greenpoint-Williamsburg

LAST AMENDED
7/16/2026

Maps BK-1a through BK-1c in paragraph (f) of this Section show the boundaries of the area comprising the Greenpoint-Williamsburg Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on May 11, 2005, as follows:

Parcel 1: Block 2472, Lot 350

Parcel 2: Block 2472, Lot 400

Parcel 3: Block 2472, Lot 410

Parcel 4: Block 2472, Lot 425

Parcel 5a: Block 2472, Lot 100

Parcel 5b: Block 2472, Lot 32, south of the prolongation of the northern #street line# of DuPont Street

Block 2494, Lot 6

Parcel 5c: Block 2472, Lot 2

Block 2502, Lot 1

Block 2510, Lot 1

Block 2520, Lot 57

Parcel 5d: Block 2494, Lot 1

Parcel 5e: Block 2472, Lot 32, north of the prolongation of the northern #street line# of DuPont Street

Parcel 6: Block 2472, Lot 75

Parcel 7: Block 2520, Lot 1

Parcel 8: Block 2530, Lots 55, 56

Parcel 9: Block 2530, Lot 1

Parcel 10: Block 2538, Lot 1

Parcel 11: Block 2543, Lot 1

Parcel 12a: Block 2556, Lot 41

Parcel 12b: Block 2556, Lots 45, 46

Parcel 12c: Block 2556, Lots 55, 57, 58

Parcel 12d: Block 2556, Lot 54

Parcel 12e: Block 2556, Lot 53

Parcel 12f: Block 2556, Lot 52

Parcel 12g: Block 2556, Lot 51

Parcel 12h: Block 2556, Lot 50

Parcel 12i: Block 2556, Lot 49

Parcel 12j: Block 2556, Lot 48

Parcel 13: Block 2556, Lot 1

Block 2564, Lot 1

Block 2567, Lot 1

Block 2570, Lot 36

Parcel 14: Block 2570, Lot 1

Parcel 15: Block 2590, Lot 1

Parcel 16: Block 2590, Lot 210

Parcel 17: Block 2590, Lot 215

Parcel 18: Block 2590, Lot 22

Parcel 19: Block 2590, Lot 25

Parcel 20: Block 2277, Lot 1

Block 2590, Lot 100

Parcel 21: Block 2287, Lots 1, 16, 30

Block 2294, Lots 1, 5

Parcel 22: Block 2301, Lots 1, 50, 60, 70

Parcel 23: Block 2316, Lot 46

Parcel 24: Block 2308, Lot 1

Block 2316, Lot 1

Parcel 25: Block 2324, Lot 1

Block 2332, Lot 1

Parcel 26: Block 2340, Lot 1

Parcel 27: Block 2348, Lot 1

(a) Area-wide modifications

The following provisions shall apply to all #developments# required to provide a #waterfront public access area#, pursuant to Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS):

(1) Paragraph (a)(3) of Section 62-54 (Requirements for Public Access on Piers) is applicable, except that a minimum of 15 feet is required along each water edge.

(2) In addition to the requirements of Section 62-65 (Public Access Design Reference Standards), all #waterfront public access areas# are subject to the provisions set forth in paragraph (c) of this Section.

(3) #Street# treatment

All #streets# adjacent to a #shore public walkway# or #supplemental public access area# shall be improved as a continuation of such #shore public walkway# or #supplemental public access area#, pursuant to the design requirements of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), inclusive.

(b) Amenities

A reduction in the total amount of required #supplemental public access area# shall be permitted according to the table in this paragraph, (b):

REDUCTIONS IN WATERFRONT PUBLIC ACCESS AREAS

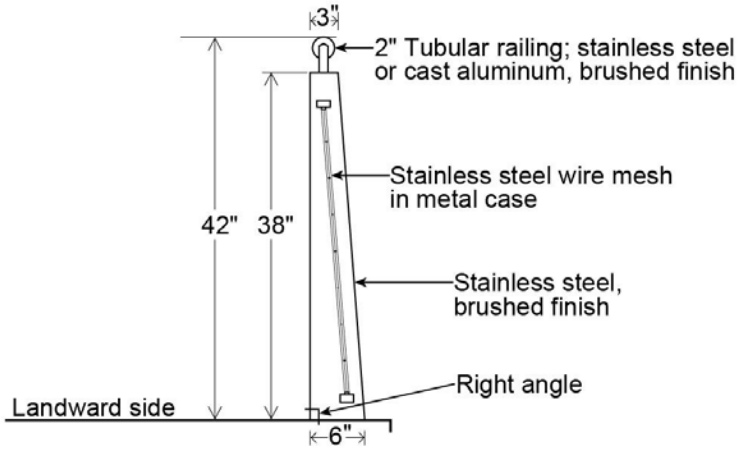
Amenity	Square feet reduction
Picnic table	22 sq. ft. per table (max. 200 sq. ft.)
Chess table	20 sq. ft. per table (max. 200 sq. ft.)
Telescope	10 sq. ft. per telescope (max. 50 sq. ft.)
Fountain/water feature	150 sq. ft. per feature (max. 300 sq. ft.)
Shade structure	150 sq. ft. per structure (max. 300 sq. ft.)

(c) Public access design reference standards

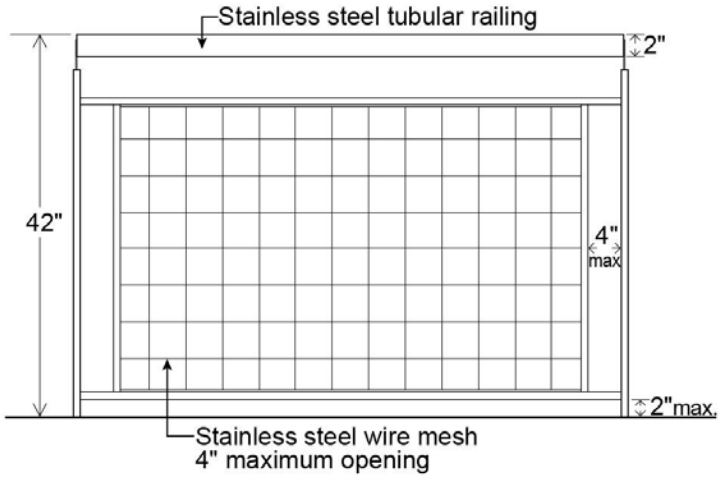
Section 62-65 is hereby modified by the following provisions.

(1) Guardrails

In addition to the provisions of paragraph (a) of Section 62-651 (Guardrails, gates and other protective barriers), guardrails shall comply with the Guardrail illustration in this Section.



GUARDRAIL WITH METAL TOP
Side Elevation

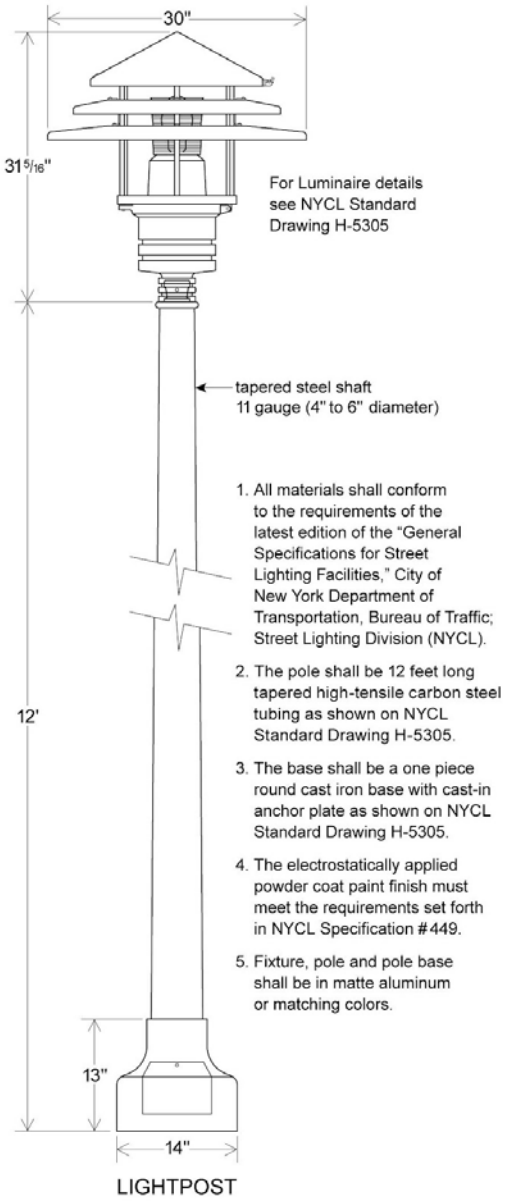


GUARDRAIL WITH METAL TOP
Front Elevation

All guardrail components and hardware shall be in No. 316 Stainless Steel, passivated and bead blasted.

(2) Lighting

In addition to the illumination provisions of Section 62-653, the required lighting along any public access area shall comply with the Lightpost illustration in this Section.



(3) Paving

In addition to the provisions of Section 62-656, the paving for the required clear path within the #shore public walkway# shall be gray. At least 50 percent of all other paved areas within the #shore public walkway# and #supplemental public access areas# shall be paved in the same color range.

(d) Special public access provisions by parcel

The provisions of Sections 62-52 (Applicability of Waterfront Public Access Area

Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map BK-1b in paragraph (f) of this Section:

(1) Parcels 1 and 2

(i) #Shore public walkway#

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge of the #zoning lot# and the existing #building or other structure# but need not be wider than 40 feet. The #shore public walkway# shall have a minimum clear path of 10 feet. No seating or planting shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-652 and 62-655, respectively. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for a #supplemental public access area# shall be waived.

(2) Parcels 3 and 4

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within a flexible location along the #lot line# between Parcels 3 and 4. Whichever parcel is #developed# first shall provide an #upland connection# along the #lot line# between the two parcels. The remaining parcel may include the width of the #upland connection# in the computation necessary to comply with the requirements of a #visual corridor# along the #lot line# between the two parcels,

according to the provisions of paragraph (e)(1) of this Section. If both parcels are #developed# concurrently, then the requirements may be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# as a public access area prior to or concurrently with the #development# of Parcel 3, the #upland connection# requirement shall be waived. However, a public way shall be provided within an area bounded at its eastern edge by the shared #lot line# of Parcels 2 and 3, at its northern edge by the #shoreline#, at its western edge by a line 115 feet from the shared #lot line# of Parcels 2 and 3, and at its southern edge by the #lot line# along Commercial Street.

In addition, such public way shall have a minimum width of 15 feet, and shall comply with the provisions of Section 62-64 (Design Requirements for Upland Connections), as applicable for Type 2 #upland connections#. There shall be no more than two changes in direction over its entire length and no single turn shall be less than 90 degrees relative to the line of travel. Any change in direction with an angle of less than 135 degrees shall be posted with an entry sign and shall comply with the provisions of paragraph (b) of Section 62-654 (Signage), and shall also be accompanied by an arrow indicating the direction of travel towards the #shore public walkway#. At least 50 percent of the area of any walls bounding such public way shall be glazed. In addition, 24 linear feet of seating shall be provided within such public way and within 50 feet of its boundary with the #shore public walkway# and the #street# it connects to.

(3) Parcel 5a

(i) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within the flexible location zone indicated on

Map BK-1b in paragraph (f) of this Section.

The eastern boundary of such flexible location zone shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot lines of Parcels 5b and 6.

(ii) #Supplemental public access area#

The #supplemental public access area# shall #abut# the #shore public walkway# continuously along its longest side, and shall also #abut# the required #upland connection# where it meets the #shore public walkway#. The #upland connection# may cut across the #supplemental public access area# provided that any resulting #supplemental public access area# shall be at least 5,000 square feet. In no event shall the #supplemental public access area# be deeper than 100 feet.

Alternatively, a portion of the required #supplemental public access area# that is at least 5,000 square feet may #abut# the #shore public walkway# continuously along the longest side provided that it also #abuts# a publicly accessible private drive connecting the #shore public walkway# to Commercial Street. Such publicly accessible private drive shall be improved to the standards of an #upland connection# as required by Section 62-64, but shall not be counted towards satisfying the required amount of #waterfront public access area# on the site.

(4) Parcel 5b

The portion of Block 2472, Lot 32, located within Parcel 5b shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections 62-50 through 62-90 (WATERFRONT ACCESS

PLANS), inclusive.

(5) Parcel 5c

(i) #Upland connection#

Two #upland connections# shall be provided between West Street and the #shore public walkway#, each one located within the prolongation of the #street lines# of Eagle Street and Green Street, respectively.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided on Parcel 5c.

A #supplemental public access area# shall be bounded by the southern boundary of the required Green Street #upland connection#, the #shore public walkway#, the southern boundary of Parcel 5c and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7.

The remaining required #supplemental public access area# shall be provided either on the #pier# or distributed evenly as a widening of the #shore public walkway# located between the Eagle Street and Green Street #upland connections#. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

The total #lot area# utilized in the calculation of required #supplemental

public access area# for Parcel 5c, pursuant to Section 62-57, shall include the #lot area# within Parcel 5d.

(iii) #Pier# public access

Public access shall be provided on the Green Street #pier# pursuant to the requirements of Section 62-54 and of paragraph (a)(1) of this Section.

(6) Parcel 5e

The portion of Block 2472, Lot 32, located within Parcel 5e shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections 62-50 through 62-90, inclusive.

(7) Parcel 7

(i) #Shore public walkway#

For a portion of the required #shore public walkway#, where the distance between the #shoreline# and the #zoning# #lot line# boundaries of Parcel 7 is less than 17 feet, such portion shall be improved entirely as circulation path.

(ii) #Supplemental public access area#

The requirement for a #supplemental public access area# on Parcel 7 is waived.

(8) Parcels 9, 10 and 11

(i) #Supplemental public access area#

For each parcel, the #supplemental public access area# requirements shall be provided to widen the #shore public walkway#, which will be evenly distributed along the entire length of such #shore public walkway#.

(9) Parcel 13

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of Milton Street.

(ii) #Supplemental public access area#

A #supplemental public access area# shall be bounded by the southern #street line# of Greenpoint Avenue, the #shore public walkway# and the northern boundary of the required Milton Street #upland connection#.

(10) Parcel 14

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway#. The southern boundary of such #upland connection# shall be defined by a line between the intersection of the prolongation of the southern #street line# of Calyer Street and the western #street line# of West Street, and a point on the easterly boundary of the #shore public walkway# 30 feet north of the northern #street line# of Quay Street.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided. A #supplemental public access area# with a minimum of 9,000 square feet shall be provided between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# to widen the #shore public walkway#.

The remaining requirements for #supplemental public access area# shall be located in the area bounded by the southern boundary of the required Calyer Street #upland connection#, the #shore public walkway# and the southern boundary line of the parcel.

(11) Parcel 15

An #upland connection# shall be provided within the prolongation of the #street lines# of West Street, connecting Quay Street to Parcel 20.

(12) Parcels 20, 21 and 22

Parcels 20, 21 and 22 shall be designated as public #parks# as of May 11, 2005.

(13) Parcel 25

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of North 6th Street.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided.

One #supplemental public access area# shall be provided along the prolongation of the southern #street line# of North 7th Street and the #shore public walkway#. Such public access area shall be a minimum of 3,000 square feet in area and shall have a minimum depth of 90 feet measured from the #shore public walkway#. A screening buffer shall be provided along the boundaries of the public access area and any private portion of the #zoning lot#, pursuant to Section 62-655. No other planting shall be required.

A minimum of one linear foot of seating shall be required for every 65 square feet of #supplemental public access area#. Four trees shall be required, at least two of which shall be shade trees.

The remaining required #supplemental public access area# shall be located either on the #pier# or shall #abut# the #shore public walkway# continuously along its longest side, and shall also #abut# the required #upland connection# where it meets the #shore public walkway#. At least 70 percent of the required #supplemental public access area# shall have a width to depth ratio of 2:1. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

(iii) #Pier# public access

Public access shall be provided on a #pier# located at the western terminus of North 6th Street pursuant to the requirements of Section 62-54 and of paragraph (a)(1) of this Section.

(14) Parcel 26

(i) #Shore public walkway#

The requirements of Section 62-53 (Requirements for Shore Public Walkways) shall apply, except that the minimum required width of the #shore public walkway# shall be reduced to 34 feet between North 5th Street and the northern boundary of the required #upland connection# at the prolongation of North 4th Street. The quantity of public access eliminated from the #shore public walkway# as a result of this width reduction shall be located in the triangle formed between the #shore public walkway#, the southern #street line# of the North 4th Street #upland connection# and the bulkhead line.

(ii) #Upland connections#

An #upland connection# shall be provided between Kent Avenue and the #shore public walkway# located within the prolongation of the #street lines# of North 4th Street. However, if the #upland connection# is provided within a private drive pursuant to Section 62-56, then a portion of the southern public access area beyond 15 feet from Kent Avenue may be located up to 15 feet outside the prolongation of the #street lines# of North 4th Street, provided that this public access area is not located entirely outside the prolongation of the #street lines# of North 4th Street at any point within 80 feet of Kent Avenue.

(15) Parcel 27

(i) #Shore public walkway#

In the event of an #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge and the existing #building or

other structure#, but need not be wider than 40 feet.

Notwithstanding the requirements of paragraph (a) of Section 62-61 (General Provisions Applying to Waterfront Public Access Areas), the #shore public walkway# may be located within the #building or other structure#, and the obstructions permitted by Section 62-611, paragraphs (a) and (b), shall include any supporting structural elements of the #building or other structure# and its related appurtenances.

In addition, the #shore public walkway# shall have a minimum clear path of 12 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-652 and 62-655, respectively. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for #supplemental public access# shall be waived.

(e) Special #visual corridor# provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan are shown on Map BK-1c in paragraph (f) of this Section and shall be as follows:

(1) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 and 4 to the pierhead line within a flexible area along the common #lot line#.

Whichever parcel is #developed# later shall complete the required clearance to comply with the #visual corridor# requirements along the #upland connection# provided in accordance with the requirements of paragraph (d)(2)(i) of this Section. If the parcels are #developed# concurrently, then the requirements can be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# for a public access area(s) prior to or concurrently with the #development# of Parcel 3, and a #visual corridor# is provided in Parcel 4, then the requirements for a #visual corridor# on Parcel 3 shall be waived.

(2) Parcel 5a

A #visual corridor# shall be provided through Parcel 5a to the pierhead line within the flexible location zone indicated on Map BK-1c in paragraph (f) of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared #lot line# of Parcel 4 and its western boundary shall be 200 feet from the shared #lot line# of Parcels 5b and 6.

(3) Parcel 5b

Two #visual corridors# shall be provided through Parcel 5b to the pierhead line as the prolongation of the #street lines# of West Street and Dupont Street, respectively.

(4) Parcel 5c

(i) Three #visual corridors# shall be provided through Parcel 5c to the pierhead line as the prolongation of the #street lines# of West Street, Eagle Street and Green Street.

(ii) The permitted obstructions on #piers# in Section 62-631, paragraph (b), shall be permitted obstructions along the #visual corridor# along Green Street.

(5) Parcel 13

Two #visual corridors# shall be provided through Parcel 13 to the pierhead line as the prolongation of the #street lines# of Milton Street and Oak Street, respectively.

(6) Parcel 14

A #visual corridor# shall be provided through Parcel 14 as the prolongation of the #street lines# of Oak Street.

(7) Parcel 15

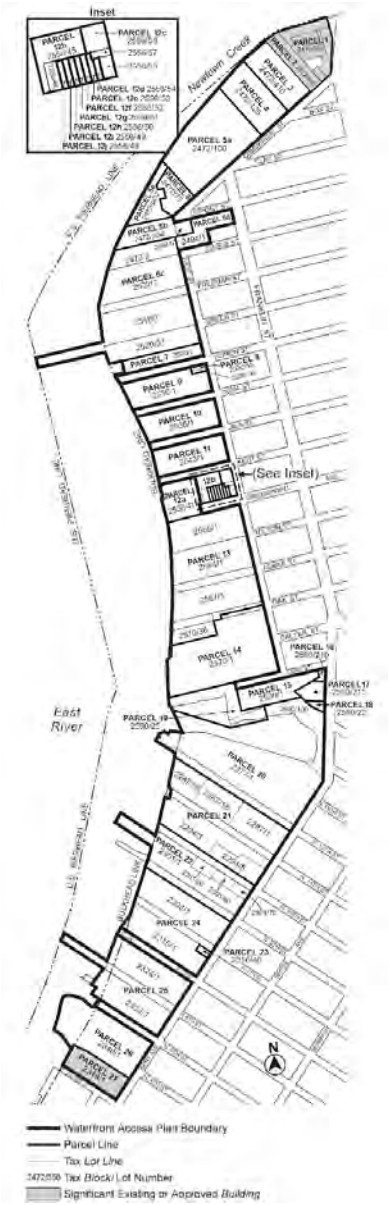
A #visual corridor# shall be provided though Parcel 15 as the prolongation of the #street lines# of West Street.

(8) Parcel 25

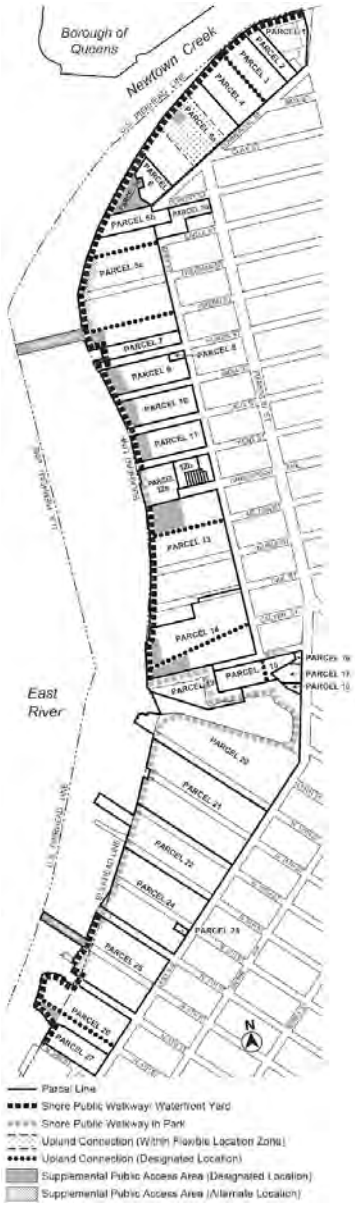
A #visual corridor# shall be provided through Parcel 25 as the prolongation of the #street lines# of North 6th Street.

(f) Greenpoint-Williamsburg Waterfront Access Plan Maps

BK-1a: Parcel Designation (62-931f.1)



BK-1b: Public Access Elements (62-931f.2)


Borough of Queens
Newtown Creek
East River
PARCEL 1
PARCEL 2
PARCEL 3
PARCEL 4
PARCEL 5
PARCEL 6
PARCEL 6A
PARCEL 6B
PARCEL 6C
PARCEL 7
PARCEL 8
PARCEL 9
PARCEL 10
PARCEL 11
PARCEL 12
PARCEL 13
PARCEL 14
PARCEL 15
PARCEL 16
PARCEL 17
PARCEL 18
PARCEL 20
PARCEL 21
PARCEL 23
PARCEL 24
PARCEL 25
PARCEL 26
PARCEL 27
N
Parcel Line
Shore Public Walkway/ Waterfront Yard
Shore Public Walkway in Park
Upland Connection (Within Flexible Location Zone)
Upland Connection (Designated Location)
Supplemental Public Access Area (Designated Location)
Supplemental Public Access Area (Alternate Location)

BK-1c: Designated Visual Corridors (62-931f.3)



62-94 - Borough of Manhattan

LAST AMENDED
4/22/2009

The following Waterfront Access Plans are hereby established within the Borough of Manhattan. All applicable provisions of Article VI, Chapter 2 remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

M-1: Inwood, in the #Special Inwood District# as set forth in Section 142-60 (INWOOD WATERFRONT ACCESS PLAN).

62-95 - Borough of Queens

LAST AMENDED
11/12/2025

The following Waterfront Access Plans are hereby established within the Borough of Queens. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

Q-1: Northern Hunters Point in the #Special Long Island City Mixed Use District#, as set forth in Section 117-36 (Northern Hunters Point Waterfront Access Plan)

Q-2: Flushing Waterfront, in the #Special Flushing Waterfront District#, as set forth in Section 127-50 (FLUSHING WATERFRONT ACCESS PLAN)

Q-3: Newtown Creek, in the #Special Southern Hunters Point District#, as set forth in Section 125-46 (Newtown Creek Waterfront Access Plan).

62-96 - Borough of Staten Island

LAST AMENDED
4/22/2009

62-97 - Multi-Borough Plans

LAST AMENDED
4/22/2009

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Special Regulations Applying to FRESH Food Stores

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 3 - Special Regulations Applying to FRESH Food Stores

63-00 - GENERAL PURPOSES

LAST AMENDED12/9/2009

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

(a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;

(b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;

(c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and

(d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

63-01 - Definitions

LAST AMENDED
6/6/2024

FRESH food store

A “FRESH food store” is a grocery and convenience retailer or specialty food retailer, listed under Use Group VI, where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is allocated to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation and consumption. Such retail space shall be distributed as follows:

(a) at least 25 percent of such retail space shall be allocated to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce;

(b) at least 35 percent of such retail space shall be allocated to the sale of non-perishable food; and

(c) at least 6,000 square feet of such retail space shall be located on one #story#.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

63-02 - Applicability

LAST AMENDED
10/9/2013

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

63-021 - Areas permitting FRESH food stores

LAST AMENDED
12/15/2021

The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in Sections 63-022 (Special Purpose Districts where regulations for FRESH food stores are not applicable) and 63-023 (Limitation on location of FRESH food stores):

all of Manhattan Community District 10;

all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and

all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts in which FRESH food stores are permitted are shown on the maps in Appendix A of this Chapter.

63-022 - Special Purpose Districts where regulations for FRESH food stores are not applicable

LAST AMENDED
12/15/2021

The provisions of this Chapter shall not apply to the following Special Purpose Districts:

#Special Madison Avenue Preservation District#;

#Special Manhattanville Mixed Use District#; and

#Special Park Improvement District#.

63-023 - Limitation on location of FRESH food stores

LAST AMENDED
12/15/2021

After December 15, 2021, no certification shall be issued for increased #residential# #floor area# for a #FRESH food store# where the sum of the increased #residential# #floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations) by all #FRESH food stores# within a half-mile radius of the #zoning lot# that is the subject of such certification would exceed 40,000 square feet.

Such calculation shall include increased #residential# #floor area# on all #zoning lots# containing #FRESH food stores# that have been certified by the Chairperson of the City Planning Commission pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE), including those issued prior to December 15, 2021, provided that such certification has not expired, or has not been superseded by a certification pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or an authorization pursuant to Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS).

However, for any area that has a sum of more than 40,000 square feet of increased #residential# #floor area# generated pursuant to Section 63-21, the Chairperson may certify a #FRESH food store# that was previously certified pursuant to Section 63-30, provided such certification has not lapsed and that there shall be no increase in the amount of increased #residential# #floor area# beyond what was previously certified for such #FRESH food store#.

63-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/9/2009

63-11 - Special Use Regulations for FRESH Food Stores in M1 Districts

LAST AMENDED
6/6/2024

In M1 Districts, the regulations of Section 42-162 (Use Group VI – uses subject to size limitations) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit grocery and convenience retailer or specialty food retailer, listed under Use Group VI, with #floor area# greater than 30,000 square feet.

63-12 - Special Sign Regulations

LAST AMENDED
12/9/2009

All permitted #signs# shall be subject to the provisions of the #sign# regulations of the underlying districts. In addition, a #FRESH food store# shall provide signage pursuant to this Section.

A #sign# comprised of the #FRESH food store# symbol as provided in the Required Signage Symbols file at the Department of City Planning website shall be mounted on an exterior #building# wall adjacent to and no more than five feet from the principal entrance of the #FRESH food store#. The #sign# shall be placed so that it is directly visible, without any obstruction, to customers entering the #FRESH food store#, and at a height no less than three feet and no more than five feet above the adjoining grade. Such #FRESH food store# symbol shall be no less than 12 inches by 12 inches and no more than 16 inches by 16 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials.

63-20 - SPECIAL BULK AND PARKING REGULATIONS

LAST AMENDED
12/9/2009

63-21 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

Where a #FRESH food store# is provided on a #zoning lot#, the maximum #residential floor area# permitted on the #zoning lot# shall be increased by one square foot for each square foot of #FRESH food store floor area# provided, up to 20,000 square feet.

However, for #zoning lots# with #sky exposure plane buildings#, where any non-#residential use# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #floor area ratio# of the #zoning lot# shall not exceed the maximum permitted #floor area ratio# for such non-#residential use#.

For #height factor# and #open space ratio# calculations, where applicable, the increased #residential# #floor area# generated pursuant to this Section shall be exempt from such calculations.

For #developments# or #enlargements# with #qualifying affordable housing#, the requirements for #MIH developments# or #UAP developments# shall not apply to the increased #residential# #floor area# generated pursuant to this Section.

63-22 - Authorization to Modify Maximum Building Height

LAST AMENDED
12/5/2024

For #zoning lots# containing a #FRESH food store# and #residences# in #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts, the City Planning Commission may authorize modifications to Section 35-632 (Maximum height of buildings and setback regulations), or to the height and setback regulations of any Special Purpose District where maximum height limits apply to allow the applicable maximum #building# height to be increased by up to 15 feet and by up to one #story#, provided that the portion of the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is at least 14 feet above the #base plane# or #curb level#, as applicable.

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

(a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;

(b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent #buildings# and any adjacent historic resources; and

(c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

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

63-23 - Special Transparency Requirements

LAST AMENDED
12/5/2024

For all #developments# containing #FRESH food stores#, or #ground floor level enlargements# containing #FRESH food stores#, the following provisions shall apply. For the portion of the #building# containing a #FRESH food store#, the ground floor level of the #street wall# fronting upon a #primary frontage# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

Furthermore, for #FRESH food stores# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #building# is a recipient of #public funding#. For the purposes of this Section, defined terms shall include those in Sections 12-10, 27-111 and 37-311.

63-24 - Required Accessory Off-street Parking Spaces in Certain Districts

LAST AMENDED
12/9/2009

For #FRESH food stores# provided as part of a #development# or #enlargement#, for any portion of such #FRESH food store# subsequently changed to any other #use# pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS), if such change of #use# occurs less than 25 years after the initial issuance of a certificate of occupancy for such #FRESH food store#, #accessory# off-street parking regulations shall apply to such changed #use# as if the #use# is at that time occurring as part of a #development# or #enlargement#. Application may be made for an authorization pursuant to Section 63-50.

(a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R6 through R12 Districts and in C4-2 and C4-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 40,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.

(b) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R3, R4 and R5 Districts and in C4-1 Districts, a #FRESH food store# shall provide one parking space per 400 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 10,000 square feet. In cases where there is more than one #commercial use# or #community facility

use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.

(c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.

(d) The provisions of this Section shall not apply:

(1) in the Borough of Brooklyn, to M1 Districts in portions of Community Districts 5, 16 and 17, as shown on Maps 1 and 2 in Appendix B of this Chapter; and

(2) in the Borough of Queens, to the #Special Downtown Jamaica District#.

63-30 - CERTIFICATION FOR A FRESH FOOD STORE

LAST AMENDED
12/15/2021

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use# is a #FRESH food store#, provided that:

(a) drawings have been submitted to the Chairperson that clearly specify:

(1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout that such designated space is designed and arranged to meet the requirements for perishable and non-perishable food products, pursuant to Section 63-01;

(2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;

(3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials; and

(4) the location of the ground floor level #street wall# fronting upon a #primary street frontage#, pursuant to Section 63-23;

(b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and

(c) for #zoning lots# containing increased #residential floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations), a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

(1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or

(2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable to the Department, shall be a precondition to certification by the Chairperson.

Certification by the Chairperson shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development#, #enlargement# or change of #use# under this Chapter.

Changes to the store layout of a #FRESH food store# that has been constructed pursuant to a previous certification under this Section, where such changes result in a #FRESH food store# that continues to comply with the requirements of this Chapter, shall not require subsequent certification by the Chairperson under this Section. #FRESH food stores# certified prior to December 15, 2021, that do not comply with paragraph (c) of the definition of #FRESH food store# may change the floor layout provided that there is no increase in the degree of non-compliance with such requirement.

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson. If the Community Board elects to comment on such application, it must be done within 45 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 45-day comment period has expired, whichever is earlier.

For #zoning lots# containing increased #residential floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations), if a #development# or horizontal #enlargement# fails to comply with the provisions of Section 11-331 (Right to construct if foundations completed) with respect to

completion of foundations within four years of the date of certification pursuant to this Section, such certification and such building permit shall lapse, and any new building permit will require a new certification pursuant to this Section.

63-31 - Requirements for Certificate of Occupancy

LAST AMENDED
12/9/2009

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (a)(2) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a)(1) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions, where required pursuant to paragraph (c) of Section 63-30, shall be noted on any temporary or final certificate of occupancy for the #building#.

63-40 - CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE

LAST AMENDED
12/9/2009

A #FRESH food store# for which a certification has been issued pursuant to Section 63-30 may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of

the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in fewer #accessory# off-street parking spaces than required by the new #use# pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts).

If a certification pursuant to this Section is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30 shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

63-50 - AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS

LAST AMENDED
12/9/2009

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts when a change of #use# of a #FRESH food store# for which a certification has been issued, pursuant to Section 63-30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in fewer #accessory# off-street parking spaces than required by the new #use# pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts), provided that such #use# is permitted by the underlying districts.

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

(a) due to the market conditions prevalent at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store# will bring a reasonable return;

(b) the applicant, the operator or a prior operator of such #FRESH food store# has not created or contributed to such unfavorable market conditions;

(c) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the Commission that such efforts have been unsuccessful;

(d) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses#, including #uses# within the #building#; and

(e) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

If such authorization is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30, shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

In issuing an authorization under this Section, the Commission may impose conditions and safeguards to minimize adverse impacts on the character of the surrounding area.

63-60 - COMPLIANCE

LAST AMENDED
12/9/2009

No later than June 30th of the year, beginning in the second calendar year following the calendar year in which certification was made, and at three-year intervals thereafter, the Chairperson of the City Planning Commission shall be provided with an affidavit, in a form acceptable to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1st of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation:

(a) a copy of the original #FRESH food store# certification letter and, if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;

(b) a statement that the #floor area# or #cellar# space that was certified to be operated as a #FRESH food store# continues to be operated as such in accordance with the declaration of restrictions; and

(c) photographs documenting the condition of the #FRESH food store# at the time of inspection, sufficient to clearly show all #floor area# or #cellar# space operated as a #FRESH food store#.

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to this Chapter or with approved plans related thereto, or failure to submit a required compliance report, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such authorization or certification, and for the implementation of all other applicable remedies.

Appendix A - FRESH Food Store Designated Areas

LAST AMENDED12/15/2021

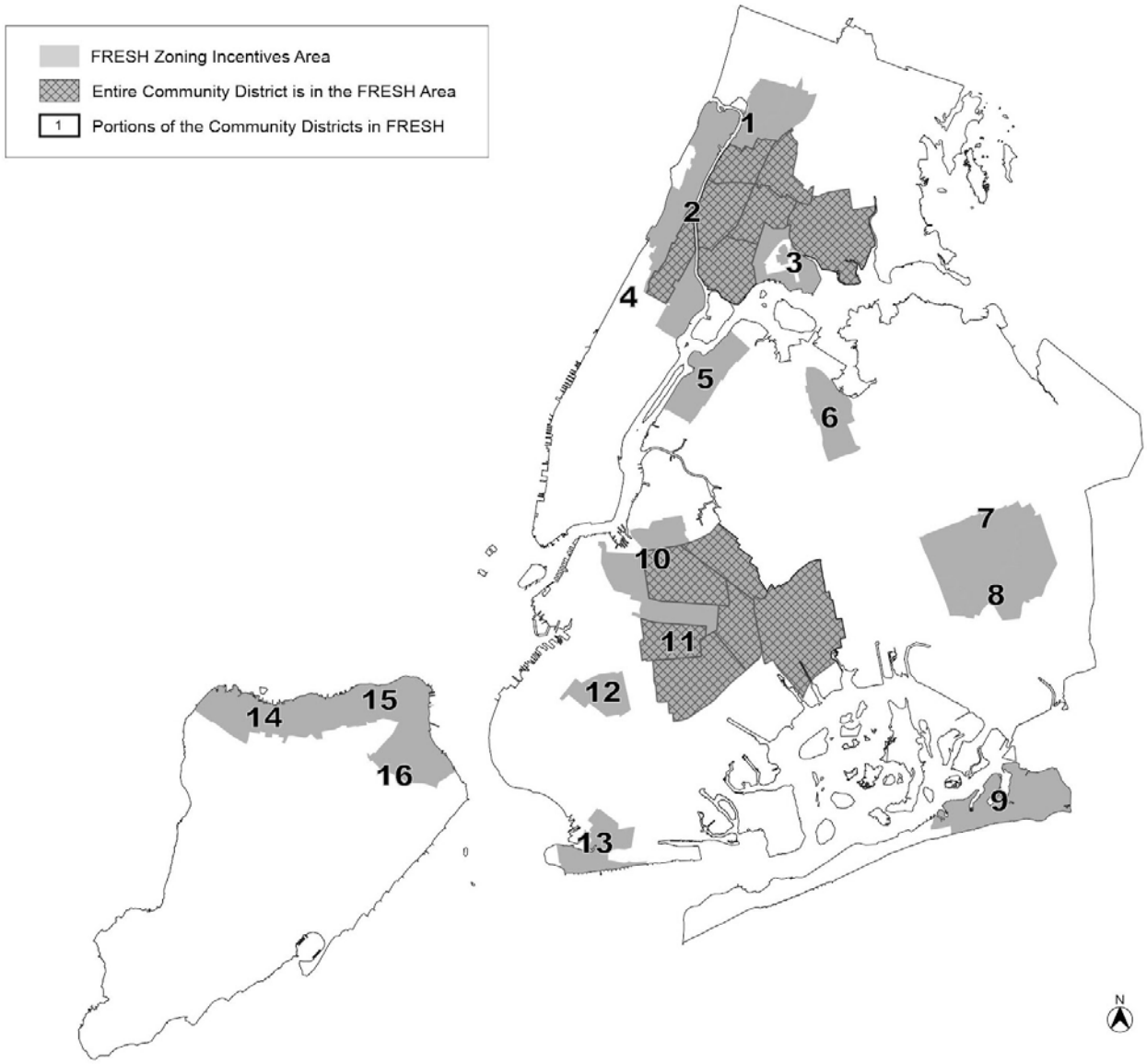
#FRESH food store# designated areas are:

all of Manhattan Community District 10;

all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and

all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts are shown on Maps 1 through 16 in this Appendix A.



FRESH Map 1


FRESH 1 Area
FRESH Expans
Jerome Park Reservoir
Inwood Hill Park
VAN CORTLANDT PARK S.
VAN CORTLANDT AVE. WEST
BROADWAY
HENRY HUDSON PKWY.
W. 218 ST.
SEAMAN AVE.
W. 215 ST.
10 AVE.
W. 207 ST.
NAGLE AVE.
DYCKMAN ST.
MAJOR DEEGAN EXPWY.
UNIVERSITY AVE.
JEROME AVE.
E. FORDHAM RD.
GRAND CONCOURSE
WEBSTER AVE.
MOSHOLU PKWY.
BAILEY AVE.
BEDFORD PARK BLVD.
KINGSBRIDGE RD.
E. 198 ST.
E. 196 ST.
E. 194 ST.
E. 192 ST.
E. 188 ST.
E. 187 ST.
CEDAR AVE.
W. BURNSIDE AVE.
FT. GEORGE AVE.
ST. NICHOLAS AVE.
W. 181 ST.
W. 190 ST.
W. 191 ST.
CRESCENT AVE.
SOUTHERN BLVD.

FRESH Map 2

FRESH 1 Area FRESH Expans



FRESH Map 3


FRESH 1 Area
FRESH Expans
E 167 ST
E 165 ST
GRAND CONCOURSE
E 161 ST
RIVER AVE
MORRIS AVE
BOSTON RD
PROSPECT AVE
INTERVALE AVE
WHITE PLAINS RD
SHERIDAN BLVD
E 172 ST
WESTCHESTER AVE
WHITE PLAINS RD
METCALF AVE
WATSON AVE
BEACH AVE
BRUCKNER
PARK AVE
E 163 ST
WESTCHESTER AVE
STORY AVE
LAFAYETTE AVE
SOUND VIEW AVE
E 153 ST
MORRIS AVE
E 149 ST
3RD AVE
E 149 ST
LONGWOOD AVE
BRUCKNER BLVD
GARRISON AVE
LAFAYETTE AVE
SPOFFORD AVE
RANDALL AVE
OAK POINT AVE
EAST BAY AVE
BARRET ST
TERRY ST
HALLECK ST
RYAWA AVE
ALEXANDER AVE
WILLIS AVE
ST ANNS AVE
E 141 ST
MAJOR DEEGAN EXPWY

FRESH Map 4


FRESH 1 Area
FRESH Expans
E. 140 ST.
MORRIS AVE
3RD AVE
WILLIS AVE
ALEXANDER AVE
MAJOR DEEGAN EXP
CONVENT AVE
ST NICHOLAS AVE
W.135 ST
ADAM C POWELL BLVD
LENOX AVE
W. 125 ST
BROADWAY
AMSTERDAM AVE
MORNINGSIDE DR
ST. NICHOLAS AVE
CATHEDRAL PKWY
W.116 ST
5TH AVE
MADISON AVE
PARK AVE
3RD AVE
RIVERSIDE DR
WEST END AVE
BROADWAY
AMSTERDAM AVE
CENTRAL PARK WEST
Central
Park
E.96 ST
FRANKLIN ROOSEVELT DR
Randall's
Island

FRESH Map 5


FRESH 1 Area
FRESH Expans
Astoria Park
E 96 ST
E 86 ST
E 79 ST
E 72 ST
E 66 ST
E 57 ST
5 AVE
PARK AVE
1 AVE
YORK AVE
FRANKLIN D ROOSEVELT DR
1 ST
21 ST
23 ST
25 AVE
27 AVE
29 AVE
31 AVE
33 ST
35 ST
HOYT AVE
ASTORIA BLVD
NEWTON AVE
VERNON BLVD
30 AVE
31 ST
BROADWAY
34 AVE
36 AVE
NORTHERN BLVD
37 AVE
QUEENS PLAZA NORTH
QUEENS PLAZA SOUTH
43 AVE
44 AVE
21 AVE
23 AVE
ASTORIA BLVD
30 AVE
31 ST
EXPWY
NEWTON RD
61 ST

FRESH Map 6


FRESH Expans
St. Michael's Cemetery
Corona Park
GRAND CENTRAL PKWY.
23 AVE.
DITMARS BLVD.
ASTORIA BLVD.
NORTHERN BLVD.
24 AVE.
ROOSEVELT AVE.
CORONA AVE.
WOODSIDE AVE.
BROADWAY
QUEENS BLVD.
BROOKLYN QUEENS EXPWY.
HORACE HARDING EXPWY.
WHITESTONE EXPWY.

FRESH Map 7


FRESH 1 Area
UNION TURNPIKE
UTIOPIA PKWY.
MAIN ST.
150 ST.
PARSONS BLVD.
164 ST.
MIDLAND PKWY.
GRAND CENTRAL PKWAY.
188 ST.
CHELSEA ST.
191 ST.
DAINY RD.
TERRACE
WEXFORD
HOMELAWN ST.
HILLSIDE AVE.
85 AVE.
85 DR.
87 RD.
90 AVE.
175 ST.
JAMAICA AVE.
93 AVE.
QUEENS BLVD.
MERRICK BLVD.
LIBERTY AVE.
104 AVE.
104 RD.
106 AVE.
HOLLIS AVE.
DUNKIRK ST.
BRINKERHOFF
150 ST.
ARCHER AVE.
172 ST.
105 AVE.
107 AVE.
108 AVE.
TUSKEGEE WY.
ATLANTIC AVE.
110 AVE.
SAYRES AVE.
VAN WYCK EXPWY.
109 AVE.
SUTPHIN BLVD.
MURDOCK AVE.
101 AVE.
160 ST.
FARMERS BLVD.

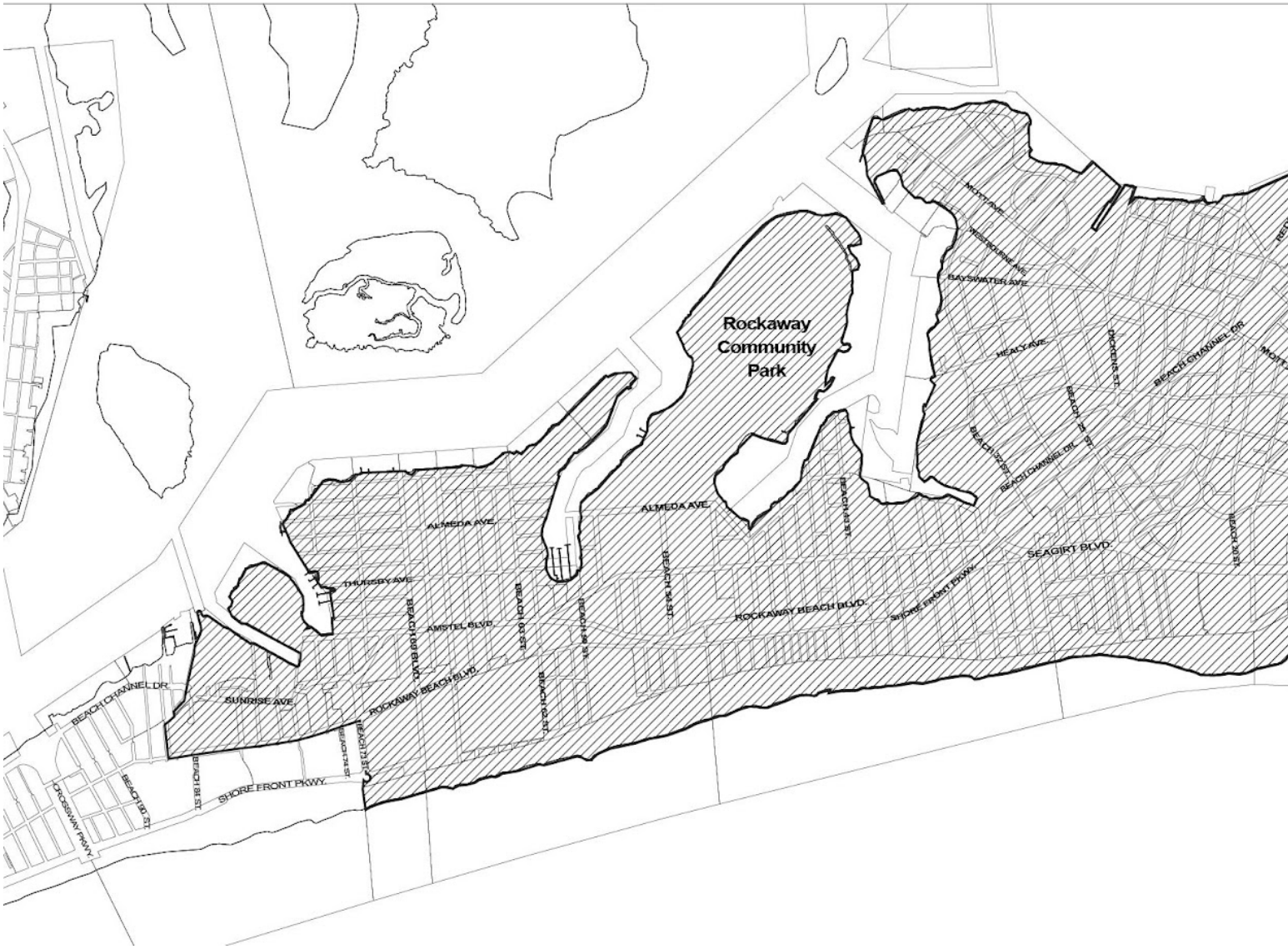
FRESH Map 8

FRESH 1 Area FRESH Expans



FRESH Map 9

FRESH Expansi



FRESH Map 10

FRESH 1 Area FRESH Expans



FRESH Map 11

FRESH 1 Area FRESH Expans



FRESH Map 12

FRESH 1 Area FRESH Expans



FRESH Map 13

FRE



FRESH Map 14

FRESH Expans



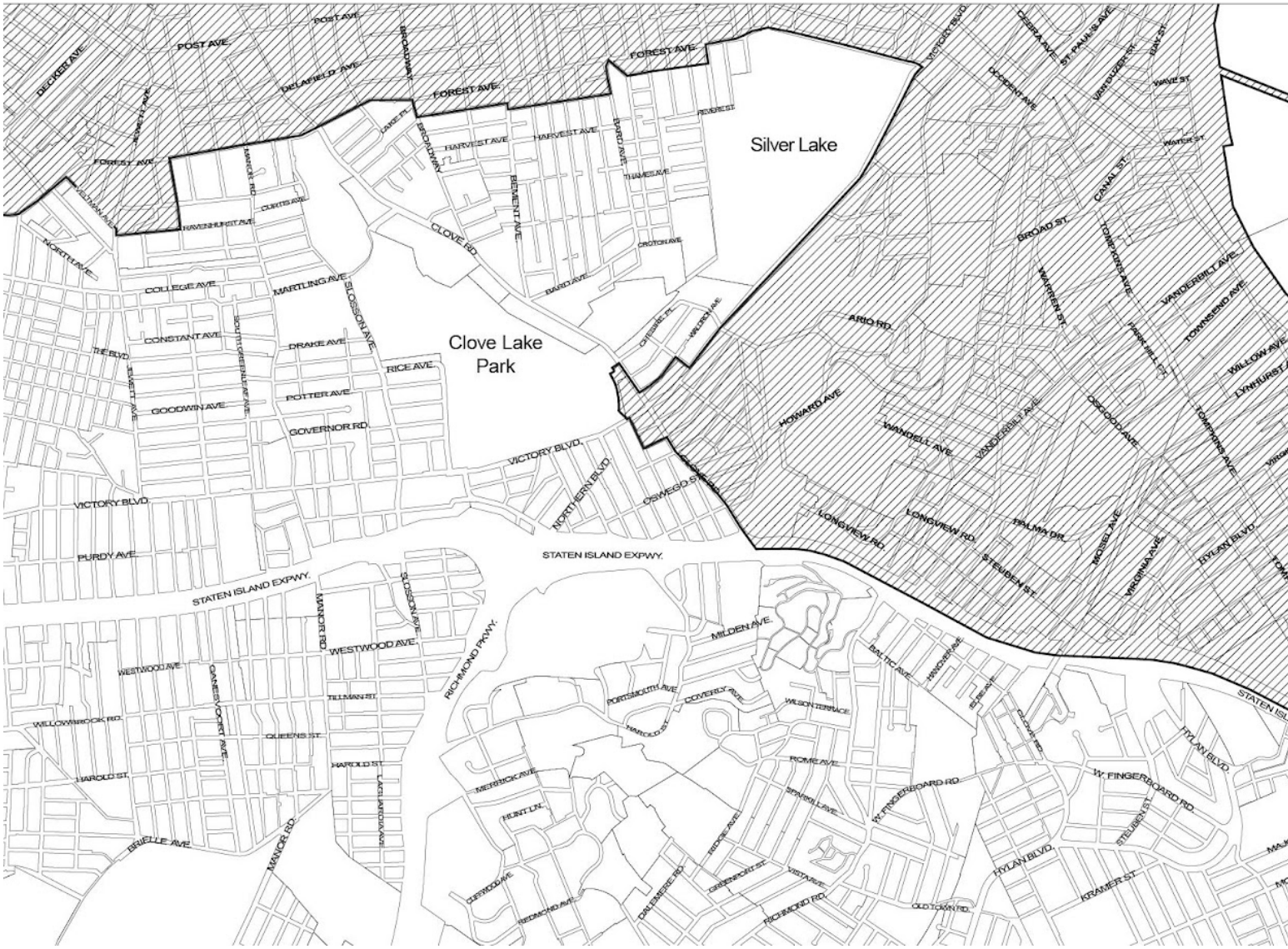
FRESH Map 15

FRESH Expans



FRESH Map 16

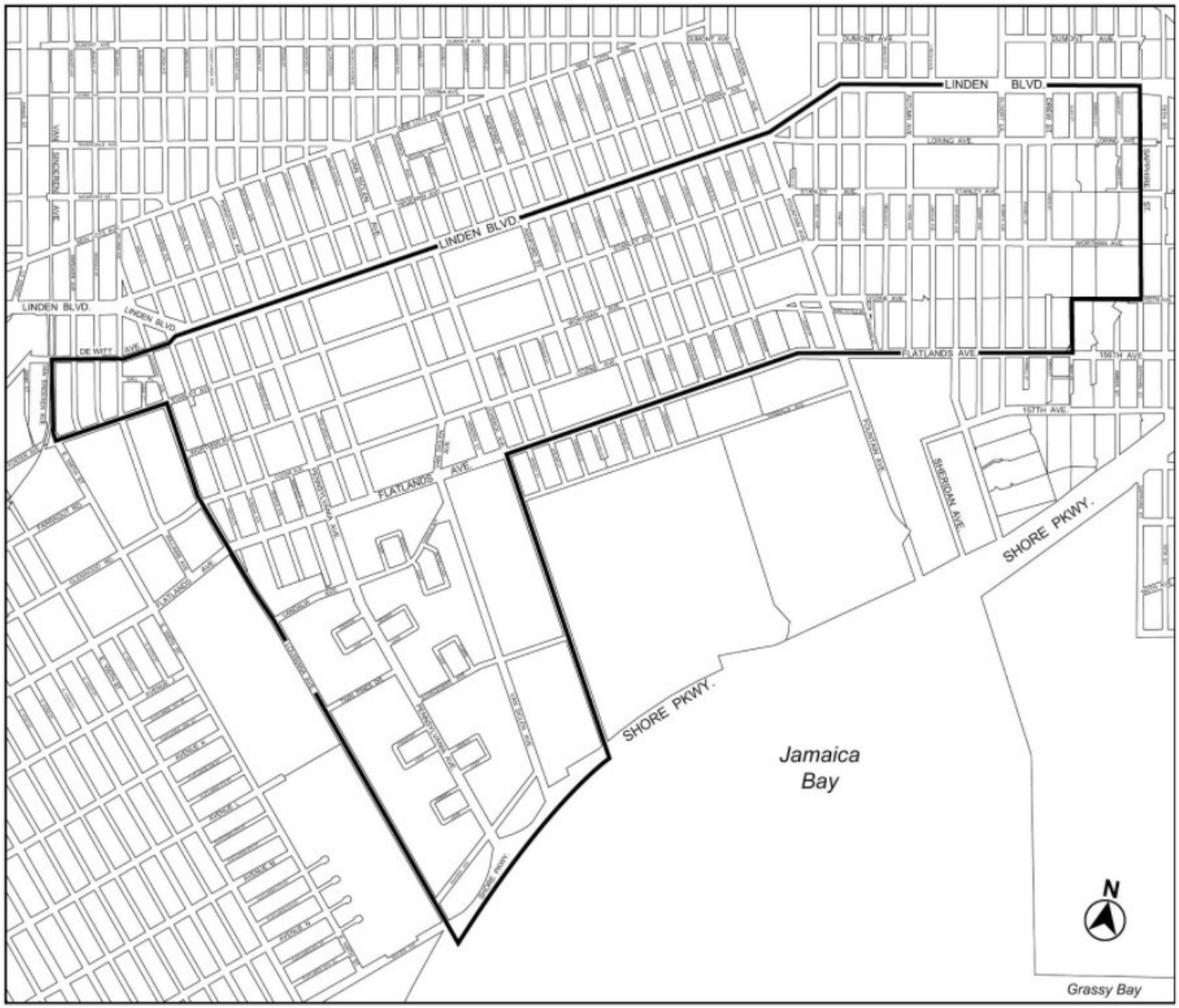
FRESH Expans



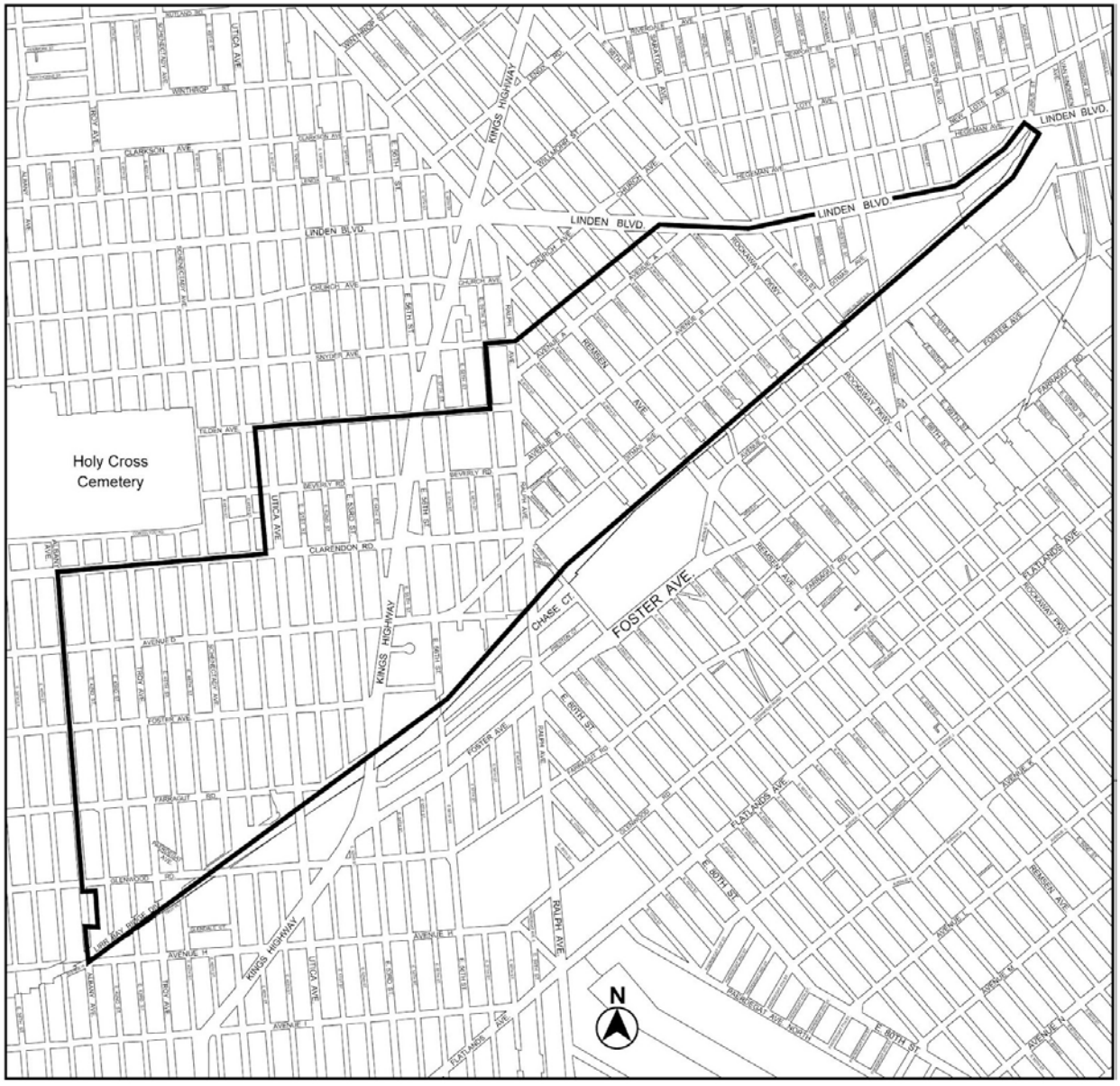
Appendix B - Required Off-street Accessory Parking Exceptions

LAST AMENDED12/15/2021

Map 1. Excluded portions of Community District 5, Brooklyn



Map 2. Excluded portions of Community District 16 and 17, Brooklyn



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Special Regulations Applying in Flood Zones

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 4 - Special Regulations Applying in Flood Zones

64-00 - GENERAL PURPOSES

LAST AMENDED
5/12/2021

The provisions of this Chapter establish special regulations which are designed to encourage flood-resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

(a) to facilitate the development and alteration of buildings in flood zones consistent with the flood-resistant construction standards of Appendix G of the New York City Building Code;

(b) to enable buildings to be constructed or retrofitted pursuant to flood-resistant construction standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;

(c) to allow sea level rise to be incorporated into the design of buildings in flood zones in order to provide longer-term and greater protection from flood risk than what is currently required by Appendix G of the New York City Building Code;

(d) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity; and

(e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

64-10 - GENERAL PROVISIONS

LAST AMENDED
5/12/2021

64-11 - Definitions

LAST AMENDED
12/5/2024

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Cottage envelope building

A "cottage envelope building" is a #single-# or #two-family# #detached# #residence# located within R1 through R5 Districts, #developed#, #enlarged#, or altered, pursuant to any of the optional provisions of Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings), provided that:

(a) such #single-# or #two-family# #detached# #residence# complies with Section 64-332 (Height and setback regulations for cottage envelope buildings); and

(b) is located within a #zoning lot# that has a #lot area# that is less than that required by the applicable district; and

(1) has a #lot width# that is either:

(i) less than that required under the provisions of Section 23-11 (Lot Area and Lot Width Regulations in R1 Through R5 Districts) in R1, R2, R3-1, R3-2, R3X, R4, R4A, R5, and R5A Districts; or

(ii) equal to or less than 30 feet in R3A, R4-1, R4B, R5B, and R5D Districts; or

(2) has a depth of less than 95 feet at any point.

All #cottage envelope buildings# shall also be #flood-resistant buildings#.

First story above the flood elevation

The "first story above the flood elevation" shall be the finished floor level of the first #story# located at or above the level at which a #building# complies with #flood-resistant construction standards# and, for #buildings# utilizing the #reference plane#, shall be no lower than the particular level established as the #reference plane#.

Flood map

"Flood map" shall be the most recent map or map data used as the basis for #flood-resistant construction standards#.

Flood-resistant building

A “flood-resistant building” is a #building or other structure#, which complies with all applicable #flood-resistant construction standards#.

Flood-resistant construction elevation

The “flood-resistant construction elevation” shall be the level of flood elevation required by Appendix G of the New York City Building Code for the “Flood design classification” of a #building or other structure# as set forth therein, or a height of two feet above the lowest grade adjacent to the #building or other structure#, whichever is higher.

Flood-resistant construction standards

“Flood-resistant construction standards” are the construction standards set forth in Appendix G of the New York City Building Code for “Post-FIRM Construction” that aid in protecting #buildings or other structures# in #flood zones# from flood damage, and governs both #building or other structures# that are required to comply with such standards and those that voluntarily comply. For #buildings or other structures# utilizing the provisions of this Chapter, #flood-resistant construction standards# shall be applied up to the #flood-resistant construction elevation# or higher.

High-risk flood zone

The “high-risk flood zone” is the area, as indicated on the #flood maps#, that has a one percent chance of flooding in a given year.

Lowest usable floor

The “lowest usable floor” of a #building# is the lowest floor of such #building# that contains #floor area#, and may include #basements# and #cellars#, as defined in Section 12-10 (DEFINITIONS).

Moderate-risk flood zone

The “moderate-risk flood zone” is the area, as indicated on the #flood maps#, and not within of the #high-risk flood zone#, that has a 0.2 percent chance of flooding in a given year.

Primary frontage

For the purposes of applying the provisions of paragraph (c) of Section 64-322 (Special floor area modifications for flood-resistant buildings), a “primary frontage” shall include:

(a) in #Commercial Districts#, frontages that meet the criteria for a “primary frontage” as defined in Section 37-311;

(b) in M1 Districts paired with #Residence Districts#, frontages along:

(1) #wide streets#;

(2) #narrow streets# within 50 feet of a #wide street#; and

(3) #narrrow streets# where an M1 District paired with a #Residence District# is mapped along an entire #block# frontage; and

(c) frontages where non-#residential uses# are required at the #ground-floor level# pursuant to a Special Purpose District or #waterfront public access area#.

Reference plane

The “reference plane” is a horizontal plane from which the height and setback regulations governing a #building or other structure# may be measured, in accordance with certain provisions of this Chapter. The #reference plane# shall not be located above the #first story above flood elevation#, as applicable.

For #zoning lots# located wholly or partially within the #high-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of 10 feet above the #base plane# or #curb level#, as applicable. However, where the #flood-resistant construction elevation# exceeds a height of 10 feet above the #base plane# or #curb level#, as applicable, the #reference plane# may be established at the #flood-resistant construction elevation#.

For #zoning lots# located wholly or partially within the #moderate-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of five feet above the #base plane# or #curb level#, as applicable.

64-12 - Applicability

LAST AMENDED
12/5/2024

The optional provisions of this Chapter shall apply to #zoning lots# located wholly or partially within #flood zones#, as follows:

(a) For all #zoning lots# in the #flood zone#

The provisions of Sections 64-31 (Special Bulk Regulations for All Buildings) and 64-41 (Special Parking Regulations for All Buildings), inclusive, may be applied to all #zoning lots#, regardless of whether #buildings or other structures# on such #zoning lots# comply with

#flood-resistant construction standards#.

(b) For #zoning lots# containing #flood-resistant buildings#

The provisions of Sections 64-20 (SPECIAL USE REGULATIONS), 64-32 (Special Bulk Regulations for Flood-resistant Buildings), 64-42 (Special Parking Regulations for Flood-resistant Buildings), and 64-60 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), inclusive, may be applied only to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#, as applicable, and Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings) may additionally be applied exclusively to #zoning lots# containing #cottage envelope buildings#. Where such provisions are utilized, the provisions of Section 64-50 (STREETSCAPE REGULATIONS), inclusive, shall apply.

(c) For portions of #buildings#

The following provisions may be applied to portions of #buildings# as follows:

(1) the provisions of Section 64-311 (Special floor area modifications for all buildings) may be applied to portions of #buildings#, regardless of whether such portions comply with #flood-resistant construction standards#;

(2) the provisions of Section 64-32 (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to portions of #buildings#, provided that such portions comply with #flood-resistant construction standards# for the entirety of its vertically contiguous segments. Where such provisions are utilized within portions of #buildings#, the provisions of Section 64-50, inclusive, shall apply.

64-13 - Applicability of District Regulations

LAST AMENDED
10/10/2013

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

64-20 - SPECIAL USE REGULATIONS

LAST AMENDED
6/6/2024

64-21 - Special Use Regulations for All Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying #use# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-211 - Limitation on floors occupied by commercial uses

LAST AMENDED
6/6/2024

C1 C2

In the districts indicated, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) may be modified for #buildings# containing #residences# such that the limitations set forth in paragraphs (a) or (b) of such Section need not apply.

64-22 - Special Use Regulations for Flood-resistant Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#. For such #zoning lots#, the underlying #use# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-221 - Measurement of height

LAST AMENDED
5/12/2021

In all districts, as an alternative to measuring heights from #base plane#, #curb level#, or other applicable datum, all height measurements in #flood zones#, including the number of #stories# permitted, as applicable, may be measured from the #reference plane#. However, this provision shall not apply to #signs# not affixed to #buildings or other structures#.

64-222 - Ground floor use

LAST AMENDED
12/5/2024

In all districts, any applicable ground floor level requirements of this Resolution including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements, may be modified as follows:

(a) In locations of the #flood zone# where #flood-resistant construction standards# prohibit dry-flood-proofing, thereby limiting #uses# other than parking, storage and building access from being located below the #flood-resistant construction elevation#, such ground floor level requirements need not apply.

(b) In all other locations of the #flood zone#, all regulations of this Resolution restricting the location of a ground floor in relation to the adjoining sidewalk level need not apply, provided that all other ground floor level regulations shall be applied to the lowest #story# above grade that is not solely used for parking, storage or building access, and further provided that the finished floor level of such #story# shall be located either at or below the level of the #flood-resistant construction elevation# or five feet above #curb level#, whichever is higher. All associated transparency requirements may be measured from such level of the finished floor instead of the level of the adjoining sidewalk.

64-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#.

The provisions of Section 64-31 (Special Bulk Regulations for All Buildings), inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

The provisions of Section 64-32 (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#.

The provisions of Section 64-33 (Special Bulk Regulations for Cottage Envelope Buildings), inclusive, may be applied to #zoning lots# with #cottage envelope buildings#.

64-31 - Special Bulk Regulations for All Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying #bulk# regulations

shall apply, except where permitted to be modified by this Section, inclusive.

64-311 - Special floor area modifications for all buildings

LAST AMENDED
12/6/2023

For all #buildings#, the definition of #floor area# in Section 12-10 (DEFINITIONS) shall be modified in accordance with the provisions of this Section.

(a) Flood control devices

In all districts, for every linear foot of protection by temporary flood control devices and associated fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter, up to 15 square feet of floor space used for the storage of such devices may be excluded from the definition of #floor area#, provided that in no event shall such exempted floor space exceed 1,000 square feet.

(b) Buildings containing non-#residential uses#

In #Commercial# and #Manufacturing Districts#, where the permitted #commercial# or #manufacturing# #floor area ratio# does not exceed 1.0, up to 500 square feet of floor space may be excluded from the definition of #floor area#, provided that:

(1) the #building# is used exclusively for #non-residential uses#; and

(2) such floor space is located at or above the #flood-resistant construction elevation#.

64-312 - Permitted obstructions in required yards, courts, and open spaces for all zoning lots

LAST AMENDED
12/5/2024

The regulations for permitted obstructions in #yards#, #courts# and #open space# shall be modified in accordance with the provisions of this Section.

(a) Mechanical equipment

In all districts, where such #energy infrastructure equipment# or #accessory# mechanical equipment is elevated above the #flood-resistant construction elevation#, the underlying permitted obstruction regulations for such equipment may be modified as follows:

(1) where any equipment is required to be located at least five feet from any #lot line#, such distance may be reduced to three feet for #zoning lots# that have less than the prescribed minimum #lot area# or #lot width# required by the applicable district regulations;

(2) the maximum height of such permitted obstructions for the applicable district:

(i) may be measured from the #reference plane# instead of the level of the adjoining grade or #curb level#, as applicable; or

(ii) for #zoning lots# containing #residences# and a #lot area# greater than or equal to one and one-half acres, may exceed the applicable height limitations, provided that:

(a) such equipment is contained within a #building or other structure# that is located at least 30 feet from any #legally required window#;

(b) any stack associated with heating, ventilation, and air conditioning (HVAC) systems exhausts at a height at least as tall as the tallest #building# containing #residences# on the #zoning lot#; and

(c) such #building or other structure# complies with one point of the streetscape mitigations set forth in Section 64-52 (Ground Floor Level Mitigation Options); and

(3) the maximum area that such equipment may occupy within a required #side yard#, #rear yard# or #rear yard equivalent#, or any #court# containing #legally required windows# need not apply where the height of such obstructions do not exceed the applicable underlying height allowances, as modified by the provisions of paragraph (a)(2)(ii)(a) of this Section.

(b) Berms

In all districts, structural landscaped berms and associated flood gates, including emergency egress systems that are assembled prior to a storm and removed thereafter, shall be permitted obstructions in any required #open space#, #yard# or #rear yard equivalent# on the #zoning lot#, provided that the height of such berm does not exceed the highest #flood-resistant construction elevation# required on the #zoning lot#, or five feet above the lowest adjoining grade, whichever is higher.

(c) Flood control devices

In all districts, temporary flood control devices and associated permanent fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and #rear yard equivalents#, #courts#, #open space#, #public plazas#, #arcades#, pedestrian circulation spaces and all other publicly accessible open spaces. However, permanent fixtures for self-standing flood control devices installed in #publicly accessible open areas#, #arcades#, and pedestrian circulation spaces shall be flush-to-grade.

(d) Steps

In all #Residence Districts#, the provisions of paragraph (h) of Section 23-312 (Additional permitted obstructions generally permitted in all yards) shall be modified to allow steps within a required #yard# or #rear yard equivalent#, provided that such steps access any #story# located at or below the #first story above the flood elevation#.

64-32 - Special Bulk Regulations for Flood-resistant Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may apply to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#. For such #zoning lots#, the underlying #bulk# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-321 - Measurement of height for flood-resistant buildings

LAST AMENDED
5/12/2021

In all districts, as an alternative to measuring heights from #base plane#, #curb level#, or other applicable datum, all height measurements in #flood zones#, including the number of #stories# permitted, as applicable, may be measured from the #reference plane#, except as follows:

(a) any minimum base height requirements shall continue to be measured from the #base plane#; and

(b) the provisions of this Section shall not apply:

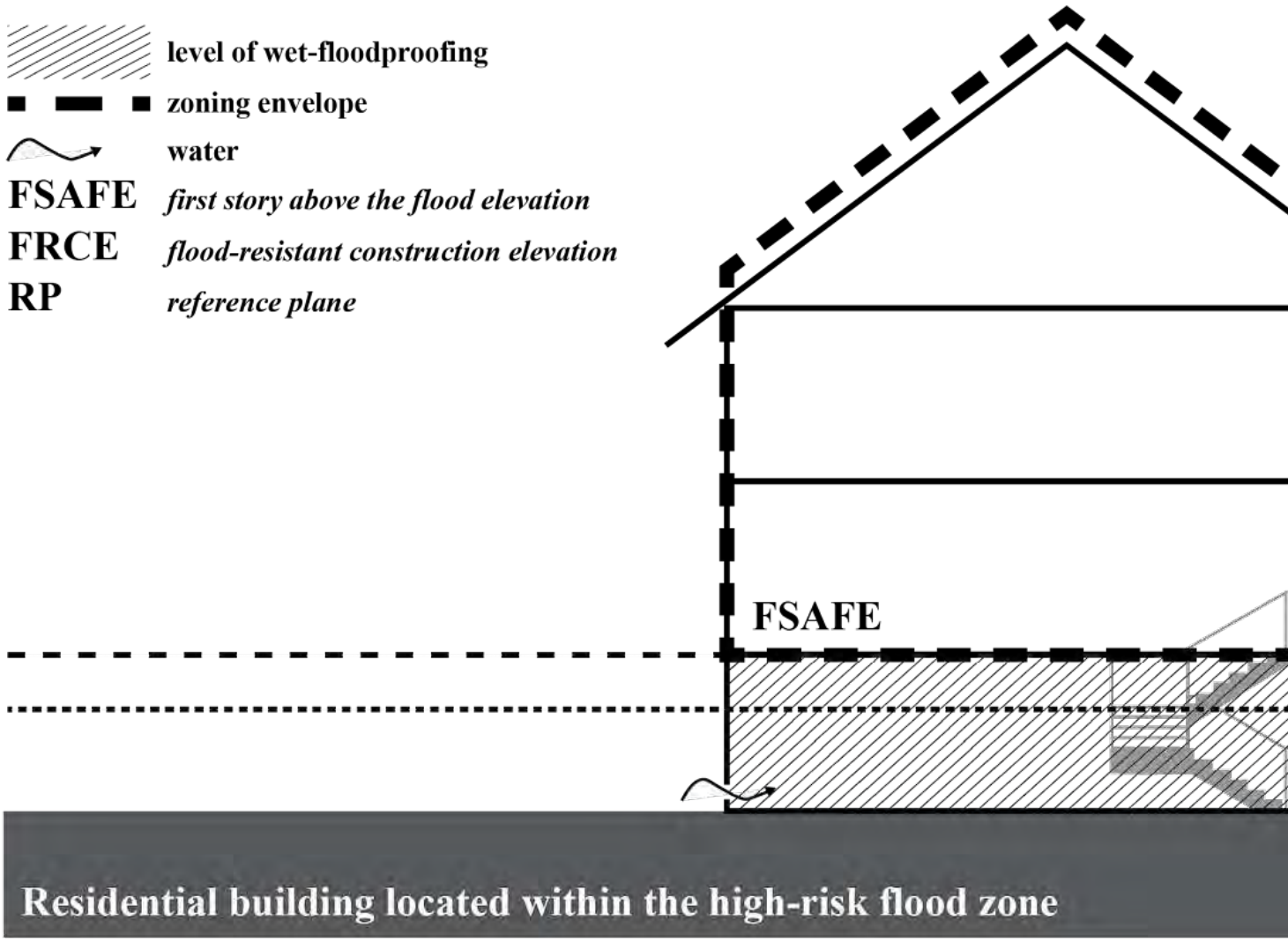
(1) to fences or other structures that are not #buildings#; and

(2) to #buildings# that are #accessory# to #single-# or #two-family residences#, except when mechanical equipment is located within such #building#.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of the optional height regulations available to #zoning lots# in #flood zones#. Specially, the examples illustrate how the defined terms #reference plane#, from which height is measured, relates to the #flood-resistant construction elevation# and the #first story above the flood elevation#. All terms are defined in Section 64-11 (Definitions).

EXAMPLE 1



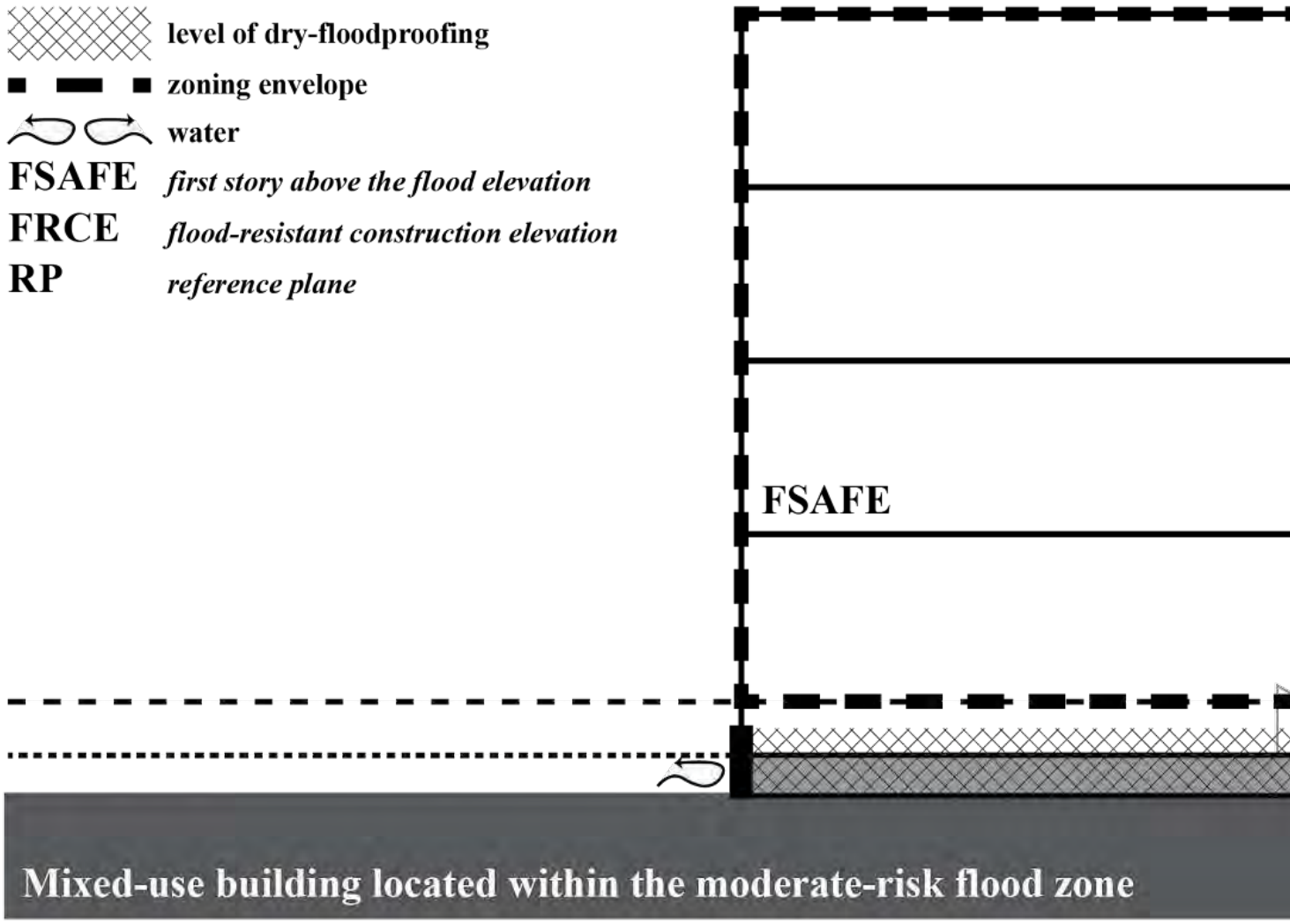
A #zoning lot# located within the #high-risk flood zone# has a #flood-resistant construction elevation# (as defined in Section 64-11) that equates to being located six feet above grade (for illustrative purposes). The owner of a #single-family# #detached# #residence# would like to elevate the first habitable floor three feet above the #flood-resistant construction elevation# and wet-floodproof the ground floor up to that same level (nine feet above grade) to account for sea level rise projections.

Pursuant to Section 64-321, height measurements in #flood zones#, including height and setback regulations, may start from the #reference plane#, allowing the owner the necessary flexibility to address long-term climate change. For #zoning lots# located within the #high-risk flood zone#, the

#reference plane#, may be established at any level between the #flood-resistant construction elevation# and a height of 10 feet above the #base plane# or #curb level#, as applicable. (Where the #flood-resistant construction elevation# exceeds 10 feet, the #reference plane# may still be established at the #flood-resistant construction elevation#, but that is not the case here.) While there is a level of flexibility built into the #reference plane# definition, the #reference plane# itself must also be located at or below the #first story above flood elevation#.

Considering the owner of such #single-family# #detached# #residence# is proposing to wet-floodproof the ground floor up to nine feet above grade, the #first story above flood elevation# becomes the finished floor level of the first #story# located at or above nine feet, which is, in this case, the second #story#. Therefore, the #reference plane# was able to be situated at that same level (nine feet above grade), but not higher.

EXAMPLE 2



A #zoning lot# located within the #moderate-risk flood zone# has a #flood-resistant construction elevation# (as defined in Section 64-11) of two feet above the lowest grade adjacent to the #building or other structure#. The owner of a #mixed building# that was flooded during Hurricane Sandy, would like to proactively comply with #flood-resistant construction standards# to be better prepared in the event of a future storm. To realize that, the owner decided to elevate the ground floor with a #commercial# #use# to the #flood-resistant construction elevation#, and dry-floodproof one foot above that for extra safety.

Pursuant to Section 64-321, height measurements in #flood zones#, including height and setback regulations, may start from the #reference plane#, allowing the owner the necessary flexibility to address long-term climate change. For #zoning lots# located within the #moderate-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of five feet above the #base plane# or #curb level#, as applicable. While there is a level of flexibility built within the #reference plane# definition, the #reference plane# must also be located at or below the #first story above flood elevation#.

Considering that the owner of such #mixed building# is proposing to elevate and dry-floodproof the ground floor up to three feet above grade, the #first story above flood elevation# becomes the finished floor level of the first #story# located at or above three feet, which is, in this case, the second #story#. Therefore, the #reference plane# was able to be situated at five feet above the #base plane# or #curb level#, as applicable.

64-322 - Special floor area modifications for flood-resistant buildings

LAST AMENDED
12/5/2024

For all #flood-resistant buildings#, the definition of #floor area# may be modified in accordance with the provisions of this Section.

(a) Entryways

In all districts, for #buildings# other than #residential buildings# with enclosed entryways below the #first story above the flood elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the #first story above the flood elevation# and the level of the adjoining sidewalk, provided such floor

space complies with the #flood-resistant construction standards# for dry-flood-proofing up to the #flood-resistant construction elevation# or higher. However, no more than a maximum of 500 square feet may be excluded from the definition of #floor area# for each entryway.

Such exempted floor space shall be considered #floor area# for the purposes of satisfying other ground floor #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for #floor area# at the ground floor.

(b) Flood-proofed ground floors

(1) For #buildings# along #primary frontages#, or portions thereof, as defined in Section 64-11, floor space located below the #first story above the flood elevation# and within 30 feet of the #street wall# along such #primary frontage# may be excluded from the calculation of #floor area#, provided that:

(i) such floor space complies with the #flood-resistant construction standards# for dry-flood-proofing up to the #flood-resistant construction elevation# or higher;

(ii) the level of the finished floor of such floor space is located no more than two feet above nor two feet below #curb level#;

(iii) such floor space shall be limited to non-#residential uses# other than #accessory# parking or #public parking garages# and subject to the minimum depth requirements set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses);

(iv) #ground floor level# #street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements); and

(v) for #developments#, the level of the #first story above the flood elevation# is 13 feet or more above the level of the adjoining sidewalk.

However, such floor space shall be considered #floor area# for the purposes of satisfying other ground floor #use# regulations of this Resolution, including, but not limited to, limitations on #floor area# for certain #uses#, parking wrap and screening requirements, and requirements for non-#residential# #floor area# at the ground floor.

(2) In all districts, floor space located below the #first story above the flood elevation# may be excluded from the calculation of #floor area# provided such floor space complies with the #flood-resistant construction standards# for wet-flood-proofing up to the #flood-resistant construction elevation# or higher.

(c) #Floor area# for existing #buildings#

For #zoning lots# containing #buildings# existing prior to May 12, 2021, as an alternative to the #floor area# regulations of this Chapter, the amount of #floor area# allocated to a #basement# or #cellar# in such existing #building# may be determined in accordance with how those terms were defined prior to May 12, 2021.

64-323 - Special regulations for required yards and open spaces for zoning lots with flood-resistant buildings

LAST AMENDED
12/5/2024

For #zoning lots# with #flood-resistant buildings#, the regulations for #yards# and #open space# shall be modified in accordance with the provisions of this Section.

(a) Level of required yards

In all districts, the underlying #yard# regulations shall be modified to allow the level of a #yard# or a #rear yard equivalent# to be located higher than #curb level#, provided that it does not exceed the #flood-resistant construction elevation#, and the level set forth by the following regulations:

(1) in #Residence Districts#, the final grade of #front yards# and #side yards# shall not penetrate a plane that begins three feet above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2 feet 6 inches of horizontal distance;

(2) in #Commercial# and in #Manufacturing Districts#, for portions of #zoning lots# where Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) apply, the level of #front yards# and #side yards# may be permitted to exceed #curb level# only pursuant to paragraph (a)(1) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces below grade on all sides in a manner inconsistent with #flood-resistant construction standards#.

(b) Permitted obstructions

(1) Covered porches, balconies, and covered access areas

In all districts, a porch or access area covered by a roof or other permanent structure shall be permitted obstructions in any required #open space# or #yard# on the #zoning lot#. Where permanent structures such as balconies are located directly above a porch or access area, such balconies may exceed the width and depth standards of Section 23-62 (Balconies).

(2) Retaining walls

In #Residence Districts#, retaining walls shall be permitted in #front yards# and #side yards# provided any retaining wall parallel to, or within 15 degrees of being parallel to, the #street# shall not exceed a maximum height of three feet, as measured from the level of the adjoining grade or planted area below such wall, so that no more than three feet of such retaining wall is visible from the #street#; and

(3) Fences

In #Residence Districts#, portions of fences located in #front yards# with height greater than four feet above #curb level# shall be required to be no more than 50 percent opaque.

(c) Front yard planting requirement

In R1 through R5 Districts, where the distance between the #street wall# and the #street line# is 10 feet or less, or for #zoning lots# with #front yards# that are shallower than the minimum required pursuant to the applicable district regulations, stairs, ramps or lifts that access the #first story above the flood elevation# shall be exempted from the area of a #front yard# for the purpose of calculating the planting requirements of Section 23-613 (Front Yard Planting

Requirements).

64-324 - Street wall location for flood-resistant buildings

LAST AMENDED
12/5/2024

For all #buildings#, where the #street wall# location regulations of this Resolution require the #street wall# to be located within eight feet of the #street line#, such regulations may be modified to accommodate exterior stairs and ramps for access to the #building#, to comply with the requirements of Section 64-50 (STREETSCAPE REGULATIONS), or to provide temporary flood control devices and associated fixtures, as follows:

(a) no #street wall# need be located closer to the #street line# than eight feet;

(b) for #buildings# on #zoning lots# with a #lot width# greater than or equal to 50 feet, up to 50 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court# and the height of such recess shall not be less than the height of the first #story# located completely above the level of the adjoining grade; and

(c) for #buildings# on #zoning lots# with a #lot width# of less than 50 feet:

(1) for the first #story# above the #flood-resistant construction elevation#, or #reference plane#, as applicable, and any #street wall# below such first #story#, the #aggregate width of street wall# may be located anywhere; and

(2) for the remaining #aggregate width of street walls# above such #stories#, up to 50 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

For all #buildings# where the aggregate width of exterior stairs, ramps, or elevated platforms in front of a #street wall# exceeds 70 percent or more along the ground floor of the #street wall#, such stairs, ramps, or elevated platforms shall be screened by living plant material or by the provisions of paragraph (b)(1) of Section 64-521 (Options available for all buildings).

64-33 - Special Bulk Regulations for Cottage Envelope Buildings

LAST AMENDED
12/5/2024

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may be applied to #zoning lots# with #cottage envelope buildings#. For such #zoning lots#, the underlying #bulk# regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-331 - Special regulations for required yards and courts on zoning lots with cottage envelope buildings

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, for #zoning lots# containing #cottage envelope buildings#, the following #yard# and #court# regulations may be modified in accordance with the provisions of this Section.

(a) Lot Coverage

In R1-2A, R2A, R3-1, R3-2, R4, R4-1, and R4A Districts, the #lot coverage# regulations need not apply. In lieu thereof, the #yard# requirements of this Section shall apply.

(b) Front Yards

For the purpose of this Section, the area between the #street line# and the #street wall line# of adjacent #buildings# containing #residences# on the same or adjoining #zoning lots# fronting on the same #street# shall be considered adjacent #front yards#.

Where an adjacent #front yard# is shallower than the minimum required pursuant to the applicable district regulations, then the #front yard# of the #zoning lot# containing #cottage envelope buildings# may be as shallow as the shallowest adjacent #front yard#.

(c) Corner Lots

Where a #corner lot# has a #lot area# equal to or less than 3,000 square feet, only one #front yard# need be provided, and the remaining #front lot line# may be treated as a #side lot line#.

64-332 - Height and setback regulations for cottage envelope buildings

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, all #cottage envelope buildings# shall be subject to the height and setback provisions set forth in Section 23-421 (Basic pitched-roof envelopes for certain districts), except that, for the purposes of this Section, attic space providing structural headroom of less than eight feet shall not be considered a #story#.

64-40 - SPECIAL PARKING REGULATIONS

LAST AMENDED
5/12/2021

The underlying parking regulations of this Resolution may be modified in accordance with the provisions of this Section inclusive. The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#.

The provisions of Section 64-41 (Special Parking Regulations for All Buildings), inclusive, may be applied to #zoning lots# regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

The provisions of Section 64-42 (Special Parking Regulations for Flood-resistant Buildings), inclusive, may be applied to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#.

64-41 - Special Parking Regulations for All Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may apply to #zoning lots# regardless of whether #buildings or other structures# comply with #flood-resistant construction standards#. For such #zoning lots#, the underlying parking regulations shall apply, except where permitted to be modified by this Section, inclusive.

64-411 - For residential buildings with below-grade parking

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where existing below-grade off-street parking facilities within #residential buildings# are eliminated and, in compliance with #flood-resistant construction standards#, are filled in, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared driveway along a common #side lot line#, and such relocated parking spaces need not comply with the underlying parking location, curb cut spacing or permitted obstruction regulations that limit parking, provided that:

(a) no more than two parking spaces may be located in tandem (one behind the other);

(b) each relocated parking space shall have a dimension that conforms with the minimums set forth in Section 25-62 (Size and Location of Spaces); and

(c) where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to

comply, or increase compliance, with the provisions of Section 23-613 (Front yard planting requirements) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

Notwithstanding the modifications above, no modification to the maximum number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut, shall be permitted.

In the event that there is no way to arrange relocated required parking spaces on the #zoning lot# in compliance with the provisions of this Section, given that #buildings# existing on May 12, 2021, will remain, the Commissioner of Buildings may waive the requirement for such spaces.

64-412 - Surfacing

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, Section 25-64 (Surfacing) may be modified to allow dustless gravel on all open off-street parking spaces and on portions of driveways beyond the #front lot line# that access #single-# or #two-family residences# on a #zoning lot#.

64-42 - Special Parking Regulations for Flood-resistant Buildings

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and are only applicable to #zoning lots# located wholly or partially within #flood zones#. The provisions of this Section, inclusive, may apply to

#zoning lots# containing #flood-resistant buildings#.

64-421 - Parking modifications

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to #zoning lots# containing #single-# or #two-family residences#. For such #zoning lots#, where off-street parking spaces are provided, the underlying parking regulations may be modified as follows:

(a) the regulations governing parking location, curb cut location, or permitted obstruction that limit parking need not apply, provided that all parking spaces are either located beneath the #first story above the flood elevation# within #buildings# or driveways directly in front of a garage opening. Such spaces shall have a dimension that conforms with the minimums set forth in Section 25-62 (Size and Location of Spaces). However, within #lower density growth management areas# the provisions of paragraph (c) of Section 25-632 (Driveway and curb cut regulations in lower density growth management areas) shall continue to apply; and

(b) the underlying curb cut spacing regulations for #zoning lots# existing on May 12, 2021, with a frontage of less than 35 feet along a #street# need not apply, provided that at least four feet of curb space is provided between a new curb cut and an existing curb cut on the same or an adjacent #zoning lot#.

Notwithstanding the modifications above, no modification to the maximum number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut, shall be permitted.

All #zoning lots# utilizing this Section shall comply with the provisions of Section 23-613 (Front yard planting requirements) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

64-50 - STREETSCAPE REGULATIONS

LAST AMENDED
6/6/2024

The provisions of this Section, inclusive, shall apply to #zoning lots# containing #flood-resistant buildings#, as set forth in paragraphs (b) and (c) of Section 64-12 (Applicability), that have a #street wall# within 50 feet of the #street line# in #Residence Districts#, #Commercial Districts# and M1 Districts. However, the provisions shall not apply to such #buildings# containing #uses# predominantly listed under Use Groups IV(B), IX(B) or X.

All #buildings# shall provide streetscape mitigation elements in the categories of access or ground floor level, in order to achieve the total points required in the following table. The total points required varies based upon the level of the #first story above the flood elevation#, as measured from #curb level#. The individual mitigation options are set forth in Sections 64-51 (Building Access Mitigation Options) and 64-52 (Ground Floor Level Mitigation Options). Cells marked with an “x” designate mandatory categories to fulfill at least one point out of the total points requirement.

The points awarded for compliance with each individual mitigation are set forth in parentheses after the title to each paragraph describing a mitigation element.

For #corner lots#, the total points requirement set forth in this Section shall apply separately along each #street frontage# except where the #street wall# width along one of the #street frontages# is 25 feet or less, the requirements need only apply to one frontage.

Where #zoning lots# are required to provide streetscape elements in accordance with other provisions of this Resolution, such elements may also be utilized towards meeting the requirements of this Section, provided that such elements comply with the applicable standard herein.

In addition, all #buildings# shall meet the requirements set forth in Section 64-53 (Screening Requirements for Parking Within or Below Buildings) as applicable.

Level of the #first story above the flood elevation#	Streetscape Mitigation Elements		Total Points Required
	Building Access (Section 64-51)	Ground Floor Level (Section 64-52)	
Below five feet or no #first story above the flood elevation#			1
Five feet or above	x	x	3[1,2]

1 #Single-# and #two-family residences# on a #zoning lot# less than 25 feet wide with a #first story above the flood elevation# at five feet or above need only satisfy a total of two points instead of the three points set forth in the above table.

2 If the requirements of this Section apply to only a portion of the #building# with a #first story above the flood elevation# at five feet or above, and such portion of the #building# does not

have a #primary entrance#, the total points required shall be two, and they need only be satisfied through the ground floor level category.

64-51 - Building Access Mitigation Options

LAST AMENDED
5/12/2021

64-511 - Options available for all #buildings#

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Entrance close to grade
(one point)

The #primary entrance# for the principal #use# for the #building# shall be located within two feet of the level of the adjoining sidewalk. However, for #mixed buildings# in #Commercial Districts# the #primary entrance# for the non-#residential use# on the ground floor shall be located within two feet of the level of the adjoining sidewalk, regardless of whether it is the principal #use#.

(b) Recessed access
(one point)

Recesses in the #street wall# shall accommodate the #primary entrance# to the #building#, including stairs or ramps to such entrance. However, recesses shall not exceed 50 percent of the #aggregate width of street wall# for the #building#.

(c) Wide stairs
(one point)

The #primary entrance# to a #building# along the #street wall# shall include stairs:

(1) with a minimum width of five feet where the #aggregate width of street walls# of the #building# is less than or equal to 25 feet; and

(2) with a minimum width of eight feet where the #aggregate width of street walls# of the #building# is greater than 25 feet.

In both cases, the run of such stairs shall be oriented perpendicular, or within 15 degrees of being perpendicular, to such #primary entrance# for at least 50 percent of the height of such stairs.

(d) Covered access
(one point)

The #primary entrance# to a #building# shall have a porch or access area covered by a roof or other permanent structure, provided that all structural elements shall have a minimum width or depth of at least three inches. Such roof or other permanent structure shall be located at a

minimum height at least eight feet above the finished floor of the #primary entrance#. In addition, such covering shall have a depth of at least three feet measured perpendicular to the #street wall# and shall extend along at least 50 percent of the #aggregate width of the street wall#.

64-512 - Additional options available for single-family, two-family, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #single-#, #two-#, or three-#family residences#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Porch or landing
(one point)

The #primary entrance# to a building shall have a porch or landing with a depth of at least three feet and a width that is at least 50 percent of the #aggregate width of the street wall#. However, such porch or landing need not exceed a width of 25 feet.

(b) Stair turn or stair landing
(one point)

The #primary entrance# shall be accessed by stairs or ramps that, at a point no higher or lower than two feet from the beginning and end of the stair run, respectively, either change direction in plan or incorporate at least one landing.

64-513 - Additional options available for all buildings except single-, two-family, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings# except #single-#, #two-#, or three-#family residences#. Where provided as a required streetscape mitigation element, the following shall apply:

Multiple entrances
(one point)

Multiple entrances into the #building# shall be provided, with at least one entrance per every 50 linear feet of #street frontage#. Fractions equal to or greater than one-half resulting from this calculation shall be considered one entrance.

64-52 - Ground Floor Level Mitigation Options

LAST AMENDED
5/12/2021

For the purposes of this Section, where there is a reference to a “blank wall,” the following shall apply:

(a) For #manufacturing buildings#, the provisions of Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds) shall apply.

(b) For #commercial buildings#, #community facility buildings# and #mixed buildings#, the provisions of Type 3 blank walls set forth in Section 37-361 shall apply.

(c) For #residential buildings#, the provisions of Type 4 blank walls set forth in Section 37-361 shall apply.

Such blank walls shall be covered by one or more options in Section 37-362 (Mitigation elements) or by options as described in this Section, inclusive. In addition, any surface area of a wall which bounds stairs, ramps, landings, or chair lifts facing a #street# and that exceeds a height and width of four feet shall constitute a blank wall and comply with the standards of Type 3 blank wall. Such blank wall surfaces shall be calculated between the level of the adjoining sidewalk and the level of the #first story above the flood elevation#. In addition, any surface area of a wall which bounds stairs, ramps, landings, or chair lifts facing a #street# and that exceeds a height and width of four feet shall constitute a blank wall and comply with the standards of Type 3 blank wall. Such blank wall surfaces shall be calculated between the level of the adjoining sidewalk and the level of the #first story above the flood elevation#.

64-521 - Options available for all buildings

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #buildings#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Surface treatment
(one point)

Surface treatment shall be provided for blank walls in the form of wall treatment, surface texture, or any combination thereof, pursuant to the provisions set forth in paragraphs (a)(1) or (a)(2) of Section 37-362 (Mitigation elements).

If the level of the #first story above flood elevation# is greater than 10 feet, surface treatment shall only be required to a height of 10 feet above the level of the adjoining sidewalk.

(b) Linear treatment
(one or, where noted, two points)

Linear treatment shall be provided for blank walls in the form of planting, pursuant to the provisions set forth in paragraph (b)(1) of Section 37-362, pursuant to one of the following options below, or any combination thereof. Where the options of this Section are utilized, the percentage requirement associated with the applicable type of blank wall set forth in Section 37-36 (Special Requirements for Blank Walls) shall not apply.

(1) Raised front #yards# and #open space#

For #residential buildings# in #Residence Districts# where the distance between the #street wall# and the #street line# is 10 feet or more, the grade between the #street line# and blank walls, and their prolongations, shall be elevated above the level of the adjoining sidewalk so that the height of such grade that is midway between the #street line# and blank walls and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to 64-40 (SPECIAL PARKING REGULATIONS). The area with final grade above the level of the adjoining sidewalk shall be greater than 30 percent of the total area between the #street line# and blank walls and their prolongations.

Raised front #yards# and #open spaces# shall be planted in accordance with applicable planting requirements in this Resolution.

This option shall satisfy two points if the area with final grade above #curb level# is greater than 50 percent of the total area between the #street line# and blank walls and their prolongations.

(2) Terraced front #yards# and #open spaces#

For #residential buildings# in #Residence Districts#, terraced planting areas shall be provided. The retaining walls of such areas shall not be less than an average height of three feet and exceed an average height of six feet, as measured from the level of the adjoining sidewalk below such wall, and the retaining wall closest to the #street line# shall not exceed a height of three feet. The area with the retaining walls shall be greater than 30 percent of the total area between the #street line# and blank walls and their prolongations. Planting shall also be provided for at least 50 percent of the linear footage above and below the retaining walls, through a combination of perennials, annual flowers, decorative grasses or shrubs.

This option shall satisfy two points if the area with the retaining walls is greater than 50 percent of the total area between the #street line# and blank walls and their prolongations.

64-522 - Additional options available for single-, two-, or three-family residences

LAST AMENDED
5/12/2021

The streetscape mitigations options of this Section may be applied to all #single-#, #two-#, or three-#family residences#. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Transparency
(one point)

Transparent glazing materials shall occupy at least 20 percent of the surface area of the #street wall# of the ground floor, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk.

(b) Additional fenestration
(one point)

In addition to the #primary entrance#, one or more doors, including garage doors, shall be provided.

64-523 - Additional options available for all buildings except single-, two-, or three-family residences

LAST AMENDED
12/5/2024

The streetscape mitigations options of this Section may be applied to all #buildings# except #single-family#, #two-family#, or three-family residences. Where provided as a required streetscape mitigation element, the following shall apply:

(a) Transparency with #use#
(one point)

One or more of the following options may apply:

(1) Lobby
(one point)

In all districts, a lobby that complies with the standards set forth in Section 37-33 (Maximum Width of Certain Uses), shall be provided. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk.

(2) #Community facilities# and #accessory# #residential uses#
(one point)

In all districts, for #buildings# containing #residences# with three or more #dwelling units#, at least 50 percent of the #ground floor level# #street wall# shall be allocated to #accessory# #residential uses# other than #accessory# off-street parking, or #community facilities uses#, including, but not limited to, recreation space or bicycle storage, that extends to a minimum depth of 15 feet from the #street wall#. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of such #uses#, measured between a height of two feet and 10 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Where the spaces for such #uses# need not be fully enclosed, decorative screening or latticework may be substituted for transparent glazing materials.

(3) Non-#residential uses#
(one point)

In #Commercial Districts#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for lobbies and entrances and exits to #accessory# parking spaces provided in accordance with Section 37-33. Ground floor level #street walls# shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements) except that the transparent materials may begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk.

If #group parking facilities# are provided, they shall be wrapped by #floor area#, in accordance with paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements).

(b) Transparency close to grade
(one point)

In all districts, transparent materials provided to satisfy #street wall# transparency requirements shall not begin higher than 2 feet, 6 inches above the level of the adjoining sidewalk. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#.

(c) Linear treatment
(one point)

Linear treatment shall be provided for blank walls in the form of benches, bicycle racks, tables and chairs, or any combination thereof, as set forth in paragraph (b) of Section 37-362 (Mitigation elements).

64-53 - Screening Requirements for Parking Within or Below Buildings

LAST AMENDED
6/6/2024

The provisions of this Section shall apply to all #buildings# other than:

(a) #single# or #two-family residences#; and

(b) #buildings# containing #uses# predominantly listed under Use Group IV(B), IX(B) or X.

Where the #first story above the flood elevation# is five or more feet above #curb level# and the #street wall# of a #building# is within 50 feet of the #street line#, for any level where off-street parking is provided within or below a #building#, such parking shall be either wrapped by #floor area# or screened pursuant to the provisions of Section 37-35 (Parking Wrap and Screening Requirements).

#Buildings# in existence prior to May 12, 2021, shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

64-60 - SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

LAST AMENDED
5/12/2021

The provisions of this Section, inclusive, are optional, and may be applied to #buildings# with #non-conforming# #uses#, or to #non-complying# #buildings or other structures#, as applicable, that are also #flood-resistant buildings#.

64-61 - Special Provisions for Non-conforming Uses

LAST AMENDED
5/12/2021

For all #buildings# with #non-conforming# #uses#, the provisions of Sections 52-20 (REPAIRS OR ALTERATIONS), 52-40 (ENLARGEMENTS OR EXTENSIONS), and 52-50 (DAMAGE OR DESTRUCTION), inclusive, shall be modified to allow a #non-conforming# #use# to be continued, and a #building# with #non-conforming# #uses# to be altered, #enlarged#, relocated or reconstructed to comply with #flood-resistant construction standards#, pursuant to the provisions of this Section, inclusive.

Where a #building# with #non-conforming# #uses# is also #non-complying# with the applicable #bulk# regulations, #non-compliances# may be continued, increased or newly created only in accordance with the provisions of Section 64-612 (Special floor area regulations for buildings with non-conforming uses), Section 64-613 (Special height regulations for buildings with non-conforming uses), and Section 64-614 (Process for establishing non-conforming uses), except that Section 64-622 (Special open area regulations for non-complying buildings) and Section 64-624 (Process for establishing non-compliances) may also apply.

In addition, damage and destruction provisions set forth in Section 64-611 (Special regulations for damage or destruction provisions for buildings with non-conforming uses) shall apply to such #buildings#.

64-611 - Special regulations for damage or destruction provisions for buildings with non-conforming uses

LAST AMENDED

5/12/2021

The provisions set forth in Sections 52-53 (Buildings or Other Structures in All Districts) and 52-54 (Buildings Designed for Residential Use in Residence Districts) shall be modified to allow all #buildings# containing #non-conforming# #uses# to be reconstructed, provided that:

(a) for #non-conforming# #single-# and #two-family residences# in #Residence Districts# and #Commercial Districts#, except C8 Districts, such reconstruction may exceed 75 percent of the total #floor area# of the #building#;

(b) for #non-conforming# #single-# and #two-family residences# in C8 Districts or #Manufacturing Districts#, such reconstruction may exceed 75 percent of the total #floor area# of the #building# provided that 25 percent or more of the aggregate length of the #block# frontage on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility uses#;

(c) for all other #buildings# with #non-conforming# #uses#, the extent of reconstructed #floor area# shall not exceed 75 percent of the total #floor area# of the #building#.

64-612 - Special floor area regulations for buildings with non-conforming uses

LAST AMENDED
5/12/2021

The maximum amount of #non-conforming# #floor area# in the altered, #enlarged#, relocated or reconstructed #building# shall not exceed the amount of #non-conforming# #floor area# existing prior to the alteration or reconstruction work.

64-613 - Special height regulations for buildings with non-conforming uses

LAST AMENDED
5/12/2021

The maximum height of such altered, #enlarged#, relocated or reconstructed #building# with #non-conforming# #uses#, shall not exceed the maximum height permitted by the applicable district regulations, except that for #non-conforming# #residences# in C8 Districts or #Manufacturing Districts#, the maximum height of such altered, #enlarged#, relocated or reconstructed #building#, shall comply with one of the following options:

(a) for #single# or #two-family residences#, a horizontal plane equivalent to a height of 35 feet, and for #buildings# other than #single-# or #two-family residences#, the applicable #sky exposure plane# for the district; or

(b) for all #residences# a horizontal plane equivalent to the pre-existing height of such #building#, as measured from the top of the #lowest usable floor#, to the highest point of such pre-existing #building#, as measured from the #reference plane#.

64-614 - Process for establishing non-conforming uses

LAST AMENDED
5/12/2021

For all #buildings# with #non-conforming# #uses# utilizing any of the provisions of this Section, the amount of pre-existing #non-conforming# #floor area# and pre-existing #non-compliances#, as applicable, shall be based either on construction documents for such #building# that were previously approved by the Department of Buildings at the time of construction, #enlargement#, or subsequent alteration, as applicable, of the #building# or, where an approved set of construction documents does

not exist for such #building#, an as-built drawing set completed by a professional engineer or architect. The Department of Buildings may request additional information to substantiate proof of #non-conformances# and #non-compliances#, as applicable. Verification by the Department of Buildings of such documentation shall be a pre-condition prior to any demolition for reconstruction work, or alteration permit issued by the Department of Buildings for a #zoning lot# altering or reconstructing #buildings# with #non-conforming# #uses# and #non-compliances#, as applicable, pursuant to the provisions of this Section.

64-62 - Special Provisions for Non-complying Buildings

LAST AMENDED
5/12/2021

For all #non-complying# #buildings or other structures#, the provisions of Sections 54-20 (REPAIRS OR ALTERATIONS), 54-30 (ENLARGEMENTS OR CONVERSIONS), and 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), inclusive, shall be modified to allow a #non-compliance# to be continued, and such #non-complying# #building or other structure# to be altered, #enlarged#, relocated or reconstructed to comply with #flood-resistant construction standards#, subject to the permitted thresholds of Sections 54-41 (Permitted Reconstruction) and 54-42 (Use of Alternate Formula), and the provisions of this Section.

In addition, such altered, #enlarged#, relocated or reconstructed #building or other structure# may create a new #non-compliance# with, or increase the degree of existing #non-compliance# with the applicable #bulk# regulations for the district, subject to the applicable provisions of this Section, inclusive.

64-621 - Special floor area regulations for non-complying buildings

LAST AMENDED
5/12/2021

For #buildings# with #non-complying# #floor area#, the maximum amount of #floor area# in the altered, #enlarged#, relocated or reconstructed #building# shall not exceed the amount of pre-existing #floor area#, nor shall it exceed the maximum #floor area# permitted by the applicable district regulations by more than 20 percent. In addition, subsequent to such alteration, #enlargement#, relocation or reconstruction, no #extension# or change of #use# may create a new #non-compliance# or increase the degree of existing #non-compliance# with #floor area#.

64-622 - Special open area regulations for non-complying buildings

LAST AMENDED
12/5/2024

The following provisions may apply to #non-complying# #buildings or other structures#.

(a) Relocation allowances

#Non-complying# #buildings or other structures# may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with #yards#, #open space#, #open space ratio#, #lot coverage#, #courts#, minimum distances between two or more #buildings#, or minimum distances between #legally required windows# and walls or #lot lines#, in order to relocate or alter the footprint of the #building#, provided that:

(1) the resulting #lot coverage# shall be less than or equal to that of the pre-existing #building or other structure# as it existed prior to the alteration, #enlargement#, relocation or reconstruction work or the amount permitted by the district, as applicable, whichever is greater, except that, where the provisions of paragraph (b) of this Section are utilized, the #first story above the flood elevation# and any #stories# below, may be exempted from such calculation;

(2) a new or increased #non-compliance# into an open area shall not exceed a horizontal distance of five feet, as measured perpendicular to the outermost edge of the #non-complying# #building or other structure#, as it existed prior to the alteration, #enlargement#, relocation or reconstruction work, except that such limitation shall not apply:

(i) where the pre-existing #building or other structure# is located either partially or entirely seaward of the #shoreline#, and such #building or other structure# will be altered, #enlarged#, relocated or reconstructed to be repositioned landward of the #shoreline# on the same #zoning lot#; or

(ii) where additional distance is necessary to accommodate access, including stairs, ramps or lifts in a required #yard#, provided that any additional encroachment is limited to the depth of such access;

(3) any new or increased #non-compliance# shall not result in an open area of:

(i) less than five feet between the wall of a #building or other structure# and a #rear lot line#;

(ii) less than three feet between the wall of a #building or other structure# and a #front lot line#, in districts with #front yard# requirements; and

(iii) three feet between the wall of a #building or other structure# and a #side lot line# for #detached buildings# in districts that do not allow #zero lot line buildings#; and

(4) the height of #buildings or other structures# within #non-complying# #yards# or #open space#, as measured from the #reference plane#, shall not exceed the height set forth in paragraph (a) of Section 64-623 (Special height regulations for non-complying buildings).

(b) Allowances for horizontal expansions

The #first story above the flood elevation# and #stories# located below such #story#, may create a new #non-compliance# with, or increase the degree of existing #non-compliance# with the applicable #rear yards#, #open space#, #open space ratio#, or #lot coverage# regulations for the district, provided that:

(1) the increased #lot coverage# does not exceed an additional 20 percent of such #lot coverage# permitted by Section 23-361 (Maximum lot coverage in R1 through R5 Districts);

(2) for #single-# or #two-family residences#, the encroachment into a #rear yard# does not result in a #rear yard# with a depth of less than 10 feet; and

(3) in all districts, the encroachment into a required open area does not exceed a height of 15 feet, as measured from the #first story above the flood elevation#.

Nothing in this Section shall affect the permitted obstruction allowances set forth by the district regulations.

64-623 - Special height regulations for non-complying buildings

LAST AMENDED
12/5/2024

For #buildings or other structures# that are #non-complying# with the applicable district height and setback regulations, the maximum height of such altered, #enlarged#, relocated or reconstructed #building or other structure#, shall not exceed the height permitted pursuant to either paragraph (a) or (b) of this Section, as applicable. An alteration, #enlargement#, relocation or reconstruction pursuant to this Section may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with height and setback regulations, and may continue or increase a #non-compliance# with other #bulk# regulations associated with such #non-complying# height, subject to the limitations of this Section. All permitted obstruction) allowances shall be measured with respect to the modified envelopes of this Section.

(a) For pre-existing #buildings or other structures# that do not exceed the overall permitted height

Where the height of a pre-existing #building or other structure# does not exceed the overall height permitted by the applicable district regulations, as measured from the top of the #lowest usable floor# to the highest point of such pre-existing #building#, the height of such altered, #enlarged#, relocated or reconstructed #building or other structure# shall not exceed:

(1) the applicable #sky exposure plane#, for #buildings# governed by #sky exposure planes# as measured from the #reference plane#; or

(2) a horizontal plane equivalent to the maximum #building# height permitted by the applicable district for all other #buildings# as measured from the #reference plane#.

(b) For pre-existing #buildings or other structures# that exceed the overall permitted height

Where the height of a pre-existing #building or other structure# exceeds the overall height permitted by the applicable district regulations, as measured from the top of the #lowest usable floor# to the highest point of such pre-existing #building#:

(1) the height of such altered, #enlarged#, relocated or reconstructed #building or other structure# as measured from the #reference plane# shall not exceed a horizontal plane equivalent to the pre-existing height of such #building#, as measured from the top of the #lowest usable floor#, to the highest point of such pre-existing #building#, provided also that such height shall not exceed the overall height permitted by the applicable district regulations by 10 percent, or 10 feet, whichever is less; and

(2) for #buildings# or other #structures# subject to the regulations of Section 23-421 (Basic pitched-roof envelopes for certain districts), where the degree of the alteration or reconstruction exceeds 75 percent of the #floor area#, the height of a perimeter wall of such altered, #enlarged#, relocated or reconstructed #building or other structure# as measured from the #reference plane# shall not exceed the higher of the maximum perimeter wall height for the district, or the pre-existing height of such perimeter wall, as measured from the top of the #lowest usable floor# to the highest point in such pre-existing #building# before setback.

However, the height allowances of this Section shall not apply to #single# or #two-family residences# that are not #non-complying# with #floor area# requirements, or where the provisions of paragraph (b) of Section 64-622 (Special open area regulations for non-complying buildings) are utilized.

64-624 - Process for establishing non-compliances

LAST AMENDED
5/12/2021

For all #non-complying# #buildings or other structures# utilizing any of the provisions of this Section, the amount of pre-existing #non-compliances# shall be based either on the construction documents of such #building or other structure# previously approved by the Department of Buildings at the time of construction, #enlargement#, or subsequent alteration of such #building or other structure#, as applicable, or, where an approved set of construction documents does not exist for such #building or other structure#, an as-built drawing set completed by a professional engineer or architect. The Department of Buildings may request additional information to substantiate proof of #non-compliances#. Verification by the Department of Buildings of such documentation shall be a pre-condition prior to any demolition for reconstruction work, or alteration permit issued by the Department of Buildings for a #zoning lot# altering or reconstructing #non-compliances# pursuant to the provisions of this Section.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Special Regulations Applying in Designated Recovery Areas

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Chapter 5 - Special Regulations Applying in Designated Recovery Areas

65-00 - GENERAL PROVISIONS

LAST AMENDED
5/12/2021

The provisions of this Resolution shall apply as modified by this Chapter and by the special regulations set forth herein. The provisions of this Chapter establish optional special regulations which are designed to facilitate, on a temporary basis, the recovery of areas impacted by a severe disaster and in so doing promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

(a) to expedite the recovery of neighborhoods that have experienced physical or non-physical impacts from a severe disaster;

(b) to enable the reconstruction and alteration of buildings damaged by a severe disaster, by removing disincentives; and

(c) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

65-01 - Applicability of Article VI, Chapter 5

LAST AMENDED

The provisions of this Chapter shall apply based on the type of impacts caused by each #severe disaster#, and such applicability shall be determined at the time such provisions are added to the Chapter's applicability. #Designated recovery areas# shall be determined based on the extent of the impacts caused by the #severe disaster# and recovery plans, as applicable. For each of the #designated recovery areas#, applicable recovery provisions will be set forth in this Chapter based on the type of impacts caused by the #severe disaster#. The #designated recovery areas# shall be listed in Appendix A of this Chapter, and the applicable time duration shall be set forth in the following table.

#Designated Recovery Area# Number and #severe disaster#	Effective Date	Applicable Sections							
		65-11	65-12	65-13	65-21	65-31	65-41	65-42	64-51
1: COVID-19	May 12, 2021		x	x					

* Such time duration limitation may be modified by the specific provision located in this Chapter

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

65-10 - SPECIAL TIME-BASED PROVISIONS

LAST AMENDED
5/12/2021

The modifications to time limits associated with this Resolution and set forth in this Section, inclusive, may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-11 - Vesting Provisions

LAST AMENDED
5/12/2021

In all districts, the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), inclusive, and any other provision that requires a building permit to be submitted, or a particular amount of construction to be completed within a certain timeframe, shall be suspended. Subsequent to the expiration of the applicable time duration as set forth in Section 65-01 (Applicability of Article VI, Chapter 5), the time period established by the applicable provisions of this Resolution shall be resumed, and the remaining time associated with submitting a building permit, or completing a particular amount of construction shall be the amount existing prior to the #severe disaster#.

65-12 - Authorizations or Special Permits Granted by the City Planning Commission

LAST AMENDED
5/12/2021

In all districts, for special permits or authorizations granted by the City Planning Commission where substantial construction has not taken place and such approval would lapse after a total of 10 years within the applicable time duration set forth in Section 65-01 (Applicability of Article VI, Chapter 5), the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit) shall be modified to allow the renewal of such authorization or special permit without public hearing, for one additional three-year term, provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed. An application for a renewal of authorization or special permit shall be filed with the Commission before it lapses.

65-13 - Discontinuance Provisions

LAST AMENDED
5/12/2021

In all districts, where a #non-conforming# #use# has been discontinued, the time limits associated with restoring active operations of such #use# to retain its #non-conforming# status shall be suspended. Subsequent to the expiration of the applicable time duration as set forth in Section 65-01 (Applicability of Article VI, Chapter 5), the time period established by the applicable provisions of this Resolution shall be resumed, and the remaining time associated with restoring active operations

shall be the amount existing prior to the #severe disaster#.

65-20 - SPECIAL DAMAGE AND DESTRUCTION PROVISIONS

LAST AMENDED
5/12/2021

The following modifications to damage and destruction provisions associated with this Resolution may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-21 - Reconstruction Provisions

LAST AMENDED
5/12/2021

In all districts, where the provisions of this Section are utilized, the provisions of Article V, Chapters 2 (Non-Conforming Uses) and 4 (Non-Complying Buildings) shall be modified to allow the reconstruction of #buildings or other structures# containing #non-conforming# #uses# and #non-complying# #buildings or other structures#, that were damaged due to the effects of the #severe disaster#, as follows:

(a) Section 52-53 (Buildings or Other Structures in All Districts), inclusive, shall be modified to allow the reconstruction of a #non-conforming# #use# where a #building or other structure# containing such #use# is damaged to the extent of 50 percent or more due to the effects of a #severe disaster#. In addition, for the purpose of this paragraph, the provisions of Section 52-

60 (DISCONTINUANCE) shall not apply to such damaged #building or other structure# with #non-conforming# #uses#; and

(b) Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall be modified to allow the reconstruction of a #non-complying# #building or other structure# where such #building or other structure# is damaged to the extent of 75 percent or more due to the effects of a #severe disaster#.

For the purpose of applying waterfront and parking regulations, #buildings# reconstructed pursuant to this Section shall not be considered #developments# or #enlargements#.

65-30 - SPECIAL USE REGULATIONS

LAST AMENDED
5/12/2021

The following modifications to #use# regulations set forth in this Section, inclusive, may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-31 - Temporary Uses

LAST AMENDED
5/12/2021

In all districts, where the provisions of this Section are utilized, the #use# provisions of this Resolution, including any supplemental use regulations and provisions regulating size limitations, change of #non-conforming# #uses#, #enlargement# or #extension# of #non-conforming# #uses#, shall be modified to allow a temporary #non-conforming# #use# to be created, and a #non-conforming use# to be #enlarged# or #extended#, on a temporary basis, to aid in the immediate restoration and recovery of an area adversely impacted by a #severe disaster#.

The creation of a new #non-conforming# #use# shall be subject to the following limitations:

#Severe Disaster#	District	Use Group of permitted new #non-conformance#	Time Duration (if different from Section 65-01)

Subsequent to the expiration of the applicable time duration as set forth in this Section, any #non-conforming# #use# that was created, or any portion of a #non-conforming# #use# that was #enlarged# or #extended# on a #zoning lot#, shall be terminated and, thereafter, such #zoning lot# shall be restored to its pre-existing degree of #non-conformity#, or used only for a conforming #use#.

65-40 - SPECIAL BULK REGULATIONS

LAST AMENDED

5/12/2021

The following modifications to #bulk# regulations set forth in this Section, inclusive, may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-41 - Reconstruction and Alteration of Disaster-Damaged Buildings

LAST AMENDED
5/12/2021

In all districts, where the provisions of this Section are utilized, the #bulk# provisions of this Resolution, and the provisions regulating the reconstruction, #enlargement# and alteration of #buildings# with #non-conforming# #uses# and #non-complying# #buildings or other structures# shall be modified to allow the reconstruction, #enlargement#, relocation and alteration of #buildings or other structures# that were damaged due to the effects of the #severe disaster#, including #non-conformances# to be continued, and #non-compliances# to be created, continued, or increased, provided the #building or other structure# is subject to the following provisions, as applicable:

(a) Floor area

The maximum amount of #floor area# shall not exceed the amount of pre-existing #floor area# as it existed prior to the reconstruction, #enlargement#, relocation or alteration work or the amount permitted by the district, whichever is greater. Furthermore, no #extension# or change of #use# may create a new #non-conformance# or a new #non-compliance#, or increase the degree of existing #non-conformance# or #non-compliance# with #floor area#.

(b) Building footprint

The resulting #lot coverage# shall be less than or equal to that of the pre-existing #building or other structure# as it existed prior to the reconstruction, #enlargement#, relocation or alteration work or the amount permitted by the district, as applicable, whichever is greater. Furthermore, a #building or other structure# may continue an existing #non-compliance#, increase the degree of an existing #non-compliance#, or create a new #non-compliance# with respect to open areas required through regulations for #yards#, #open space#, #open space ratio#, #lot coverage#, #courts#, and minimum distance between #buildings#, in order to relocate or alter the footprint of the #building or other structure#, provided that:

(1) a new or increased #non-compliance# into an open area shall not exceed a horizontal distance of five feet, as measured perpendicular to the outermost edge of the #non-complying# #building or other structure#, as it existed prior to the reconstruction, #enlargement#, relocation or alteration work; and

(2) any new or increased #non-compliance# shall not result in an open area of:

(i) less than five feet between the wall of a #building or other structure# and a #rear lot line#;

(ii) less than three feet between the wall of a #building or other structure# and a #front lot line#, in districts with #front yard# requirements; and

(iii) less than three feet between the wall of a #building or other structure# and a #side lot line# for #detached buildings# in districts that do not allow #zero lot line buildings#.

Nothing in this Section shall affect the permitted obstruction allowances set forth by the district regulations.

(c) Building height

The resulting height and setback may continue an existing #non-compliance#, provided that the height of such reconstructed, #enlarged#, relocated or altered #building or other structure# as measured from #curb level#, #base plane# or other applicable underlying datum, does not exceed the pre-existing height of such #building#, as measured from the top of the lowest floor that contains #floor area#, to the highest point of such pre-existing #building#. All permitted obstruction allowances shall be measured with respect to the modified height and setback regulations set forth in this Section.

For the purpose of applying waterfront and parking regulations, #buildings or other structures# reconstructed pursuant to this Section shall not be considered #developments# or #enlargements#.

65-42 - Properties with Disaster-Damaged Buildings

LAST AMENDED
5/12/2021

In all districts, the definition of #zoning lot# set forth in Section 12-10 (DEFINITIONS) may be modified to allow a tax lot containing one or more #buildings# that were damaged by the #severe disaster#, or where a #building# or #buildings# that were damaged by the #severe disaster# occupied more than one tax lot on the date of the #severe disaster#, to be provisionally considered a #zoning lot# for the sole purpose of demonstrating compliance with the #bulk# requirements of this Resolution, including the provisions of Section 65-31 (Reconstruction and Alteration of Disaster-Damaged Buildings), as applicable.

65-50 - SPECIAL DOCUMENTATION PROVISIONS

LAST AMENDED
5/12/2021

The following modifications to documentation procedures may be applied to #zoning lots# within #designated recovery areas#, as set forth in Section 65-01 (Applicability of Article VI, Chapter 5).

65-51 - Documentation Provisions

LAST AMENDED
5/12/2021

For #buildings or other structures# that were damaged due to the effects of the #severe disaster# and do not have a certificate of occupancy, construction documents, or other lawful documentation filed with the Department of Buildings indicating the existence of such #building or other structure# prior to the #severe disaster# and the presence and extent of #non-conforming# #uses# or #non-compliances# as to #bulk#, as applicable, in order to receive a building permit to reconstruct, #enlarge#, relocate or alter #buildings or other structures# pursuant to the provisions of this Resolution, inclusive of this Chapter, the Commissioner of Buildings may determine alternate and appropriate documentation necessary to substantiate proof of such #non-conformances# or #non-compliances#, as applicable.

Appendix A - Designated Recovery Areas

LAST AMENDED5/12/2021

The boundaries of each #designated recovery area# are described in this Appendix, and are subject to the temporary provisions of this Chapter, as specified in Section 65-01 (Applicability of Article VI, Chapter 5).

Designated Recovery Area 1: COVID-19 (5/12/21)

The #designated recovery area 1# shall include all #zoning lots# located within the City of New York.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Regulations Applying Around Mass Transit Stations

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Chapter 6 - Special Regulations Applying Around Mass Transit Stations

66-00 - GENERAL PURPOSES

LAST AMENDED
10/7/2021

The provisions of this Chapter establish special regulations which are designed to support and facilitate transit accessibility and improvements in conjunction with developments and enlargements near transit stations, and in doing so, promote and protect public health, safety, general welfare and amenity. The general goals of this Chapter include, among others, the following purposes:

(a) to support the long-term planning needs of mass transit stations and systemwide accessibility;

(b) to reduce pedestrian congestion on city streets in the vicinity of transportation nodes, by facilitating the provision of easements and moving transit station entrance infrastructure off the sidewalk;

(c) to offset potential burdens of such easement on development feasibility by providing zoning flexibility where easements are provided;

(d) to encourage well-designed development and pedestrian environment, including enhanced pedestrian circulation, around mass transit stations;

(e) to coordinate the present and future relationship of land uses around transit stations; and

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

66-10 - GENERAL PROVISIONS

LAST AMENDED
10/7/2021

66-11 - Definitions

LAST AMENDED
8/14/2025

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Above-grade mass transit station

For the purposes of this Chapter, an "above-grade mass transit station" shall refer to a #mass transit station# with a platform that is located entirely above five feet from #curb level#.

At or below-grade mass transit station

For the purposes of this Chapter, an "at- or below-grade mass transit station" shall refer to a #mass transit station# that is not an #above-grade mass transit stations#.

Central Business Districts

For the purposes of this Chapter, "Central Business Districts" shall refer to #Special Midtown District#, #Special Hudson Yards District#, #Special Lower Manhattan District#, #Special Downtown Brooklyn District#, #Special Long Island City Mixed Use District# or #Special Midtown South Mixed Use District#.

Clear path

For the purposes of this Chapter, a "clear path" shall refer to an unobstructed area between the #street line# and #street wall# that:

(a) directly #abuts# an adjoining public sidewalk; and

(b) extends along the #street line# for a distance equal to the width of an existing or planned access point to a #mass transit station# facing such #transit-adjacent site#, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All #clear paths# shall be accessible to the public at all times.

Easement volume

For the purposes of this Chapter, an "easement volume" shall refer to an area of the #zoning lot# used to accommodate either:

(a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or

(b) ancillary facilities that are needed to support transit system functionality.

Eligible zoning districts

For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

(a) R5D through R12 Districts or #Commercial Districts# mapped within, or with a #residential equivalent# of such districts;

(b) C7 or C8 Districts;

(c) M1 Districts paired with a #Residence District#; or

(d) #Manufacturing Districts#.

Mass transit station

For the purposes of this Chapter, “mass transit station” shall refer to any subway or rail #mass transit station# operated by a #transit agency#. Such #mass transit stations# shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are currently closed but could be reopened and that have previously been open to the public.

Primary transit-adjacent sites

For the purposes of this Chapter, “primary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of 5,000 square feet or more.

Qualifying transit improvement sites

For the purposes of this Chapter, "qualifying transit improvement sites" shall refer to #zoning lots# that are:

(a) located in one of the following zoning districts:

(1) R9 through R12 Districts;

(2) #Commercial Districts# mapped within, or with an equivalent of an R9 through R12 District, or C7-6, C7-7, C7-8 or C7-9 Districts;

(3) M1 Districts paired with an R9 through R12 District; or

(4) M1-6, M1-7A, M1-8A or M1-9A Districts; and

(b) located wholly or partially within 500 feet of a #mass transit station# or, where both the #zoning lot# and #mass transit station# are located in #Central Business Districts#, within 1,500 feet of a #mass transit station#.

Such distance shall be measured from the outermost extent of the #mass transit station#. For the purposes of such calculation, the outermost extent may include #buildings# containing #easement volumes# serving such #mass transit station#.

Secondary transit-adjacent sites

For the purposes of this Chapter, "secondary transit-adjacent sites" shall refer to #transit-adjacent sites# that have a #lot area# of less than 5,000 square feet.

Transit agency

For the purposes of this Chapter, a “transit agency” shall refer to any governmental agency with jurisdiction over the affected #mass transit station#.

Transit-adjacent sites

For the purposes of this Chapter, “transit-adjacent sites” shall refer to #zoning lots# that are located within 50 feet of a #mass transit station# and located in:

(a) #eligible zoning districts#;

(b) #qualifying residential sites#; or

(c) #large sites# located in R1 through R5 Districts or in #Commercial Districts# mapped within, or with a #residential equivalent# of, such districts.

#Transit-adjacent sites# include #primary transit-adjacent sites# and #secondary transit-adjacent sites#.

Transit volume

For the purposes of this Chapter, a “transit volume” shall refer to an area of a #transit-adjacent site# where, pursuant to the provisions of this Chapter, a #transit agency# has determined transit or pedestrian circulation improvements are needed for a #mass transit station#. Such #transit volume# may be used to accommodate #easement volumes# or #clear paths#.

66-12 - Applicability

LAST AMENDED
10/7/2021

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

66-121 - General applicability

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply to #transit-adjacent sites# or #qualifying transit improvement sites#, as follows:

(a) For #transit-adjacent sites#

(1) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, shall apply to all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#.

(2) The provisions of Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), inclusive, include optional provisions available to #developments# and #enlargements# on #secondary transit-adjacent sites#, #conversions# on #transit-adjacent sites#.

(3) The provisions of Section 66-40 (CONSTRUCTION, MAINTENANCE AND ADDITIONAL PROVISIONS), inclusive, shall apply to all #transit-adjacent sites# providing an #easement volume# pursuant to Section 66-20 or Section 66-30.

(b) For #qualifying transit improvement sites#

The provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements) shall be optional for #qualifying transit improvement sites#.

66-122 - Limitations on applicability in certain areas

LAST AMENDED
10/7/2021

The provisions of this Chapter shall not apply as follows:

(a) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) and Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), shall not apply to the following areas within Special Purpose District:

(1) all subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;

(2) #qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or

(3) the #Special Transit Land Use District#.

(b) The provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements) shall not apply:

(1) to the following areas within Special Purpose Districts:

(i) all subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;

(ii) the Court Square Subdistrict within #Special Long Island Mixed Use District#; or

(iii) #qualifying sites# in the East Midtown Subdistrict within the #Special Midtown District#, as defined in Section 81-613 (Definitions); or

(2) to the 34th Street - Hudson Yards Station.

66-123 - Other limitations on applicability

LAST AMENDED
10/7/2021

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. In addition, the following special vesting provisions shall apply:

(a) Inapplicability of easement provisions for vested sites and previously approved easements

The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), shall not apply to:

(1) #developments# or #enlargements# on the lowest #story# of a #building# on #zoning lots# with an easement created pursuant to the provisions of this Resolution on or before October 7, 2021, where such easement is providing transit station access infrastructure or ancillary facilities; or

(2) #developments# or #enlargements# on the lowest #story# of a #building# if, on or before October 7, 2021:

(i) an application has been filed with the Department of Buildings, and if, on or before October 7, 2021, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development# or #enlargement#. The application may be revised and retain vested status, provided that the #lot coverage# for the #development# or #enlargement# is not increased beyond the amount described in the approved application;

(ii) an application for a special permit or variance has either been approved or is pending before the Board of Standards and Appeals;

(iii) an authorization or special permit from the City Planning Commission has either been approved, certified or referred; or

(iv) an application for a Certificate of Appropriateness or other permits has either been approved or is pending before the Landmarks Preservation Commission.

Subsequent to October 7, 2021, such applications for #developments# or #enlargements# may be continued, and, if approved, construction may be started or continued pursuant to the provisions in effect prior to October 7, 2021.

(b) Applicability of bonus provisions to previously filed special permits applications

If, before October 7, 2021, an application for a special permit for a #floor area# bonus for subway station improvements has been referred for public review by the City Planning Commission pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), as such Section existed prior to October 7, 2021, such application may continue pursuant to the regulations in effect at the time such special permit was referred for public review by the Commission. Such special permit, if granted by the Commission, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was referred by the Commission.

66-20 - SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES

LAST AMENDED
10/7/2021

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination, or certification, where applicable, for a #transit volume# shall be obtained pursuant to Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-22 (Special Use Regulations), 66-23 (Special Bulk Regulations), 66-24 (Special Regulations for Accessory Off-street Parking), and 66-25 (Special Streetscape Regulations) respectively. Separate applicability is set forth within such Sections for #primary transit-adjacent sites# with #easement volumes# and for those with #clear paths#.

66-21 - Determination and Certification for Transit Volumes

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination by the #transit agency# as to whether a #transit volume# is needed on the #zoning lot# shall be obtained pursuant to the provisions of this Section prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit. An initial determination by the #transit agency# shall be made in accordance with paragraph (a) of this Section. Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of this Section, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c).

(a) Initial determination

The owner of the #zoning lot# shall request a determination by the #transit agency# as to whether or not a #transit volume# is needed on the portion of the #zoning lot# not otherwise occupied by existing #buildings# that will remain. Within 30 days of receipt of such request, the #transit agency# shall issue a determination, indicating whether or not a #transit volume# is needed on such portion of the #zoning lot#. Failure by the #transit agency# to issue the determination within the 30-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

Where the #transit agency# determines a #transit volume# is needed on the #zoning lot#, the provisions of paragraphs (b) and (c) of this Section shall apply. Where the #transit agency# determines a #transit volume# is not needed, a building permit may be issued for such #development# or #enlargement#, and no remaining provisions of this Section shall apply.

(b) Determination of easement dimensions and location

Where a #transit volume# is needed, as determined pursuant to the provisions of paragraph (a) of this Section, the #transit agency# shall, within 30 days, determine the appropriate type, dimensions and general location of the #transit volume# on the #zoning lot# based on a concept plan for the use of such volume. Prior to the 30-day period, the #transit agency# may request relevant materials from the owner of the #zoning lot#, including existing and proposed site conditions, or other necessary information that will support the planning of such #transit volume#.

After the size and general location of the #transit volume# has been determined by the #transit agency#, the owner shall submit for approval by the #transit agency# a site plan showing a proposed specific location of the #transit volume# that would be compatible with the proposed #development# or #enlargement# on the #zoning lot#. The #transit agency# shall, within 30 days of its receipt, either approve the site plan, or request modifications to the #transit volume# within the site plan in a manner that aligns with the concept plan. Upon such request, the owner shall submit a revised site plan, and within 15 days of its receipt, the #transit agency# shall confirm that the requested modifications have been addressed. In the event that such requested modifications have not been sufficiently addressed, subsequent revisions to the site plan may be requested by the #transit agency#, and each submission shall have a 15-day review period from the #transit agency#.

Upon approval of the site plan by the #transit agency#, such site plan shall be certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section prior to the issuance of a building permit by the Department of Buildings for such #development# or #enlargement#. Notwithstanding the above, a building permit may be issued for a #development# or #enlargement#:

(1) where the size of the proposed #transit volume# exceeds 25 percent of the width of any #street# frontage on the #zoning lot#, as measured along the #street line#; or

(2) where the number of days associated with the determination and review periods by the #transit agency# exceeds any of the limits set forth in this paragraph, or a total review period of 120 days. The total review period shall only be inclusive of the duration of the #transit agency's# determination and review periods set forth in both paragraphs (a) and (b) of this Section.

(c) Chairperson certification

Upon approval of the site plan by the #transit agency#, a legally enforceable instrument, running with the land and setting forth the dimensions and location of a #transit volume#, shall be executed and recorded in a form acceptable to the #transit agency# and Chairperson of the City Planning Commission. The Chairperson shall be provided with a certified copy of the legally enforceable instrument, and upon receipt, shall certify the application and forward copies of such certification to the Commissioner of the Department of Buildings. Such certification shall be a precondition for the utilization of the remaining provisions of Section 66-20, inclusive, in any #development# or #enlargement# on a #zoning lot# where a #transit volume# is needed.

Where an #easement volume# is needed on the #zoning lot# pursuant to paragraph (a) and (b) of this Section, additional requirements setting forth the construction, maintenance and other obligations shall apply pursuant to the provisions of Section 66-41 (Construction, Maintenance and Other Obligations).

No temporary or final certificate of occupancy for the #development# or #enlargement# shall be granted until the Chairperson of the City Planning Commission notifies the Department of Buildings that the execution and recordation of other basic terms of the #easement volume#

setting forth the obligations and requirements of either the #transit agency# or the owner and developer, their successors and assigns, inclusive of the requirements set forth in Section 66-41, have been completed.

66-22 - Special Use Regulations

LAST AMENDED
10/7/2021

Where an #easement volume# is provided, the applicable #use# regulations of this Resolution shall be modified in accordance with the provisions of Sections 62-221 (Temporary uses) and 62-222 (Special use allowances around easement volumes).

66-221 - Temporary uses

LAST AMENDED
6/6/2024

Any space within an #easement volume# may be temporarily allocated to the following #uses# until such time as the space is needed by the #transit agency#:

(a) in all districts, #uses# listed under Use Group III(B), as permitted by the underlying district;

(b) in #Residence Districts#, #uses# listed under Use Group VI; or

(c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

The floor space allocated to such temporary #uses# within the #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

Improvements to, or construction of a temporary nature within the #easement volume# for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the #easement volume# is located prior to the time at which public #use# of the easement area is needed, except as otherwise specified by the #transit agency#. A minimum notice of 12 months shall be given, in writing, by the #transit agency# to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.

66-222 - Special use allowances around easement volumes

LAST AMENDED
6/6/2024

In all #Residence Districts#, #uses# listed under Use Group VI shall be permitted within a distance of 30 feet from the outermost edge of the #easement volume#:

(a) at the ground floor level of a #building# on a #zoning lots# with an #easement volume# serving an #at- or below-grade mass transit station#, or

(b) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

Such #uses# may be permitted so long as that in #buildings# that include #residential uses#, such #uses# are located in a portion of the #building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building#, and that such #uses# are not located directly over any #story# containing #dwelling units#.

66-23 - Special Bulk Regulations

LAST AMENDED
10/7/2021

Where an #easement volume# is provided, the applicable #bulk# regulations of this Resolution shall be modified in accordance with the provisions of this Section. Where a #clear path# is provided, only the #street wall# provisions of Section 66-233 (Special street wall modifications) shall apply.

66-231 - Special floor area modifications

LAST AMENDED
10/7/2021

The #floor area# modifications of this Section shall apply as follows:

(a) #Floor area# exemption

The floor space contained within any #easement volume# shall be excluded from the definition of #floor area#.

(b) #Commercial# #floor area# in #Residence Districts#

Where special #use# allowances pursuant to paragraph (a) of Section 66-222 (Special use allowances around easement volumes) are permitted in #Residence Districts#, the maximum permitted #commercial floor area# shall be equivalent to the area permitted for #commercial

uses# pursuant to such Section.

66-232 - Special open space, lot coverage and yard modifications

LAST AMENDED
12/5/2024

The #open space#, #lot coverage# and #yard# modifications of this Section shall apply as follows.

(a) Permitted obstructions

(1) #Easement volumes# in all zoning districts

Any portion of an #easement volume# shall be considered a permitted obstruction within a required #open space#, #yards#, #rear yard equivalent#, or #court# pursuant to the regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 20 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Non-residential uses in #Commercial# or #Manufacturing Districts#

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level#, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences

or rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

(b) Special #lot coverage# modifications in certain districts

The underlying #lot coverage# provisions shall apply except any #easement volume#, or portion thereof, that is open to the sky shall not be included in #lot coverage#.

66-233 - Special street wall modifications

LAST AMENDED
6/6/2024

The #street wall# modifications of this Section shall apply to districts with #street wall# requirements.

(a) #Street wall# location where an #easement volume# is provided

The applicable #street wall# location provisions shall be modified pursuant to this paragraph.

(1) For all #zoning lots#, any portion of the #easement volume# facing the #street#, as well as any portion of a #building# behind or above such #easement volume# shall not be subject to #street wall# location provisions along the #street# frontage the #easement volume# is located.

(2) Where an #easement volume# is located wholly beyond 50 feet of the intersection of two #street lines#, #street walls# within 15 feet of an #easement volume#, as measured along the #street line# may be recessed, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, on #corner lots#, where an #easement volume# is placed partially or wholly within 50 feet of the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines drawn perpendicular to such #street lines# within 15 feet from the edges of such #easement volume#. For #corner lots# with an angle of 75 degrees or less, such distance may be increased to 20 feet.

(b) #Street wall# location where a #clear path# is provided

Where a #clear path# is provided, the interior boundary of such #clear path# shall be considered a #street line# for the purposes of applying the applicable #street wall# location requirements.

66-234 - Special height and setback modifications

LAST AMENDED
12/5/2024

The height and setback modifications of this Section shall apply as follows:

(a) Permitted obstructions

Any portion of an #easement volume# shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum #building# height, or #sky exposure plane# set forth in height and setback regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 20 feet from any #legally required window# at the same level on the #zoning lot#.

(b) Special height provisions

Where maximum #building# height limitations apply, the maximum #building# height shall be increased by 10 feet, or one #story#, whichever is less.

However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R12 Districts, #Commercial Districts# mapped within or with a #residential equivalent# of such districts, M1 Districts paired with such districts, or any other #Commercial# or #Manufacturing District# with a maximum #building# height limitation, the maximum #building# height shall be increased by 20 feet or two #stories#, whichever is less.

66-24 - Special Regulations for Accessory Off-street Parking

LAST AMENDED
12/5/2024

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

(a) Parking space deduction

For all applicable #zoning lots#, 15 spaces may be deducted from the total number of required #accessory# off-street parking spaces. Where #accessory# off-street parking spaces are required by multiple #uses# on a #zoning lot#, such deduction may apply to any required #accessory# off-street parking spaces provided that in no event shall the aggregate total of such deduction exceed 15 spaces. Any allowances for reductions or waivers of #accessory# off-street parking spaces set forth in underlying district regulations or Special Purpose Districts, shall continue to apply.

(b) Special waiver of requirements for small #zoning lots#

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

District	**Lot Area (in square feet)**
R1 R2 R3 R4 R5 C1-1 C2-1 C3 C4-1 C1-2 C2-2 C4-2 C8-1 C1-3 C2-3 C4-2A C4-3 C8-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	10,000 or less

R6 R7 R8 R9 R10 R11 R12 C1-4 C2-4 C4-4 C4-5D C8-3 C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C7 C8-4 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 #Manufacturing Districts# with an A suffix	15,000 or less

(c) Waiver of requirements where access would be forbidden

The location and size of the #transit volume#, along with an area within 30 feet thereof, shall be considered for the purposes of applying waiver provisions of Sections 25-34, 36-24, 36-33 or 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden).

66-25 - Special Streetscape Regulations

LAST AMENDED
12/5/2024

Where an #easement volume# is provided, the underlying ground floor level and planting requirements shall be modified in accordance with Sections 66-251 (Ground floor level requirements) and 66-252 (Planting requirements).

66-251 - Ground floor level requirements

LAST AMENDED
12/5/2024

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

66-252 - Planting requirements

LAST AMENDED
12/5/2024

Planting requirements shall be modified as follows:

(a) In R1 through R5 Districts, where planting strips are required along the entire length of the curb of the #street# pursuant to Section 23-612 (Planting Strips in Residence Districts), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#; and

(b) In all #Residence Districts#, the #easement volume# shall be discounted from the area of the #zoning lot# between the #street line# and all #street walls# for the purposes of applying the planting requirement of Section 23-613 (Front Yard Planting Requirements).

66-26 - Additional Modifications

LAST AMENDED
10/7/2021

Where a #transit volume# is provided pursuant to Section 66-21 (Determination and Certification for Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, pursuant to Section 66-52 (Additional Modifications).

66-30 - SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES

LAST AMENDED
10/7/2021

For all #secondary transit-adjacent sites#, the provisions of this Section are optional. On such sites, an optional #transit volume# may be provided in accordance with a determination by the #transit agency# and certification by the Chairperson of the City Planning Commission pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes). Where a #transit volume# is provided, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-32 (Special Modifications for Secondary Transit-adjacent Sites).

66-31 - Determination and Certification for Optional Transit Volumes

LAST AMENDED
10/7/2021

For all #developments# and #enlargements# on #secondary transit-adjacent sites# and #conversions# on all #transit-adjacent sites# seeking to provide a #transit volume#, an initial determination by the #transit agency# shall be made in accordance with the provisions of paragraph (a) of Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of Section 66-21, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of such Section.

66-32 - Special Modifications for Secondary Transit-adjacent Sites

LAST AMENDED
12/5/2024

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), special #use#, #bulk#, parking, and streetscape regulations may be applied as follows:

(a) For all #developments# or #enlargements# on #secondary transit-adjacent sites#, the modifications set forth in Sections 66-22 through 66-25 shall apply as if such #development# or #enlargement# was on a #primary transit-adjacent site#.

(b) For #conversions# on all #transit-adjacent sites#, the following modifications shall apply as if such #conversion# was on a #primary transit-adjacent site#:

(1) #Use# modifications pursuant to Section 66-221 (Temporary uses);

(2) #Bulk# modifications pursuant to Section 66-231 (Special floor area modifications), paragraph (a)(1) of Section 66-232 (Special open space, lot coverage and yard modifications), Section 66-233 (Special street wall modifications), and paragraph (a) of Section 66-234 (Special height and setback modifications);

(3) Waiver provisions for required parking pursuant to paragraph (c) of Section 66-24 (Special Regulations for Accessory Off-street Parking); and

(4) Streetscape modifications pursuant to Section 66-25 (Special Streetscape Regulations).

66-33 - Additional Modifications

LAST AMENDED
10/7/2021

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in this Section, pursuant to Section 66-52 (Additional Modifications).

66-40 - CONSTRUCTION, MAINTENANCE, AND ADDITIONAL PROVISIONS

LAST AMENDED
10/7/2021

Where an #easement volume# is provided pursuant to Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) or Section 66-30 (SPECIAL PROVISIONS FORSECONDARY TRANSIT-ADJACENT SITES) the provisions of this Section, inclusive, shall apply. Where a #clear path# is provided pursuant to the aforementioned Sections, the provisions of Section 66-42 (Termination of a Transit Volume) shall also apply.

66-41 - Construction, Maintenance and Other Obligations

LAST AMENDED
10/7/2021

Where an #easement volume# is provided pursuant to this Chapter, transit access improvements within such volume shall be constructed and maintained either by the #transit agency# or the owner of the #zoning lot# with the #development#, #enlargement# or #conversion#.

(a) Where such transit access improvement is constructed and maintained by the #transit agency#:

(1) the owner of #zoning lot# with the #development#, #enlargement# or #conversion# shall provide an #easement volume# that is designed and constructed in such a manner that would not inhibit the #transit agency's# functional requirements and ability to construct such transit access improvement at a future date;

(2) in the event that the construction of the improvement is not contemporaneous with the construction of the #development#, #enlargement# or #conversion#, any underground walls constructed along the #front lot line# adjacent to an #at- or below-grade mass transit station# shall include one or more knockout panels, below #curb level# down to the bottom of the #easement volume#. The actual location and size of such knockout panels shall be determined through consultation with the #transit

agency#;

(3) temporary construction access shall be granted to the #transit agency# on portions of the #zoning lot# outside of the #easement volume#, as needed, to enable construction within and connection to the #easement volume#; and

(4) in the event that the #transit agency# has approved of obstructions associated with the #development#, #enlargement# or #conversion# within the #easement volume#, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the #easement volume#.

(b) Where such transit access improvement is constructed and maintained by the owner of the #development #, #enlargement# or #conversion#:

(1) a transit access improvement shall be provided in accordance with standards set forth by the #transit agency#;

(2) such improvement shall be accessible to the public at all times, except as otherwise approved by the #transit agency#;

(3) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and

(4) no temporary certificate of occupancy shall be granted by the Department of Buildings until the Chairperson of the City Planning Commission, acting in consultation with the #transit agency#, has certified that the improvement is substantially complete and usable by the public.

66-42 - Termination of a Transit Volume

LAST AMENDED
10/7/2021

In the event that the #transit agency# and the Chairperson of the City Planning Commission jointly notify, in writing, the owner of the #zoning lot# and the Department of Buildings that a #transit volume# is not needed on such #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Section shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the #transit agency# to the extinguishment of the #transit volume#.

Where initially determined that an #easement volume# is needed on any #zoning lot# which has been #developed#, #enlarged# or #converted# in accordance with the provisions of this Chapter, where termination of such #easement volume# has been certified pursuant to this paragraph, the #use# provisions of Section 66-221 (Temporary uses) and Section 66-222 (Special use allowances around easement volumes) shall continue to apply to any floor space in a previously needed #easement volume# and around such #easement volume# where special #uses# allowances are permitted in #Residence Districts# pursuant to this Chapter. Additionally, any floor space in a previously needed #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously needed volume is located within a #building#, the ground floor space shall be subject to all applicable ground floor level requirements of this Resolution.

66-43 - Annual Reporting

LAST AMENDED
10/7/2021

The #transit agency# shall submit annually to the Chairperson of the City Planning Commission and to the City Council a report containing an inventory of all #easement volumes# established through the provisions of this Chapter and describing the status of improvements within all such #easement volume#.

66-50 - SPECIAL APPROVALS

LAST AMENDED
10/7/2021

For #qualifying transit improvement sites#, a #floor area# bonus may be granted, either by authorization or special permit, where major #mass transit station# improvements are provided pursuant to Section 66-51 (Additional Floor Area for Mass Transit Improvements).

For all applications pursuant to the provisions of Sections 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) or 66-51, additional modifications may be granted by the City Planning Commission, either by authorization or special permit, pursuant to Section 66-52 (Additional Modifications).

66-51 - Additional Floor Area for Mass Transit Station Improvements

LAST AMENDED
10/7/2021

For #developments# or #enlargements# located on #qualifying transit improvement sites#, the City Planning Commission may grant a #floor area# bonus, by authorization, pursuant to Section 66-511

(Additional floor area for mass transit station improvements by authorization), or by special permit, pursuant to Section 66-512 (Additional floor area for mass transit station improvements by special permit). All such #floor area# bonuses shall comply with the conditions, findings and additional requirements set forth in Section 66-513 (Additional rules and limitations, conditions, findings and requirements).

66-511 - Additional floor area for mass transit station improvements by authorization

LAST AMENDED
10/7/2021

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may grant, by authorization, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent or 200,000 square feet of #floor area#, whichever is less, where a major improvement to a #mass transit station# is provided.

The provisions of Section 66-513 (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the authorization, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

66-512 - Additional floor area for mass transit station improvements by special permit

LAST AMENDED
10/7/2021

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may grant, by special permit, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, without limitation on overall square footage, where a major improvement to a #mass transit station# is provided.

The provisions of Section 66-513 (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the special permit, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

66-513 - Additional rules and limitations, conditions, findings and requirements

LAST AMENDED
8/14/2025

Any authorization or special permit application pursuant to the provisions of Section 66-511 (Additional floor area for mass transit station improvements by authorization) or Section 66-512

(Additional floor area for mass transit station improvements by special permit), respectively, shall be subject to the following provisions.

(a) Additional rules and limitations on bonus #floor area#

The following rules and limitations on bonus #floor area# shall apply in addition to the provisions set forth in Sections 66-511 and 66-512:

(1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#;

(2) The #floor area# bonus may be used in combination with other #floor area# bonuses, provided that the maximum #floor area ratio# permitted through the combination of bonuses does not exceed 20 percent of the maximum #floor area ratio# otherwise permitted on the #zoning lot#. However, such 20 percent limitation shall not apply:

(i) where explicitly stated otherwise in a Special Purpose District; or

(ii) where explicitly stated otherwise in a special permit of the City Planning Commission; and

(3) For #MIH developments# or #UAP developments#, the requirements of Article II, Chapter 7 (Additional Regulations and Administration in Residence Districts) shall not apply to the bonus #floor area# granted under the provisions of this Section.

For the purposes of applying this paragraph to applications seeking an authorization pursuant to Section 66-511 (Additional floor area for mass transit station improvements by authorization), notwithstanding the above allowances, in no event shall the amount of bonus #floor area# exceed 200,000 square feet.

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate #mass transit station#, that shall be characteristic of current best practice in mass transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a #mass transit station# that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the applicable #transit agency# and the City Planning Commission.

(c) Application requirements

All applications shall include the following:

(1) Prior to submitting an application, the applicant shall submit a schematic or concept plan for the proposed improvement to the #transit agency# and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.

(2) At the time of application referral or certification, the Commission shall be provided with the following application materials:

(i) a letter from the #transit agency# containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(3) Where a #transit volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes), the applicant shall provide materials sufficient to demonstrate the relationship between the proposed on-site improvement and such #transit volume#.

(d) Findings

In order to grant such #floor area# bonus, the Commission shall find that:

(1) the public benefit derived from the #mass transit station# improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to the authorization or special permit;

(2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and

(3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements will constitute significant enhancements to the station environment or its function.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

(1) Prior to the granting of such #floor area# bonus, the following requirements shall be met:

(i) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that

such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the #transit agency# stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such

portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

Where an #easement volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes) or Section 66-31 (Determination and Certification for Optional Transit Volumes), the provisions of paragraph (b) of Section 66-41 (Construction, Maintenance and Other Obligations) shall not apply.

66-52 - Additional Modifications

LAST AMENDED
10/7/2021

In conjunction with any application pursuant to Section 66-21 (Determination and Certification for Transit Volumes), 66-31 (Determination and Certification for Optional Transit Volumes) and 66-51 (Additional Floor Area for Mass Transit Station Improvements), modifications may be granted pursuant to Section 66-521 (Authorization for transit-adjacent sites or qualifying transit improvement sites) or Section 66-522 (Special permit for transit-adjacent sites or qualifying transit improvement sites).

66-521 - Authorization for transit-adjacent sites or qualifying transit improvement sites

LAST AMENDED
10/7/2021

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may authorize the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) Conditions and limitations

Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations. Any additional height permitted pursuant to Section 66-234 (Special height and setback modifications) shall not be included in such percentage increase but may be applied in addition to the resulting #building# height limits.

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

(1) such proposed modifications are the minimum extent necessary to:

(i) reasonably accommodate an #easement volume#, including any associated access thereto; or

(ii) where improvements to #mass transit stations# are provided, reasonably accommodate the additional #floor area# granted pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);

(2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;

(3) any modifications to #bulk# regulations will not unduly obstruct access of light and air to surrounding #streets# and properties; and

(4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

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

66-522 - Special permit for transit-adjacent sites or qualifying transit improvement sites

LAST AMENDED
10/7/2021

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the application requirements of paragraph (a) and the findings set forth in paragraph (b) of this Section are met.

(a) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(b) Findings

The Commission shall find that:

(1) such proposed modifications are necessary

(i) to facilitate an #easement volume#, including any associated access thereto; or

(ii) where improvements to #mass transit stations# are provided, to accommodate the additional #floor area# granted pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);

(2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;

(3) any modifications to #bulk# regulations:

(i) will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area; and

(ii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the surrounding area; and

(4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

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

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article VII - Administration

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Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Enforcement, Administration and Amendments

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Chapter 1 - Enforcement, Administration and Amendments

71-00 - ENFORCEMENT AND ADMINISTRATION

LAST AMENDED
12/15/1961

The Commissioner of the Department of Buildings shall administer and enforce this Resolution, except as otherwise specifically provided in the New York City Charter and in this Resolution.

The Department of Environmental Protection shall have exclusive jurisdiction to administer and enforce all provisions of this Resolution relating to air pollution, specifically including the performance standards regulating #smoke#, #dust# and other #particulate matter#, odorous matter, and #toxic or noxious matter# emitted into the atmosphere, in accordance with rules and regulations adopted by the Department of Environmental Protection.

71-10 - PROCEDURE FOR AMENDMENTS

LAST AMENDED
4/30/2012

The City Planning Commission shall adopt resolutions to amend the text of this Resolution or the #zoning maps# incorporated therein, and the City Council shall act upon such amendments, in accordance with the provisions of the New York City Charter.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Interpretations and Variances

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Chapter 2 - Interpretations and Variances

72-00 - POWERS OF THE BOARD OF STANDARDS AND APPEALS

LAST AMENDED
12/15/1961

72-01 - General Provisions

LAST AMENDED
2/2/2011

The Board of Standards and Appeals (referred to hereinafter as the Board) shall have the power, pursuant to the provisions of the New York City Charter and of this Resolution, after public notice and hearing:

(a) to hear and decide appeals from and to review interpretations of this Resolution;

(b) to hear, decide, and determine, in a specific case of practical difficulties or unnecessary hardship, whether to vary the application of the provisions of this Resolution;

(c) to hear and decide applications for such special permits as are set forth in this Resolution and are more specifically enumerated in Section 73-01 (General Provisions);

(d) to adopt, amend, or repeal such rules or regulations as may be necessary to carry into effect the provisions of this Resolution;

(e) to hear and decide applications for such authorizations as are set forth in this Resolution and enumerated in Section 72-30; and

(f) to make such administrative determinations and findings as may be set forth in this Resolution or pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS) or to Section 72-41 (Continuation of Certain Adult Establishments).

(g) to waive #bulk# regulations affected by unimproved #streets# where a #development#, #enlargement# or alteration consists in part of construction within such #streets# and where such #development#, #enlargement# or alteration would be #non-complying# absent such waiver, provided the Board has granted a permit pursuant to Section 35 of the General City Law and has prescribed conditions which require the portion of the #development# or #enlargement# to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution. Such bulk waivers shall only be as necessary to address #non-compliance# resulting from the location of the #development# or #enlargement# within and outside the unimproved #streets#, and the #zoning lot# shall comply to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped. Where such #zoning lots# with #private roads# access fewer than 20 #dwelling units#, such #bulk# waivers may be granted by the Board only where the #zoning lots# are fully compliant with the regulations for #private roads# set forth in Article II, Chapter 6. However, for #zoning lots# with #private roads# that access at least 20 #dwelling units#, or for #zoning lots# with #private roads# that access fewer than 20 #dwelling units# for which a modification or waiver of the requirements for #private roads#, pursuant to Section 26-26, is necessary, such #bulk# waivers shall be permitted only by authorization of the City Planning Commission, pursuant to Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets).

72-10 - APPEALS FOR INTERPRETATION

LAST AMENDED
12/15/1961

72-11 - General Provisions

LAST AMENDED
12/15/1961

The Board of Standards and Appeals shall hear and decide appeals from or may, on its own initiative, review any rule or regulation, order, requirement, decision or determination of the Commissioner of Buildings, of any duly authorized officer of the Department of Buildings, or of the Commissioner of any agency which, under the provisions of the New York City Charter, has jurisdiction over the #use# of land or over the #use# or #bulk# of #buildings or other structures#, subject to the requirements of this Resolution.

On such an appeal or review, the Board may reverse, affirm, in whole or in part, or modify, such rule, regulation, order, requirement, decision or determination and may make such rule, regulation, order, requirement, decision or determination as in its opinion should have been made in the premises in strictly applying and interpreting the provisions of this Resolution, and for such purposes the Board shall have the power of the officer from whose ruling the appeal or review is taken.

However, there shall be no appeal to or review by the Board from an interpretation of this Resolution made by the Board of Environmental Protection of the Department of Environmental Protection, or any other agency for which the New York City Charter establishes a board empowered to adopt rules and regulations for such agency.

72-12 - Street Layout Varying From Maps

LAST AMENDED
12/15/1961

Where the street layout actually on the ground varies from the street layout as shown on the #zoning maps#, the designation as shown on such maps shall be applied by the Board of Standards and Appeals, after public notice and hearing, in such a way as to carry out the intent and purpose of this Resolution.

72-20 - VARIANCES

LAST AMENDED
12/15/1961

72-21 - Findings Required for Variances

LAST AMENDED
2/2/2011

When in the course of enforcement of this Resolution, any officer from whom an appeal may be taken under the provisions of Section 72-11 (General Provisions) has applied or interpreted a provision of this Resolution, and there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such provision, the Board of Standards and Appeals may, in accordance with the requirements set forth in this Section, vary or modify the provision so that the spirit of the law shall be observed, public safety secured and substantial justice done.

Where it is alleged that there are practical difficulties or unnecessary hardship, the Board may grant a variance in the application of the provisions of this Resolution in the specific case, provided that as a condition to the grant of any such variance, the Board shall make each and every one of the following findings:

(a) that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular #zoning lot#; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the #use# or #bulk# provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the #zoning lot# is located;

(b) that because of such physical conditions there is no reasonable possibility that a #development#, #enlargement#, extension, alteration or change of #use# on the #zoning lot# in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; this finding shall not be required for the granting of a variance to a non-profit organization;

(c) that the variance, if granted, will not alter the essential character of the neighborhood or district in which the #zoning lot# is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;

(d) that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a #zoning lot# subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and

(e) that within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.

It shall be a further requirement that the decision or determination of the Board shall set forth each required finding in each specific grant of a variance, and in each denial thereof which of the required findings have not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Board in reaching its decision, including the personal

knowledge of, or inspection by, the members of the Board. Reports of other City agencies made as a result of inquiry by the Board shall not be considered hearsay, but may be considered by the Board as if the data therein contained were secured by personal inspection.

72-22 - Conditions or Restrictions

LAST AMENDED
12/15/1961

The Board of Standards and Appeals may prescribe such conditions or restrictions applying to the grant of a variance as it may deem necessary in the specific case, in order to minimize the adverse effects of such variance upon other property in the neighborhood. Such conditions or restrictions shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

72-23 - Lapse of Variances

LAST AMENDED
7/18/1995

A variance granted under the provisions of this Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such variance was granted, has not been completed within four years from the date of granting such variance by the Board of Standards and Appeals or, if judicial proceedings have been instituted to review the Board's decision to grant any variance, the four-year lapse period shall commence upon the date of entry of the final order in such

proceedings, including appeals.

72-30 - AUTHORIZATIONS

LAST AMENDED
4/9/1981

72-31 - General Provisions

LAST AMENDED
4/9/1981

The Board of Standards and Appeals shall have the power to issue authorizations on such matters as are set forth in this Section. The Board shall hear and decide applications for authorizations in an administrative proceeding in the same manner in which it hears appeals for interpretation pursuant to Section 72-10.

72-40 - AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS

LAST AMENDED
10/31/2001

The Board of Standards and Appeals may permit any #non-conforming# #adult establishment# or any #non-conforming# #sign#, other than #advertising signs#, for an #adult establishment# to continue

for a limited period of time beyond that provided for in Sections 52-734 (Non-conforming signs for adult establishments) or 52-77 (Termination of Adult Establishments), provided that:

(a) an application is made by the owner of such establishment to the Board of Standards and Appeals at least 120 days prior to the date on which such establishment or #sign# must terminate;

(b) the Board shall find, in connection with such establishment or #sign#, that:

(1) the applicant had made, prior to the #non-conformity#, substantial financial expenditures related to the #non-conformity#; and

(2) the applicant has not recovered substantially all of the financial expenditures related to the #non-conformity#; and

(3) the period for which such establishment or #sign# may be permitted to continue is the minimum period sufficient for the applicant to recover substantially all of the financial expenditures incurred related to the #non-conformity#.

For the purpose of this Section, "financial expenditures" shall mean the capital outlay made by the applicant to establish the #adult establishment# or #sign#, exclusive of the fair market value of the #building# in which such #use# or #sign# is located and exclusive of any improvements unrelated to the #non-conforming# #adult establishment# or #non-conforming# #accessory# business #sign# for #adult establishments#.

This Section shall not apply to #commercial# establishments described in Section 72-41 (Continuation of Certain Adult Establishments).

72-41 - Continuation of Certain Adult Establishments

LAST AMENDED

Any #commercial# establishment in existence as of August 8, 2001 which: (i) subsequent to September 18, 1995, and prior to August 8, 2001, made financial expenditures so as to avoid becoming subject to the provisions of Section 32-01 or 42-01 (Special Provisions for Adult Establishments); and (ii) is defined as an #adult establishment# pursuant to the amendments to the definition of #adult establishment# in Section 12-10 adopted on October 31, 2001, shall terminate as an #adult establishment# within one year from October 31, 2001. Notwithstanding the foregoing, the Board of Standards and Appeals may permit such #adult establishment# to continue for a limited period beyond such one year period, provided that:

(a) an application is made by the owner of such establishment to the Board of Standards and Appeals at least 120 days prior to the date on which such establishment must terminate;

(b) the Board shall find, in connection with such establishment, that:

(1) the applicant had made, subsequent to September 18,1995 and prior to August 8, 2001, substantial financial expenditures so as to avoid becoming subject to the provisions of Section 32-01 or 42-01;

(2) the applicant has not recovered substantially all such financial expenditures; and

(3) the period for which such establishment may be permitted to continue is the minimum period sufficient for the applicant to recover substantially all of such financial expenditures.

For purposes of this Section, "financial expenditures" shall mean the following: (i) any capital outlay for improvements made in connection with the configuration or reconfiguration of the amount of #floor area# and #cellar# space within such establishment accessible to customers either: (a) containing books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual matter characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or (b) allocated to one of the activities

described in paragraphs (1)(b), (1)(c) or (1)(d) of the definition of #adult establishment# in Section 12-10; and (ii) any purchases of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual matter, which are not characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

The provisions of Sections 52-77 (Termination of Adult Establishments) and 72-40 (AMORTIZATION OF CERTAIN ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS) shall not apply to #commercial# establishments subject to this Section.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Special Permits by the Board of Standards and Appeals

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Chapter 3 - Special Permits by the Board of Standards and Appeals

73-00 - SPECIAL PERMIT USES AND MODIFICATIONS

LAST AMENDED
12/19/2017

73-01 - General Provisions

LAST AMENDED
4/22/2009

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the Board of Standards and Appeals may, in an appropriate case:

(a) grant special permits for specified #uses# in specific districts (referred to hereinafter as special permit #uses#);

(b) permit specified modifications of the #use# or #bulk# regulations of this Resolution;

(c) permit the renewal of revoked building permits as provided in Sections 11-31 to 11-33, inclusive, relating to Building Permits Issued before Effective Date of Amendment; or

(d) permit the renewal of a variance, exception, or permit issued by the Board prior to December 15, 1961, in accordance with the provisions of Section 11-41 relating to Exceptions, Variances, or Permits Previously Authorized;

provided that, in each specific case, the requirement for findings as set forth in this Chapter (or in the Sections referred to in paragraph (c) or (d) of this Section) shall constitute a condition precedent to the

grant of such special permit, modification, or renewal.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Board as set forth in this Chapter, each such special permit #use# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory# #signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this Resolution, except as otherwise specifically provided in this Chapter or as they may be modified in accordance with paragraph (b) of this Section. In the case of required #accessory# off-street parking, such #use# shall satisfy the requirements specified for such #uses# in Sections 25-31, 36-21 or 44-21 (General Provisions) except that, where no parking requirement is specified therein, such #use# shall satisfy the requirements set forth in this Chapter.

In the #waterfront area#, the powers of the Board to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-131 (Applicability of Article VII, Chapter 3).

73-02 - Further Requirements

LAST AMENDED
12/15/1961

It shall be a further requirement that the decision or determination of the Board of Standards and Appeals shall set forth each required finding in each specific grant of a special permit #use#, modification or renewal and, in each denial thereof, which of the required findings have not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Board in reaching its decision, including the personal knowledge of or inspection by the members of the Board.

73-03 - General Findings Required for All Special Permit Uses and Modifications

LAST AMENDED
6/6/2024

The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit #uses# or modifications of #use#, parking, or #bulk# regulations as specifically provided in this Chapter, provided in each case:

(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use# or modification of #use#, parking or #bulk# regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit #use# or modification of #use#, parking or #bulk# regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit #use# or modification of #use#, parking or #bulk# regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.

(b) In all cases the Board shall deny a special permit whenever such proposed special permit #use# or modification of #use#, parking or #bulk# regulations will interfere with any public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.

(c) When under the applicable findings the Board is required to determine whether the special permit #use# or modification of #use#, parking or #bulk# regulations is appropriately located in relation to the #street# system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit #use# or modification of #use#, parking or #bulk# regulations in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such #street#.

(d) For applications relating to Sections 73-311 (Drive-through facilities), 73-46 (Exceptions to Maximum Size of Accessory Group Parking Facilities) and 73-47 (Roof Parking), the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit #use# or modification of #use#, parking or #bulk# regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.

(e) The following shall apply regarding terms of years for special permits:

(1) For special permit #uses# issued by the Board of Standards and Appeals prior to June 6, 2024, such permit may continue pursuant to the terms established at the time such permit was granted, as applicable.

For special permit #uses# granted after June 6, 2024, except for #uses# in Use Groups III or IV, the Board may issue permits not to exceed 10 years. For a #use# where a special permit has previously been granted, the term may exceed 10 years at the discretion of

the Board.

(2) For other special permits, if a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit #involving a modification of #use#, parking or #bulk# regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit.

(f) Any violation of the terms of a special permit may be grounds for its revocation.

(g) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.

(h) The Board may permit the #enlargement# or #extension# of any existing #use#, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Board shall make all of the required findings applicable to the special permit #use#, except that:

(1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-132 (Colleges or universities); and

(2) in the case of public utility #uses#, the Board may waive all such required findings set forth in Sections 73-14 (Public Service Facilities and Infrastructure), inclusive.

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the existing degree of #non-compliance# with the applicable #bulk# regulations, except as may be permitted in

accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.

73-04 - Conditions and Safeguards

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may prescribe such conditions and safeguards to the grant of special permit (uses) as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards may include, but shall not be limited to, environmental considerations, traffic and parking mitigations, landscaping and buffering measures, hours of operation limitations, safety measures, or programs for continuing maintenance. Such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

73-10 - SPECIAL PERMIT USES

LAST AMENDED
6/6/2024

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-10 to 73-20, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and

safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit special permit #uses# are modified by the provisions of Sections 81-13 (Special Permit Use Modifications) and 81-061 (Applicability of Chapter 3 of Article VII).

Except as permitted pursuant to this Chapter, in R1 through R5 Districts, the following #uses# shall be subject to the height and setback regulations for #community facilities# applicable to an R2 District:

From Use Group V

Overnight camps

From Use Group IV

Public utility or public service facilities

Radio and television towers, non-#accessory#

From Use Group VIII

Outdoor day camps

Riding academies or stables.

73-11 - Agriculture and Open Uses

LAST AMENDED
6/6/2024

73-111 - Outdoor racket courts and skating rinks

LAST AMENDED
6/6/2024

In R1 or R2 Districts, the Board of Standards and Appeals may permit outdoor racket courts or outdoor skating rinks listed under Use Group I, provided that the Board finds that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#.

The Board shall prescribe the following conditions:

(a) that such #use# and any #accessory# facilities affixed to the land are not located closer than 20 feet to any #lot line#; and

(b) that all lighting is directed away from nearby #zoning lots# containing #residences#.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for screening or for landscaping.

73-112 - Sand, gravel or clay pits

LAST AMENDED
6/6/2024

In all districts, the Board of Standards and Appeals may permit the extraction of sand, gravel, or clay listed under Use Group I from a #zoning lot# which is limited in size to a maximum of 50 acres and which is located not less than 1,000 feet from the nearest boundary of any #zoning lot# 10 acres or more in area used for such extraction, provided that the Board finds that such #use# is so located as

not to impair the essential character or the future use or development of the surrounding area, and provided that the following conditions are met:

(a) that the applicant submits a site plan showing the proposed extent and depth of the area to be excavated, together with the certification of the Department of Buildings that the proposed method of operations and the final elevation of the pit will not undermine or cause settlement to nearby #streets#, sewers, #buildings or other structures#, or installations;

(b) that the applicant submits a plan for the rehabilitation of the #zoning lot# to be undertaken after the completion of the excavation operations which is satisfactory to the Board, and posts a bond, in an amount to be determined by the Board, for the performance of such rehabilitation;

(c) that the entire perimeter of the #zoning lot#, except for necessary truck roads, is fenced, including locked gates, so as to prevent children from gaining access to the excavated areas;

(d) that one #accessory# off-street parking space is provided for every 2,000 square feet of #lot area# or for every three employees, whichever shall require a lesser number of spaces;

(e) that the performance standards for M1 Districts shall apply to such operations in all districts other than M2 or M3 Districts, where the applicable performance standards shall govern;

(f) that all drilling, blasting, or excavation operations shall be limited to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.;

(g) that the emission of process dust either from the area of operations or from the excavated materials themselves shall be minimized by frequent watering or by such other means as the Board shall direct;

(h) that the warning notices respecting unlawful entry shall be posted on the fence, and that a watchman shall be stationed on the premises to police the entire area after normal working hours and on weekends and holidays; and

(i) that excavation operations shall be undertaken in such manner as to avoid the creation of undrained pockets and the formation of stagnant pools. When topographical conditions make such compliance impossible, all pools of water resulting from surface drainage shall be sprayed in accordance with the requirements of the Department of Health to eliminate breeding places for mosquitoes or other insects.

The Board may prescribe additional appropriate conditions and safeguards to protect the public health, safety and general welfare during the period between the cessation of operations and the final rehabilitation of the site in accordance with approved plans.

73-12 - Residences

LAST AMENDED
6/6/2024

73-13 - Community Facilities

LAST AMENDED
6/6/2024

73-131 - College or school student dormitories or fraternity or sorority student houses

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may permit college or school student dormitories or fraternity or sorority student houses listed under Use Group III(A) in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# does not exceed the maximum #floor area ratio# for #residential use# as set forth in Section 23-21 (Floor Area Regulations for R1 Through R5 Districts);

(b) that the amount of #open space# and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood;

(c) that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces Below Minimum Number), at least one #accessory# off-street parking space is provided for each six beds; and

(d) that such #use# conforms to all the other applicable Off-street Parking Regulations as set forth in Article II, Chapter 5.

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

73-132 - Colleges or universities

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may permit colleges or universities including professional schools, but excluding business colleges or trade schools, as listed under Use Group III(B), in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#.

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

73-133 - Schools

LAST AMENDED
6/6/2024

In C8 or M1 Districts, the Board of Standards and Appeals may permit #schools# which have no #residential# accommodations except #accessory# accommodations for a caretaker, as listed under Use Group III(B), provided that the following findings are made:

(a) that within the neighborhood to be served by the proposed #school# there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;

(b) that such #school# is located not more than 400 feet from the boundary of a district wherein such #school# is permitted as-of-right;

(c) that an adequate separation from noise, traffic and other adverse effects of the surrounding non-#Residential Districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#; and

(d) that the movement of traffic through the #street# on which the #school# is located can be controlled so as to protect children going to and from the #school#. The Board shall refer the application to the Department of Traffic for its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site.

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

73-134 - Ambulatory diagnostic or treatment health care facilities

LAST AMENDED
6/6/2024

In R3-1, R3A, R3X, R4-1, R4A or R4B Districts, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), limited in each case to a maximum of 10,000 square feet of #floor area#, provided that the Board finds that:

(a) outside of #lower density growth management areas#, the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood; or

(b) in #lower density growth management areas#, such facilities are located on #zoning lots# that comply with the minimum #lot area# and #lot width# regulations of paragraph (b)(1) of Section 24-05 (Buildings containing certain community facility uses).

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

73-135 - Non-commercial clubs

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may permit non-commercial clubs, except swimming pool clubs or clubs with swimming pools located less than 500 feet from any #lot line#, as listed under Use Groups III(A) or III(B), in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;

(c) that such #use# complies with the maximum #floor area ratio# for #residential use# as set forth in Section 23-21 (Floor Area Regulations for R1 Through R5 Districts);

(d) that not more than half the #open space# provided is occupied by driveways, private streets, open #accessory# off-street parking spaces or active outdoor recreation facilities; and

(e) that the amount of #open space# provided 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, including requirements for shielding of floodlights, screening or landscaping.

73-136 - Welfare centers

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may permit welfare centers listed under Use Group III(B) in R1 or R2 Districts, provided that the following findings are made:

(a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and

(b) that such #use# is conveniently accessible to the people it serves.

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

73-14 - Public Service Facilities and Infrastructure

LAST AMENDED
6/6/2024

73-141 - Radio or Television Towers

LAST AMENDED
6/6/2024

In all districts, the Board of Standards and Appeals may permit non-#accessory# radio or television towers listed under Use Group IV(B), provided that it finds that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood.

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

73-142 - Telephone exchanges or other communications equipment structures

LAST AMENDED
6/6/2024

In all #Residence Districts#, the Board of Standards and Appeals may permit telephone exchanges or other communications equipment structures listed under Use Group IV(B), provided that the Board finds that:

(a) such #use# will serve the residential area within which it is proposed to be located; and

(b) there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such #use# shall be landscaped.

73-143 - Electric or gas utility substations

LAST AMENDED
6/6/2024

The Board of Standards and Appeals may permit electric or gas utility substations listed under Use Group IV(B) pursuant to either paragraph (a) or (b) of this Section, as applicable.

(a) In all #Residence Districts#, the Board may permit electric or gas utility substations, limited in each case to a site of between 4,500 square feet and not more than 10,000 square feet, provided that the Board finds that:

(1) such #use# will serve the residential area within which it is proposed to be located; and

(2) there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such substations shall be landscaped and surrounded with fences, barriers, or other safety devices; and that electric utility substations shall meet the performance standards for an M1 District.

(b) In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board may permit electric utility substations (including transformers, switches, or auxiliary apparatus), limited in each case to a site of between 10,000 square feet and not more than 40,000 square feet, provided that the Board finds that:

(1) such #use# will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent, and that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(2) the site for such #use# is so located in #Residence Districts# as to minimize the adverse effects on the integrity of existing and future development, or is so located in

#Commercial Districts# as to minimize the interruption of the continuity of retail frontage;

(3) the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(4) such #use# will conform to the performance standards applicable to M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for screening of apparatus, or for landscaping.

73-144 - Public utility stations or terminal facilities

LAST AMENDED
6/6/2024

In all #Residence Districts#, the Board of Standards and Appeals may permit public utility stations for oil or gas metering or regulating, or terminal facilities located at river crossings for access to electric, gas or steam lines, as listed under Use Group IV(B), provided that the Board finds that the proposed location, design and method of operation will not have a detrimental effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for construction of fences, barriers or other safety devices, or for landscaping.

73-145 - Water pumping stations

LAST AMENDED
6/6/2024

In all #Residence Districts#, the Board of Standards and Appeals may permit potable water pumping stations listed under Use Group IV(B), on sites with a minimum #lot area# of at least 4,500 square feet, provided that the Board finds that:

(a) such #use# will serve the residential area within which it is proposed to be located; and

(b) there are serious difficulties in locating such #use# in a district where it is permitted as of right and from which it could serve the residential area, that make it necessary to locate such #use# within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such pumping stations shall be landscaped and surrounded with fences, barriers, or other safety devices.

73-146 - Public transit or railroad electric substations

LAST AMENDED
6/6/2024

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board of Standards and Appeals may permit public transit or railroad electric substations listed under Use Group IV(B), limited in each case to a site of between 4,500 and not more than 40,000 square feet, and a minimum frontage of 50 feet, provided that the following findings are made:

(a) that such #use# will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent, and that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(b) that the site for such #use# is so located in #Residence Districts# as to minimize the adverse effects on the integrity of existing and future development, or is so located in #Commercial Districts# as to minimize the interruption of the continuity of retail frontage;

(c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(d) that such #use# will conform to the performance standards applicable to M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for screening of apparatus, or for landscaping.

73-147 - Energy infrastructure equipment

LAST AMENDED
6/6/2024

In all #Residence Districts#, the Board of Standards and Appeals may permit #energy infrastructure equipment# listed under Use Group IV(C), without size restriction, provided that the Board finds that:

(a) such #use# will serve the residential area within which it is proposed to be located; and

(b) there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use#

within a #Residence District#.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that such #use# shall be landscaped.

73-15 - Transient Accommodations

LAST AMENDED
6/6/2024

73-151 - Overnight camps

LAST AMENDED
6/6/2024

In all #Residence Districts#, and in C1, C2 or C3 Districts, the Board of Standards and Appeals may permit overnight camps, whether commercial or philanthropic, as listed under Use Group V, provided that the Board finds that such #use# will not cause excessive traffic congestion.

The Board shall prescribe the following conditions:

(a) that a minimum of 150 square feet of #lot area# is provided for each child enrolled in the camp;

(b) that along any #rear# or #side lot lines#, #yards# are provided, each with a minimum depth (or width) of 40 feet, within which no camp equipment is affixed to the land; and

(c) that in #Residence Districts# or C3 Districts the #zoning lot# is screened along the #rear# and #side lot lines#, and in C1 or C2 Districts along any #rear# or #side lot line# adjoining a

#Residence District#, by a strip at least four feet wide, densely planted with shrubs or trees which are 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.

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

73-16 - Retail and Services

LAST AMENDED
6/6/2024

73-161 - Retail and service uses

LAST AMENDED
6/6/2024

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to #uses# listed under Use Group VI, as set forth in Sections 32-16 and 42-16 (Use Group VI – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group VI, other than those #uses# for which another permit exists pursuant to Section 73-16, inclusive, the Board may permit:

(1) modifications to a size limitation, denoted in the Use Group table with an “S”, provided that the increase does not exceed 200 percent of the amount set forth in Use Group VI;

(2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or

(3) modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

(1) such #use# will not impair the character or the future use or development of the surrounding area;

(2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) the modifications are necessary to support the operation of such #use#; and

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

73-162 - Eating or drinking establishments

LAST AMENDED
6/6/2024

In C1 Districts that are not #select commercial overlays#, in all other #Commercial Districts# and in #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the

underlying regulations for eating or drinking establishments listed under Use Group VI set forth in Sections 32-16 and 42-16 (Use Group VI – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For eating or drinking establishments, the Board may permit:

(1) modifications to a size limitation, denoted in the Use Group table with an "S", provided that the increase does not exceed 200 percent of the amount set forth in Use Group VI;

(2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or

(3) modifications to additional conditions, denoted in the Use Group table with a "P", including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

(1) such #use# will not cause undue vehicular or pedestrian congestion in local #streets# and that due consideration is given to the size and location of entrances and enclosed lobby areas;

(2) such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;

(3) such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code;

(4) the modifications are necessary to support the operation of such #use#; and

(5) the application is made jointly by the owner of the #building# and the operator of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

73-163 - Automotive service stations

LAST AMENDED
6/6/2024

In C2 Districts, and C4 though C7 Districts, the Board of Standards and Appeals may permit #automotive service stations# listed under Use Group VI and, in those districts and C8 Districts, may permit modification to the #accessory sign# regulations for such #use#, provided that the following findings are made:

(a) that such #use# will not impair the character or the future use or development of the surrounding area and will cause minimal interruption to the continuity of surrounding retail frontages;

(b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) that the site for such #use# which is not located on an arterial highway or a major #street# has a maximum area of 15,000 square feet;

(d) that any facilities for lubrication, minor repairs or washing are located within a #completely enclosed# #building#;

(e) that the site is so designed as to provide, at maximum expected operation, reservoir space for five waiting automobiles within the #zoning lot# in addition to spaces available within an enclosed lubritorium or at the pumps;

(f) that entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the #automotive service station# will cause a minimum of obstruction on #streets# or sidewalks;

(g) that, along any #rear lot line# or #side lot line# adjoining a #Residence District#, the #zoning lot# is screened as the Board may prescribe, by either of the following methods:

(1) a strip at least four feet wide, densely planted with shrubs or trees 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

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of its face is open; and

(h) that the modifications to #accessory sign# regulations are necessary for adequate advance identification of such #automotive service station# to motorists on heavily traveled #streets# in the interests of traffic safety. In no event shall such #signs# project across a #street line# more than four feet and modification to the surface area of #signs# shall be limited to C1 and C2 Districts and a maximum surface area of 150 square feet.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and to protect #residential zoning lots# which are adjoining or across the #street#.

73-164 - Light motor vehicle repair and maintenance shops

LAST AMENDED
6/6/2024

In C2 Districts, and C4 though C7 Districts, the Board of Standards and Appeals may permit #light motor vehicle repair and maintenance shops# listed under Use Group VI, provided that the following findings are made:

(a) such #use# will not impair the character or the future use or development of the surrounding area. In order to make such finding the Board shall consider the presence and concentration of existing #light motor vehicle repair and maintenance shops# within 500 feet of the proposed #use# and whether any increase in concentration would have impacts on the surrounding area;

(b) such #use# will cause minimal interruption to, and will not be incompatible with, the continuity of surrounding retail frontages;

(c) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(d) any facilities used for repair or maintenance are located within a #completely enclosed building#; and

(e) entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the #use# will cause a minimum of obstruction on #streets# or sidewalks.

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

73-17 - Offices and Laboratories

LAST AMENDED
6/6/2024

73-171 - Ground floor offices in the flood zone

LAST AMENDED
6/6/2024

In all #Residence Districts# in the #flood zone#, for #buildings# containing #residential uses#, the Board of Standards and Appeals may permit offices listed under Use Group VII, provided that the conditions of paragraph (a) of this Section, and the findings of paragraph (b) of this Section are met:

(a) Conditions

All applications shall be subject to the following conditions:

(1) the #building# complies with #flood-resistant construction standards#;

(2) the office #use# is located on the lowest #story# above grade within the #building#;

(3) access to such office #use# is from a separate entrance than that serving the #residential# portion of the #building#;

(4) the #floor area# associated with such office #use# shall be considered as #community facility# #use# for the purposes of determining compliance with the applicable district #floor area ratio# regulations, and amount of #floor area# attributed to such office

#use# shall not exceed 10,000 square feet;

(5) the office #use# complies with the #accessory# off-street parking regulations for ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), in accordance with Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations); and

(6) such office #use# complies with #accessory# #signs# regulations for #buildings# containing #residences#, as set forth in Section 22-32 (Permitted Non-Illuminated Accessory Signs).

(b) Findings

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

(1) such office #use# will generate a minimum of vehicular traffic to and through local #streets# and will not create traffic congestion;

(2) such office #use# will not produce objectionable effects; and

(3) such office #use# will not alter the essential character of the neighborhood in which the #building# is located.

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

73-18 - Recreation, Entertainment and Assembly Spaces

LAST AMENDED

73-181 - Recreation, entertainment and assembly space uses

LAST AMENDED
6/6/2024

In C1 or C2 Districts that are not #select commercial overlays#, in all other #Commercial Districts# and in #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to #uses# listed under Use Group VIII, as set forth in Sections 32-18 and 42-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group VIII, other than those #uses# for which another permit exists pursuant to Section 73-18, inclusive, the Board may permit:

(1) modifications to a size limitation, denoted in the Use Group table with an "S", provided that the increase does not exceed 200 percent of the amount set forth in Use Group VIII;

(2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or

(3) modifications to additional conditions, denoted in the Use Group table with a "P", including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

(1) such #use# will not impair the character or the future use or development of the surrounding area;

(2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) the modifications are necessary to support the operation of such #use#.

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

73-182 - Outdoor recreation and amusement facilities

LAST AMENDED
6/6/2024

In C3 Districts, the Board of Standards and Appeals may permit water-oriented outdoor #amusement and recreation facilities# listed under Use Group VIII, provided that the following findings are met:

(a) such #use# will not impair the character or the future use or development of the surrounding area and will cause minimal interruption to the continuity of surrounding residential or retail frontages, as applicable;

(b) such #use# and any #accessory# facilities affixed to the land is adequately separated from any #lot line#; and

(c) that, along any #rear lot line# or #side lot line# adjoining a #Residence District#, the #zoning lot# is screened as the Board may prescribe, by either of the following methods:

(1) a strip at least four feet wide, densely planted with shrubs or trees 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

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of its face is open.

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

73-183 - Outdoor amusement parks

LAST AMENDED
6/6/2024

In C7, C8 or M1 Districts, the Board of Standards and Appeals may permit #outdoor amusement parks# listed in Use Group VIII that exceed a #lot area# of 10,000 square feet, provided that the following findings are met:

(a) such #use# will not impair the character or the future use or development of the surrounding area;

(b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(c) such #use# is adequately separated from surrounding residential areas.

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

73-184 - Outdoor day camps

LAST AMENDED
6/6/2024

In all #Residence Districts#, and in C1, C2 or C3 Districts, the Board of Standards and Appeals may permit outdoor day camps, whether commercial or philanthropic, as listed under Use Group VIII, provided that the Board finds that such #use# will not cause excessive traffic congestion.

The Board shall prescribe the following conditions:

(a) that a minimum of 150 square feet of #lot area# is provided for each child enrolled in the camp;

(b) that along any #rear# or #side lot lines#, #yards# are provided, each with a minimum depth (or width) of 40 feet, within which no camp equipment is affixed to the land;

(c) that in #Residence Districts# or C3 Districts the #zoning lot# is screened along the #rear# and #side lot lines#, and in C1 or C2 Districts along any #rear# or #side lot line# adjoining a #Residence District#, by a strip at least four feet wide, densely planted with shrubs or trees which are 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; and

(d) that for each 6,000 square feet of #lot area#, one #accessory# off-street parking space of 500 square feet is provided to accommodate buses used in the transportation of campers, in addition to the #accessory# off-street parking requirement established for such #uses# under the applicable provisions of Sections 25-31 or 36-21 (General Provisions).

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

73-185 - Riding academies or stables

LAST AMENDED
6/6/2024

In all #Residence Districts#, and in C1 through C7 Districts, the Board of Standards and Appeals may permit riding academies or stables operated as a recreation service, as listed under Use Group VIII, provided that the following findings are met:

(a) that such #use# is so located as not to impair the essential character of the surrounding area;

(b) that adequate horseback riding facilities are available on the same #zoning lot# or within 600 feet of such #zoning lot#;

(c) that the location and operation of such #use# will not be such as to result in any serious traffic hazards or conflicts on nearby #streets#; and

(d) that in #Residence Districts#, no stables or riding areas are located within 40 feet of any #side# or #rear lot line#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation, for screening, or for landscaping.

73-19 - Storage

LAST AMENDED
6/6/2024

73-191 - Micro-distribution facilities

LAST AMENDED
6/6/2024

In C1 or C2 Districts located outside of the Borough of Manhattan that are #select commercial overlays#, the Board of Standards and Appeals may permit micro-distribution facilities, as listed under Use Group IX(A), as set forth in Section 32-19 (Use Group IX - Storage), with a size limit of 5,000 square feet of #floor area# per establishment, and in other C1 or C2 Districts, as well as C4 through C7 Districts, the Board may permit modifications to a size limitation for micro-distribution facilities, denoted in the Use Group table with an "S", provided that the increase does not exceed 200 percent of the amount set forth in paragraph (c) of Section 32-193 (Use Group IX – uses subject to size limitations).

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

(a) such #use# will not impair the character or the future use or development of the surrounding area. In order to make such finding in locations where the #use# is being permitted, the Board shall consider the presence and concentration of existing micro-distribution facilities within 500 feet of the proposed #use# and whether any increase in concentration would have impacts on the surrounding area;

(b) such #use# will cause minimal interruption to, and will not be incompatible with, the continuity of surrounding retail frontages;

(c) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(d) the modifications are necessary to support the operation of such #use#.

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

73-20 - ADDITIONAL SPECIAL PERMIT USES

LAST AMENDED
5/12/2021

73-21 - Production Uses

LAST AMENDED
6/6/2024

73-211 - Production uses

LAST AMENDED
6/6/2024

In all #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to #uses# listed under Use Group X, as set forth in Sections 32-20 and 42-20 (Use Group X – Production Uses), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group X, other than those #uses# for which another permit exists pursuant to Section 73-21, inclusive, the Board may permit:

(1) modifications to a size limitation, denoted in the Use Group table with an “S”, provided that the increase does not exceed 200 percent of the amount set forth in Use Group X;

(2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or

(3) modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

(1) such #use# will not impair the character or the future use or development of the surrounding area;

(2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) the modifications are necessary to support the operation of such #use#.

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

73-30 - MODIFICATIONS TO OTHER USE REGULATIONS

LAST AMENDED
6/6/2024

73-31 - Enclosure Regulations

LAST AMENDED
6/6/2024

73-311 - Drive-through facilities

LAST AMENDED
6/6/2024

In C1 through C7 Districts, the Board of Standards and Appeals may permit modification to the applicable enclosure regulations to allow #accessory# drive-through facilities serving a #use# listed under Use Group VI, as set forth in Section 32-16 (Use Group VI – Retail and Services), provided that the following findings are met:

(a) the drive-through facility contains reservoir space within the #zoning lot#,:

(1) for not less than 10 automobiles where serving an eating or drinking establishment; or

(2) at a sufficient capacity for waiting automobiles, at maximum expected operation, where serving all other #uses#;

(b) the drive-through facility will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) the character of the #Commercial District# #street# frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing #uses# contained within such area and to the subject #use#;

(d) the drive-through facility shall not have an undue adverse impact on #residences# within the immediate vicinity of the subject premises. In order to make such finding the Board shall consider both the air quality impact of idling vehicles and the illumination from headlights on adjacent #residential uses#; and

(e) there will be adequate buffering and screening between the drive-through facility and adjacent #residential uses#. Screening shall consist of densely planted vegetation and may additionally include walls, barriers or fences.

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

73-32 - Modification of Streetscape Regulations

LAST AMENDED
6/6/2024

In #Commercial Districts# and #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the underlying streetscape regulations of Section 32-30, inclusive, including as such provisions are modified by a Special Purpose District or other special geography of this Resolution.

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

(a) such modification is the minimum extent necessary;

(b) such modification will not impair the character or the future use or development of the surrounding area; and

(c) the modifications are necessary to support the operation of such #use#.

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

73-40 - MODIFICATIONS OF USE OR PARKING REGULATIONS

LAST AMENDED
7/22/1971

73-41 - General Provisions

LAST AMENDED
12/17/1987

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-42 to 73-53, the Board of Standards and Appeals shall have the power to permit modification of #use# or parking regulations of this Resolution, and shall have the power to impose appropriate conditions and safeguards thereon.

73-42 - Enlargement of Uses Across District Boundaries

LAST AMENDED
1/28/1965

In all districts, the Board of Standards and Appeals may permit the expansion of a conforming #use# located within a #building or other structure# into a district where such #use# is not permitted,

provided that the #enlarged use# is contained within a single #block# and the expansion of either the depth or the width of the conforming #use# is no greater than 50 percent of either the depth or width, respectively, of that portion of the #zoning lot# located in the district where such #use# is a conforming #use#, but in no case shall the area of the expansion exceed 50 percent of the area of the #zoning lot# located in the district where such #use# is a conforming #use#, and provided further that the following findings are made:

(a) there is no reasonable possibility of expanding such #use# within the existing district where it is a conforming #use#;

(b) such conforming #use# was in existence prior to January 6, 1965, or the date of any applicable subsequent amendment to the #zoning maps#; and

(c) such expanded #use# is not so situated or of such character or size as to impair the essential character or the future use or development of the surrounding area.

In the case of a #use# which, at the time of application to the Board under the provisions of this Section, is already partially located in the more restricted district, where it is a #non-conforming use#, or which has extended into such district in accordance with the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot), the maximum expansion to be permitted under the provisions of this Section shall be computed as 50 percent of the width or depth of that portion of the #zoning lot# located within the mapped boundary of the district where such #use# is a conforming #use#, and shall be measured from such mapped district boundary.

In every case where the Board permits such expansion, the #building or other structure#, or portion thereof, situated on the expanded portion of the #zoning lot# shall comply on such expanded portion with the applicable #bulk# regulations of the district in which such #use# is a conforming #use# and, subject to such compliance on the expanded portion of the #zoning lot#, the Board may permit such conforming #use#, even when located in an existing #building or other structure# which is #non-complying#, to expand across the district boundary in accordance with the provisions of this Section.

All the applicable regulations of the district in which such #use# is a conforming #use# shall apply on the entire #zoning lot#, or any portion thereof, to be occupied by such #use# and any special regulation applying along district boundaries shall apply along #rear# and #side lot lines# of the expanded #zoning lot#.

Where #yard# regulations are applicable, the Board may permit the expanded area to include, in addition to area permitted under other provisions of this Section, such area as is necessary for the required #yards#. However, such additional area shall not be counted as #lot area# for purposes of #bulk# computations.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the district including requirements for adequate screening.

73-43 - Reduction of Parking Spaces

LAST AMENDED
12/5/2024

73-431 - Reduction of parking spaces for places of assembly

LAST AMENDED
12/5/2024

In all #Commercial# and #Manufacturing Districts#, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for #uses# in parking requirement category B1 whenever such #uses# are located on the same #zoning lot# as other #uses#, proportionate to the

extent that the Board finds that:

(a) the spaces #accessory# to such other #uses# will remain available for #use# by persons visiting the place of assembly during the entire period that such place of assembly remains in #use#; and

(b) in accordance with submitted schedules of the times of operation for all #uses# on the #zoning lot#, there will be no conflict in the use of such #accessory# off-street parking spaces, and that the provision of the full quota of required off-street parking spaces for places of assembly is therefore not needed. The permit to reduce such spaces shall be automatically revoked whenever there is a change in the nature of the conditions upon which such reduced requirements were based, including changes in #use#, availability of spaces or hours of operation.

73-432 - Reduction of existing parking spaces for income-restricted housing units

LAST AMENDED
12/5/2024

For #zoning lots# within the boundaries shown in Appendix I with #buildings# containing #income-restricted housing units# in receipt of a certificate of occupancy prior to March 22, 2016, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of #accessory# off-street parking spaces required for such #income-restricted housing units# prior to March 22, 2016, provided that the Board finds that such waiver or reduction will:

(a) facilitate an improved site plan;

(b) facilitate the creation or preservation of affordable housing, where a #development# includes new #residential floor area# on the #zoning lot#;

(c) not cause traffic congestion; and

(d) not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#.

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning lot#, the availability of parking in the surrounding area and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-433 - Reduction of existing parking spaces for qualifying senior housing

LAST AMENDED
12/5/2024

For #zoning lots# outside the boundaries shown in Appendix I with #buildings# containing #qualifying senior housing# in receipt of a certificate of occupancy prior to March 22, 2016, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required for such #affordable independent residences for seniors# prior to March 22, 2016, provided that the Board finds that:

(a) such reduction will facilitate an improved site plan;

(b) any new #dwelling units# created on the portion of the #zoning lot# previously occupied by such parking spaces will be #income-restricted housing units#;

(c) such reduction will not cause traffic congestion; and

(d) such reduction will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for

such #uses#.

Any permitted reduction shall be in compliance with the parking requirement for #qualifying senior housing# developed after March 22, 2016, as set forth in Section 25-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES), as applicable.

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning lot#, the availability of parking in the surrounding area and the proximity to public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-44 - Reduction of Parking Spaces for Uses in Parking Requirement Category A3

LAST AMENDED
6/6/2024

In the districts indicated, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for #uses# in parking requirement category A3 to the applicable number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by #uses# in parking category A3 is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case the Board shall require that the certificate of occupancy issued for the #building# within which such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking category A2 unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

REDUCED ACCESSORY OFF-STREET PARKING SPACES REQUIRED FOR USES IN PARKING REQUIREMENT CATEGORY A3

Parking Spaces Required per Number of Square Feet of #Floor Area# *	Districts
1 per 400	C1-1 C2-1 C3 C4-1
1 per 600	C1-2 C2-2 C4-2 C8-1
	M1-1 M1-2 M1-3
	M2-1 M2-2 M3-1
	M1, M2, M3 Districts with an A suffix outside the #Greater Transit Zone#
1 per 800	C1-3 C2-3 C4-3
	C7 outside the #Greater Transit Zone#
	C8-2

* For ambulatory diagnostic or treatment facilities listed in Use Group III(B), parking spaces required per number of square feet of #floor area# or #cellar# space, except #cellar# space used for storage

73-45 - Modification of Off-site Parking Provisions

LAST AMENDED
5/8/2013

In all districts, the Board of Standards and Appeals may modify the provisions regulating the location of #accessory# off-street parking spaces provided off the site, in accordance with the provisions of this Section which are applicable in the specified district. However, in no event shall #accessory# off-street parking spaces be permitted off-site in a #public parking garage#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

In all cases, the Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-451 - For residences

LAST AMENDED
2/2/2011

The Board of Standards and Appeals may permit off-site spaces #accessory# to #residences# or to #non-profit hospital staff dwellings# to be located in any district except an R1 or R2 District, or at a greater distance from the #zoning lot# than the maximum distance specified in the applicable district regulations, provided that the following special findings are made:

(a) that the required #accessory# on-street parking spaces cannot reasonably be provided on the #zoning lot# because of physical conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions;

(b) that within the maximum permitted radius for off-site parking or within a district other than a #Residence District#, there is substantial difficulty in obtaining a site of sufficient size to accommodate the required #accessory# off-street parking spaces because such sites are occupied by substantial improvements;

(c) that where such spaces are located at a greater distance from the #zoning lot# than the maximum distance permitted by the district regulations, such distance is not greater than as shown in the following table for the specified districts; and

Maximum Distance (in feet)	Districts
1,200	R3 R4 R5 R6 R7-1 R7B C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3
1,500	R7-2 R7-3 R7A R7X R8 R9 R10 C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6

(d) that where such off-site spaces are located in a #Residence District#, they are so located as not to impair the essential character or the future use or development of the nearby residential

neighborhood.

73-452 - For community facilities in Residence Districts

LAST AMENDED
6/27/1963

The Board of Standards and Appeals may permit off-street parking spaces #accessory# to a #community facility# #use# other than a #non-profit hospital staff dwelling#, which #use# is located in an R1, R2, R3 or R4 District, to be provided off-site and located in any district, or may permit off-street parking spaces #accessory# to a #community facility# #use# other than a #non-profit hospital staff dwelling#, which #use# is located in any other #Residence District#, to be provided off-site and located in an R1, R2, R3 or R4 District or located in any other #Residence District# at a greater distance from the #zoning lot# than the maximum distance specified in Section 25-53 (Off-site Spaces for Permitted Non-residential Uses), provided that in such instances, all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #use#, and provided further that the following special findings are made:

(a) that where such spaces are located in an R1 or R2 District, the #community facility# #use# to which they are #accessory# is a #use# permitted as-of-right in such district;

(b) that there is no way to arrange such spaces on the same #zoning lot# as such #use#;

(c) that such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontage; and

(d) either that such spaces are located on an adjoining #zoning lot# or a #zoning lot# directly across the #street# from such #use# or, if such spaces are not so located, that there is substantial difficulty in obtaining a site of sufficient size to accommodate the required #accessory# off-street parking spaces on an adjoining #zoning lot# or a #zoning lot# directly across the #street#

from such #use# or in a location where such off-site spaces would be permitted as-of-right, because such sites are occupied by substantial improvements.

73-453 - For non-residential uses in Commercial or Manufacturing Districts

LAST AMENDED
6/27/1963

For non-#residential uses#, other than #non-profit hospital staff dwellings#, the Board of Standards and Appeals may extend the maximum permitted radius for off-site parking spaces located in #Commercial# or #Manufacturing Districts#, as specified in Sections 25-53 (Off-site Spaces for Permitted Non-residential Uses), 36-43 (Off-site Spaces for Commercial or Community Facility Uses) or 44-32 (Off-site Spaces for All Permitted Uses), from 600 to 1,200 feet, whenever the Board finds:

(a) that the required #accessory# off-street parking spaces cannot reasonably be provided on the #zoning lot# because of physical conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions; and

(b) that, within 600 feet of a boundary of the #zoning lot#, there is substantial difficulty in obtaining a site of sufficient size to accommodate the required #accessory# off-street parking spaces because such sites are occupied by substantial improvements.

73-454 - For houses of worship

LAST AMENDED
9/9/2004

The Board of Standards and Appeals may modify, as applicable, the provisions of Sections 25-53 (Off-site Spaces for Permitted Non-residential Uses), 36-43 (Off-site Spaces for Commercial or Community Facility Uses) or 44-32 (Off-site Spaces for All Permitted Uses), relating to the maximum permitted distance of the location of #accessory# off-street parking spaces for houses of worship, provided that in such instances all such spaces shall be not further than 1,000 feet from the nearest boundary of the #zoning lot# containing such house of worship, upon finding that:

(a) such spaces conform to all applicable regulations of the district in which they are located; and

(b) the location of such spaces will not result in undue traffic congestion in the area.

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

73-46 - Exceptions to Maximum Size of Accessory Group Parking Facilities

LAST AMENDED
12/5/2024

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts# or for hospital and related facilities listed under Use Group III(B) in #Residence Districts# in accordance with the provisions of this Section provided that such provisions shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-56 or 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages).

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

73-461 - For hospitals and related facilities in Residence Districts

LAST AMENDED
12/5/2024

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces for hospitals and related facilities listed under Use Group III(B) in all #Residence Districts#, provided that the following findings are made:

(a) that such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;

(b) that such facility has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 20 automobiles; and

(c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for locations of entrances and exits or for shielding of floodlights.

73-462 - In Commercial or Manufacturing Districts

LAST AMENDED
12/5/2024

The Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts#, provided either that such facilities have separate entrances and exits on two or more #streets# or that the following findings are made:

(a) that such facility, if #accessory# to a non-#residential use#, other than a #non-profit hospital staff dwelling#, has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles; and

(b) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for locations of entrances or for shielding of floodlights.

73-47 - Roof Parking

LAST AMENDED
12/5/2024

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C7 outside the #Greater Transit Zone#, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the Board of Standards and Appeals may permit the parking or storage of motor vehicles on the roof of a #public parking garage# with a total of 150 spaces or less and, in all districts, the Board may permit modifications of the applicable provisions of Sections 25-11, 36-11 or 44-11 (General Provisions) so as to permit #accessory# off-street parking spaces to be located on the roof of a #building#. As a

condition of permitting such roof parking, the Board shall find that the roof parking is so located as not to impair the essential character or the future use or development of adjacent areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for setback of roof parking areas from #lot lines#, or for shielding of floodlights.

73-50 - SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

LAST AMENDED
6/6/2024

In appropriate cases, for #zoning lots# with single frontage, the Board of Standards and Appeals may permit primary business entrances, #show windows#, or #signs# not otherwise permitted under the provisions of Section 32-43 or 42-53 (Limitations on Business Entrances, Show Windows or Signs), provided that in no case shall any such primary business entrance, #show window# or #sign# be permitted within 10 feet of a #Residence District# boundary.

In addition, in appropriate cases, the Board may waive the requirements for #rear yards# or #side yards# set forth in Sections 33-29 or 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

It is further provided that, in appropriate cases, the Board may waive in whole or in part the #front yard# requirement set forth in Section 43-304 (Required front yards along district boundary located in a street) after finding that such waiver will not have an adverse effect on the surrounding area. The Board shall prescribe appropriate conditions and safeguards to preserve and enhance the character of the surrounding area, and to ensure the maintenance of resulting #front yards#.

73-51 - Modification of Supplementary Use Regulations

LAST AMENDED
8/22/1963

In C1, C2, C3, C4, C5, C6 or C7 Districts, the Board of Standards and Appeals may permit public utility radio or television facilities which do not comply with the applicable provisions of Section 32-42 (Location Within Buildings) to be located on the top #story# or the roof of a #building# and may prescribe appropriate conditions and safeguards to minimize adverse effects on #uses# occupying lower #stories# or on the character of the surrounding area.

In addition, the Board may permit public utility antennas, microwave platforms and dishes or other radio or television equipment to penetrate the maximum height limit or the #sky exposure plane# set forth in Section 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks) provided that such equipment shall not exceed 20 feet in height.

73-52 - Modifications for Zoning Lots Divided by District Boundaries

LAST AMENDED
6/25/1964

Whenever a #zoning lot# existing in single ownership on December 15, 1961, or on the effective date of any applicable subsequent amendment to the #zoning maps# is divided by a boundary between two or more districts in which different #uses# are permitted, the Board of Standards and Appeals may permit a #use# which is a permitted #use# in the district in which more than 50 percent of the #lot area# of the #zoning lot# is located to #extend# not more than 25 feet into the remaining portion of the #zoning lot#, where such #use# is not a permitted #use#, provided that the following findings are made:

(a) that, without any such extension, it would not be economically feasible to use or #develop# the remaining portion of the #zoning lot# for a permitted #use#; and

(b) that such extension will not cause impairment of the essential character or the future use or development of the surrounding area.

Where such an extension of a #use# is permitted, the Board may permit the #bulk#, off-street parking and loading, and all other regulations of the district in which more than 50 percent of the #lot area# of the #zoning lot# is located, to apply for the distance, not exceeding 25 feet, that such #use# is permitted to #extend# into the remaining portion of the #zoning lot#.

Any portion of the #zoning lot# beyond such distance shall be subject to all the regulations of the district in which it is located, and shall not be counted as #lot area# for a #building or other structure#, or portion thereof, used for such #extended use#.

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

73-53 - Enlargements or Extensions of Certain Manufacturing or Related Uses

LAST AMENDED
6/6/2024

(a) In all districts, the Board of Standards and Appeals may modify #use# and #bulk# regulations to permit the #enlargement# or #extension# of #floor area# of a conforming or #non-conforming# #referenced commercial and manufacturing use#, provided that:

(1) such #use# is not subject to termination pursuant to Section 52-70, et seq.;

(2) the #use# for which such special permit is being sought has been lawfully located on the #zoning lot# on which the expansion is to occur, or a portion thereof, for five years or more;

(3) the #building# in which such #use# is located has not previously been #enlarged#, pursuant to Sections 11-412, 43-121 or 72-21;

(4) the #use# is not one listed in Use Group X and is permitted only in #Manufacturing Districts#; and

(5) in a #Residence District#, such #enlargement# or #extension# shall be permitted in existing #floor area# or on a vacant portion of a #zoning lot# only when no lawful #residential use# has occupied such #floor area# or vacant portion of a #zoning lot# at any time during the five years prior to the date of application for such special permit.

(b) Any #enlargement# or #extension# permitted pursuant to this Section shall be subject to the following requirements:

(1) the permitted #enlargement# or #extension# may be the greater of:

(i) 45 percent of the #floor area# occupied by such #use# on December 17, 1987; or

(ii) 2,500 square feet additional to the #floor area# occupied by such #use# on December 17, 1987.

In no event shall the amount of #enlargement# or #extension# under paragraph (b)(i) of this Section exceed 10,000 square feet additional to the #floor area# occupied by such #use# on December 17, 1987;

(2) unless the #zoning lot# is located within an M2 or M3 District, more than 300 feet from a #Residence District# boundary, any #enlarged# or #extended# portion, or activity generated by such #enlargement# or #extension#, including storage and

processing, shall be in #completely enclosed# #buildings#;

(3) in the case of a #non-conforming# #use#, such #enlarged# or #extended use# shall conform to all performance standards applicable in an M1 District located at the boundary with a #Residence District#; however, conforming #uses# shall conform to the applicable performance standards of the district in which they are located;

(4) no open #uses# of any kind, including storage or processing, shall be permitted within 30 feet of a #rear lot line# that is located within a #Residence District# or within 30 feet of the #rear lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(5) no #enlargement# or #extension# that exceeds 16 feet above #curb level# shall be permitted within 30 feet of the #rear lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(6) no #enlargement# or #extension# that exceeds 16 feet above #curb level# shall be permitted within eight feet of the #side lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(7) no open #uses# of any kind, including storage or processing, shall be permitted within eight feet of the #side lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

(8) no #enlargement# or #extension#, or open #uses# of any kind, including storage or processing, shall be permitted within eight feet of the #lot line# which coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District; and

(9) no #side yard# shall be required in an R6 through R12 Districts or in a #Commercial District# or #Manufacturing District#; however, if such #side yard# is provided, it must be at least eight feet in width.

(c) In granting such special permit, the Board shall find:

(1) that such #enlargement# or #extension# will not generate significant increases in vehicular or pedestrian traffic nor cause congestion in the surrounding area;

(2) that there will be adequate parking for any vehicles generated by such #enlargement# or #extension#;

(3) that any required #side yard# shall be suitably landscaped or fenced as the Board shall prescribe;

(4) that any #accessory# parking or loading generated by such #enlargement# or #extension# shall be suitably buffered from adjacent #uses# by methods that the Board shall prescribe; and

(5) that the special permit, if granted, will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future use or development of the surrounding area.

The Board may prescribe appropriate conditions and safeguards including, if appropriate, limitations on hours of parking and delivery, requirements for off-street loading, and location of curb cuts to minimize adverse effects of the #enlargement#, #extension# or existing #uses# on the character of the surrounding area, and to protect #residential# or #commercial zoning lots#.

73-60 - MODIFICATIONS OF BULK REGULATIONS

LAST AMENDED
7/22/1971

73-61 - General Provisions

LAST AMENDED
5/13/1982

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-62 to 73-68 inclusive, the Board of Standards and Appeals shall have the power to permit modification of the #bulk# regulations of this Resolution, and shall have the power to impose appropriate conditions and safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit modification of the #bulk# regulations are made inapplicable in accordance with the provisions of Section 81-061 (Applicability of Chapter 3 of Article VII).

73-62 - Modification of Bulk Regulations for Buildings Containing Residences

LAST AMENDED
2/2/2011

73-621 - Enlargement, change of use, or extension within buildings containing residential uses

LAST AMENDED
2/2/2011

For a complying or #non-complying# #building# existing on December 15, 1961, or in R2X, R3, R4 or R5 Districts on June 30, 1989, and containing #residential uses#, the Board of Standards and

Appeals may permit an #enlargement#, a change of #use# or (in the case of a #mixed building#) an #extension#, provided that such #enlargement#, change of #use# or #extension# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In the districts and for the #buildings# for which an #open space ratio# is required, the #open space ratio# permitted under this Section shall not be less than 90 percent of the #open space ratio# required under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In the districts and for the #buildings# to which a maximum #lot coverage# applies, the maximum #lot coverage# permitted under this Section shall not exceed 110 percent of the maximum #lot coverage# permitted under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under such regulations by more than 10 percent. In R2X, R3 or R4 Districts, the additional #floor area# permitted pursuant to this Section may be computed using a base #floor area ratio# including the #floor area# permitted under a sloping roof with a structural headroom between five and eight feet when such space is provided in the #building#.

73-622 - Bulk modifications for certain residential buildings on irregular sites

LAST AMENDED
12/5/2024

For #developments# or #enlargements# of #buildings#, except #sky exposure plane buildings#, in which at least 50 percent of the #dwelling units# either comply with the definition of "affordable housing unit" set forth in Section 27-111 (General definitions), or have a legally binding restriction limiting rents to households with incomes at or below 80 percent of the #income index#, as prescribed by a City, State or Federal agency, law regulation, or regulatory agreement, for a period of not less than 30 years, or at least 50 percent of its total #floor area# is a #long-term care facility# or

philanthropic or non-profit institution with sleeping accommodation, the Board of Standards and Appeals may modify the underlying #bulk# regulations, other than #floor area ratio# or the maximum height of #buildings# or other #structures#, and provided that the Board finds that:

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or topographical features that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

(c) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#;

(d) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and

(e) the requested modification is the least amount necessary to relieve such practical difficulties.

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

73-623 - Reduction or modification of Mandatory Inclusionary Housing requirements

LAST AMENDED
12/5/2024

For a #development#, #enlargement# or #conversion# subject to the provisions of paragraph (a)(3), inclusive, of Section 27-131 (Mandatory Inclusionary Housing), the Board of Standards and Appeals may, upon determining that a hardship that is specifically created by the requirements of such Section

exists, modify the income levels specified for #qualifying households#, reduce the amount of #affordable floor area# required or reduce the amount of a payment into the #affordable housing fund#, provided the Board finds that:

(a) the applicant has applied for any appropriate relief for which such #development#, #enlargement# or #conversion# is eligible for any financial hardship or practical difficulty not specifically created by the requirements of Section 27-131, paragraphs (a)(3)(i) through (a)(3)(v) and (a)(5);

(b) such requirements for #affordable housing# or a contribution to an #affordable housing fund# create an unnecessary hardship, with no reasonable possibility that a #development#, #enlargement# or #conversion# on the #zoning lot# in strict compliance with the provisions of Section 27-131, paragraphs (a)(3)(i) through (a)(3)(v) and (a)(5), and Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, will bring a reasonable return, and that a modification or reduction of these requirements is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; and

(c) the unnecessary hardship claimed as a basis for such modification or reduction has not been created by the owner or by a predecessor in title.

In determining whether a hardship exists, the Board shall consider whether alternative permitted #uses#, or alternative forms of housing tenure would bring a reasonable return from the #zoning lot#.

The Board may modify #affordable housing# requirements set forth in Section 27-131, paragraphs (a)(3)(i) through (a)(3)(iv) and (a)(5), to permit appropriate relief as follows.

First, the Board shall determine whether compliance with the requirements of Option 1, Option 2 or Option 3, as set forth in Section 27-131, paragraphs (a)(3)(i), (a)(3)(ii) and (a)(3)(iii), respectively, where not otherwise permitted, provides sufficient relief.

If the Board does not so find, the Board shall next determine whether compliance with the requirements of Option 4, as set forth in Section 27-131, paragraph (a)(3)(iv), where not otherwise

permitted, provides sufficient relief.

If the Board does not so find, the Board, in consultation with the Department of Housing Preservation and Development, shall determine a modification or reduction of the requirements of Section 27-131, paragraph (a)(3)(i) through (a)(3)(iv) and (a)(5), that represents the minimum necessary modification or reduction to afford relief.

In addition, the Board, in consultation with the Department of Housing Preservation and Development, may permit a modification or reduction of the requirements of Section 27-131, paragraph (a)(3)(v) that represents the minimum necessary modification or reduction to afford relief.

A copy of each application to the Board for a special permit under the provisions of this Section shall be provided by the applicant to the Department of Housing Preservation and Development concurrently with its submission to the Board. Before the Board issues a final determination on any application made pursuant to this Section, #HPD# shall submit comment or appear before the Board regarding such application.

A special permit pursuant to this Section shall lapse after a term of four years, pursuant to Section 73-70 (LAPSE OF PERMIT). When considering an application for renewal of a special permit pursuant to paragraph (f) of Section 73-03 (General Findings Required for All Special Permit Uses and Modifications), the Board shall consult with #HPD# in determining whether the circumstances warranting the original grant of such permit still obtain, and may renew, modify, or deny the application for renewal, as appropriate.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community at large.

73-624 - Modification of Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District and the Special Midtown South Mixed Use District

Within the #Special SoHo-NoHo Mixed Use District# and the #Special Midtown South Mixed Use District#, for #conversions# from non-#residential# to #residential use# in #buildings# existing prior to December 15, 2021, that are not otherwise subject to paragraph (a)(3)(v) of Section 27-131 (Mandatory Inclusionary Housing), the Board of Standards and Appeals may permit a contribution to the #affordable housing fund# pursuant to such paragraph to satisfy the requirements of paragraph (a)(3), inclusive, of such Section, provided that the Board finds that:

(a) the configuration of the #building# imposes constraints, including, but not limited to, deep, narrow or otherwise irregular #building# floorplates, limited opportunities to locate #legally required windows#, or pre-existing locations of vertical circulation or structural column systems, that would create practical difficulties in reasonably configuring the required #affordable floor area# into a range of apartment sizes and bedroom mixes serving a number of lower-income residents comparable to what such quantity of #affordable floor area# would serve in a more typical configuration, pursuant to the #guidelines# of the Inclusionary Housing Program. Before the Board issues a final determination on any application made pursuant to this Section, the Department of Housing Preservation and Development shall submit comment or appear before the Board regarding this finding;

(b) the practical difficulties existed on December 15, 2021.

For the purposes of this Section, defined terms include those set forth in Sections 12-10 and 27-11.

A copy of each application to the Board for a special permit under the provisions of this Section shall be provided by the applicant to the Department of Housing Preservation and Development concurrently with its submission to the Board.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community at large.

73-63 - Enlargement of Non-residential Buildings

LAST AMENDED
2/2/2011

For a complying or #non-complying# #non-residential building# existing on December 15, 1961, the Board of Standards and Appeals may permit an #enlargement#, provided that such #enlargement# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under the applicable #bulk# regulations set forth in Article II, III or IV of this Resolution by more than 10 percent, or 10,000 square feet, whichever is less.

73-64 - Modifications for Community Facility Uses

LAST AMENDED
6/6/2024

On a #zoning lot# occupied by any of the #community facility# #uses# specified in this Section, and in all districts where such #uses# are permitted as-of-right or by special permit, the Board of Standards and Appeals may permit #developments# or #enlargements# for such #uses#, which do not comply with certain applicable district #bulk# regulations, in accordance with the provisions of this Section.

Such specified #community facility# #uses# include the following #uses# listed under Use Group III:

College or school student dormitories or fraternity and sorority student houses

Colleges or universities, including professional schools, but excluding business colleges or trade schools

Community centers

Houses of worship, rectories, parish houses or seminaries

Libraries, museums or non-commercial art galleries

Monasteries, convents or novitiates

#Non-profit hospital staff dwellings#

Non-profit or voluntary hospitals and related facilities

Philanthropic or non-profit institutions with or without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group III(B)

#Schools#.

73-641 - Integration of new buildings or enlargements with existing buildings

LAST AMENDED
11/30/2017

For any such new #building# or #enlargement#, subject to the required findings set forth in this Section, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 24-38, 33-28 or 43-28 (Special Provisions for Through Lots), or in Sections 24-50 through 24-55, inclusive, paragraphs (b) through (d) of Section 24-56, Sections 33-40 through 33-45, inclusive, or Sections 43-41 through 43-45, inclusive, relating to Height and Setback Regulations, or in Sections 24-61 through 24-65, inclusive, Section 33-51, or Section 43-51, relating to Court Regulations and

Minimum Distance between Windows and Walls or Lot Lines, provided that on December 15, 1961, the applicant owned the #zoning lot# or any portion thereof, and continuously occupied and used one or more #buildings# located thereon for a specified #community facility# #use#, from December 15, 1961, until the time of application. However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Sections 24-50 and 33-40, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

As a condition of granting such modification, the Board shall find:

(a) that such modification is required in order to enable such #use# to provide an essential service to the community;

(b) that without such modification there is no way to design and construct the new #buildings# or #enlargements# in satisfactory physical relationships to the existing #buildings# which are to remain upon the site, so as to produce an integrated development; and

(c) that such modification is the minimum modification necessary to permit the development of such integrated community facility, and thereby creates the least detriment to the character of the neighborhood and the use of nearby #zoning lots#.

73-642 - Temporary failure to comply

LAST AMENDED
2/2/2011

In any district where such a specified #community facility# #use# is permitted, and on any #zoning lot# where one or more #buildings# occupied by such #use# exist on the date of application for the special permit, the Board of Standards and Appeals may permit #development# or #enlargements# which, only because of the continued existence of such #buildings# on a temporary basis, fail to

comply with one or more of the applicable district #bulk# regulations, provided that the Board finds that continued use of the existing #buildings# is essential as a service to the community until the new construction makes it possible to replace the facilities contained therein.

The Board shall prescribe as a condition of such permit that such existing #buildings# will be removed within a stated period of time not to exceed two years after completion of the #development# or #enlargement#.

73-643 - Community centers

LAST AMENDED
2/2/2011

In any such #development# or #enlargement# consisting of a community center serving primarily the residents of the #zoning lot#, the Board of Standards and Appeals may permit the density regulations set forth in Sections 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACUILITY USES) or 35-40 (APPLICABILITY OF DENSITY REGULATIONS) to be modified, provided that the total number of #dwelling units# permitted by these Sections and all other applicable #bulk# regulations set forth in Articles II and III of this Resolution shall not be increased by more than 10 percent.

73-65 - Public Utilities and Special Infrastructure

LAST AMENDED
12/6/2023

73-651 - Enlargement of public utility facilities

LAST AMENDED
12/6/2023

The Board of Standards and Appeals may permit modifications to the #bulk# regulations for certain #enlargements# of public utility facilities set forth in paragraph (a) of this Section, provided that the findings set forth in paragraph (b) are met.

(a) The Board may permit #enlargements# which do not comply with the applicable district #bulk# regulations for #buildings or other structures# existing on December 15, 1961, within which any one of the following public utilities is located:

Electric or gas utility substations;

Telephone exchanges or other communications equipment structures;

Water or sewage pumping stations; or

#Energy infrastructure equipment#.

(b) In order to grant such permit, the Board shall find:

(1) that the growth of the utility service demand in the area served by the #building or other structure# requires such #enlargement# to house the additional facilities needed to fulfill the demand;

(2) that the network of lines, pipes or other distribution facilities located below the surface of the #streets# is so integrated with the operations carried on within such #building#

that the provision of such additional facilities at another location would cause substantial duplication of plant and facilities and inconvenience to the public; and

(3) that #non-compliance#, if any, with the applicable #yard# or height and setback regulations is the minimum made necessary by essential engineering requirements.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.

73-652 - Energy infrastructure equipment and mechanical equipment

LAST AMENDED
12/6/2023

The Board of Standards and Appeals may permit the #bulk# modifications set forth in paragraph (a) of this Section, provided that the findings set forth in paragraph (b) are met.

(a) The Board may permit modifications to all #bulk# regulations, other than #floor area ratio#, in order to accommodate #energy infrastructure equipment# or #accessory# mechanical equipment.

(b) In order to grant such permit, the Board shall find that:

(1) such modifications would facilitate one or more of the following sustainability goals:

(i) reduction of the electrical demand of the #building# on the energy grid;

(ii) increased energy generation or storage at an essential location for the purposes of operating the energy grid;

(iii) support compliance with the standards of the New York City Energy Conservation Code (NYCECC); or

(iv) support compliance with the carbon emission reduction requirements of Local Law 97 of 2019;

(2) such modifications are the minimum necessary to allow for an appropriate installation, with consideration for collocation of other #uses#, whether upon a rooftop, within a #building or other structure#, or in an open area on the #zoning lot#; and

(3) the proposed modifications will not impair the character or the future use or development of the surrounding area.

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

73-66 - Height Regulations Around Airports

LAST AMENDED
7/23/1964

The Board of Standards and Appeals may permit the construction, #enlargement#, or reconstruction of a #building or other structure# in excess of the height limits established under Sections 61-21 (Restriction on Highest Projection of Building or Structure) or 61-22 (Permitted Projection Within any Flight Obstruction Area), provided that the applicant submits a site plan, with elevations, showing the proposed #building or other structure# in relation to such maximum height limits, and that the Board finds that such proposed #building or other structure#, #enlargement#, or reconstruction would not constitute a hazard (either under the existing layout of the airport or under any planned reorientation or lengthening of the airport runways) to the safety of the occupants of such proposed #building#, to other #buildings# in the vicinity or to the safety of air passengers, and would not disrupt established airways.

The Board shall refer the application to the Federal Aviation Administration for a report as to whether such construction will constitute a danger to the safety of air passengers or disrupt established airways.

73-67 - Additional Floor Space of Public Parking Garages

LAST AMENDED
10/29/2007

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, for #public parking garages# with a total of 150 spaces or less, the Board of Standards and Appeals may permit floor space on one or more #stories# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), provided that all floor space so exempted is located not more than 23 feet above #curb level# and provided that the following findings are made:

(a) that the additional floor space permitted is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and

(b) that the hazards or disadvantages to the community at large resulting from the additional floor space permitted are outweighed by the advantages to be derived by the community therefrom under the conditions and safeguards imposed.

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

73-68 - Height and Setback and Yard Modifications

LAST AMENDED
2/2/2011

In C5-5, C6-8 and C6-9 Districts, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Rear Yard Regulations, or in Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations.

The Board may grant such modifications upon consideration that the applicable height and setback or #rear yard# regulations cannot be complied with by some method feasible for the applicant to pursue because of size or irregular shape of the lot, size or irregular shape of the #block#, and width of #streets#. The Board shall also consider the characteristics of surrounding development.

The Board shall require, where appropriate, sufficient safeguards to ensure the free flow of pedestrian and vehicular traffic in the general area. The Board may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

73-69 - Rear Yard Modifications

LAST AMENDED
4/30/2008

The Board of Standards and Appeals may permit modifications to the #rear yards# required pursuant to Sections 23-344, 24-393, 33-303 or 43-313 (For zoning lots with multiple rear lot lines) for #zoning lots# existing on April 30, 2008, provided the following findings are made:

(a) that due to the irregular shape of the #zoning lot#, compliance with the #rear yard# regulations would create site planning constraints and adversely affect the layout and development of the site; and

(b) that the requested reduction in #rear yard# depth is the least amount necessary to grant relief.

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

73-70 - ADDITIONAL MODIFICATIONS OF BULK REGULATIONS

LAST AMENDED
6/6/2024

73-71 - Bulk modifications for community facilities in lower density growth management areas

LAST AMENDED
6/6/2024

In addition, for #buildings# in R3, R4 and R5 Districts in #lower density growth management areas# subject to the provisions of Section 24-05 (Buildings containing certain community facility uses) the Board may permit the #development# of a #building# pursuant to the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities 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.

73-80 - SPECIAL PERMITS IN THE FLOOD ZONE

LAST AMENDED
6/6/2024

The following Sections shall apply to #zoning lots# located wholly or partially within the #flood zone#.

73-81 - Special Permit for Modification of Certain Zoning Regulations

LAST AMENDED
6/6/2024

In #flood zones#, for all districts, the Board of Standards and Appeals may permit modification of the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), and any other applicable ground floor #use#, supplementary #use#, #bulk#, and parking regulations of the Zoning Resolution, provided that the conditions of paragraph (a) of this Section, and the findings of paragraph (b) are met.

For the purposes of this Section, defined terms include those in Section 12-10 and those in Section 64-11.

(a) Conditions

All applications shall be subject to the following conditions:

(1) the #building# complies with #flood-resistant construction standards#;

(2) any modification of height and setback regulations related to increasing the permitted overall height shall not exceed the maximum height permitted by the applicable underlying district regulations by 10 percent, or 10 feet, whichever is greater, as measured from the #reference plane#; and

(3) any increase in the amount of permitted #floor area# shall be limited to no more than 20 percent of the #floor area# permitted on the #zoning lot#, and in no event more than 10,000 square feet of #floor area#. However, such restriction shall not apply to #non-complying# #buildings# with #non-complying# #floor area#, provided that the total #floor area# of the altered, #enlarged#, relocated, or reconstructed #building#, does not exceed the amount of existing #floor area# of such pre-existing #building#.

(b) Findings

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

(1) there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;

(2) any modification related to an increase in the amount of permitted #floor area# is the minimum necessary to address practical difficulties in retaining pre-existing habitable space;

(3) any modification related to parking regulations to permit a reduction in the number of #accessory# off-street parking spaces and the change in location of #accessory# off-street parking spaces, will:

(i) facilitate an improved site plan;

(ii) not cause traffic congestion; and

(iii) not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area, as applicable, including the availability of parking spaces for such #uses#; and

(4) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with #flood-resistant construction standards#.

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

73-90 - LAPSE OF PERMIT

LAST AMENDED
6/6/2024

A special permit for a specified #use# or for a modification of the #use# or #bulk# regulations granted under the provisions of this Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such permit was granted, has not been completed within four years from the date of granting such permit by the Board of Standards and Appeals or, if judicial proceedings have been instituted to review the Board's decision, the four-year lapse period shall commence upon the date of entry of the final order in such proceedings, including appeals

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Special Permits by the City Planning Commission

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Chapter 4 - Special Permits by the City Planning Commission

74-00 - POWERS OF THE CITY PLANNING COMMISSION

LAST AMENDED
12/15/1961

74-01 - General Provisions

LAST AMENDED
6/6/2024

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the City Planning Commission may, after public notice and hearing, grant special permits in specific districts for the #uses# listed in this Chapter, whose location or control requires special consideration or major planning factors, or for specified modifications of the #use# or #bulk# regulations of this Resolution, provided that in each specific case the requirement for findings as set forth in this Chapter shall constitute a condition precedent to the grant of such special permit.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such special permit #use# or #building or other structure# permitted hereunder shall conform to and comply with all of the applicable regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory# #signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this Resolution except as otherwise specifically provided in this Chapter.

In addition, the Commission, with the concurrence of the Board of Estimate, shall also have the power to permit the renewal of an exception or permit issued prior to December 15, 1961, in accordance with the provisions of Section 11-41 relating to Exceptions, Variances or Permits Previously Authorized.

In all Special Purpose Districts, the provisions of Section 27-134 (Special permit approval in special purpose districts), with respect to special permits that modify #use# or #bulk#, shall apply. In the #Special Midtown District#, the powers of the Commission to permit special permit #uses# are modified by the provisions of Section 81-13 (Special Permit Use Modifications), and the powers of the Commission to permit modification of the #bulk# regulations or grant bonus #floor area# for certain amenities are made inapplicable or modified in accordance with the provisions of Section 81-062 (Applicability of Chapter 4 of Article VII).

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# listed under Use Group IV shall be subject to the height and setback requirements of an R2 District:

Fire stations

Police stations

Electric utility substations or public transit or railroad electric substations, limited to sites of not less than 40,000 square feet and not more than 10 acres

Sewage disposal plants.

74-02 - Further Requirements

LAST AMENDED
6/6/2024

It shall be a further requirement that the decision or determination of the City Planning Commission shall set forth each required finding in each specific grant of a special permit #use#, or modification of the #use# or #bulk# regulations, and in each denial thereof which of the required findings has not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Commission in reaching its final decision, including the personal knowledge of or inspection by the members of the Commission.

74-03 - Requirements for Applications

LAST AMENDED
6/6/2024

An application to the City Planning Commission for the grant of a special permit respecting any of the #uses# specified in this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

74-04 - Conditions and Safeguards

LAST AMENDED
6/6/2024

The City Planning Commission may prescribe such conditions and safeguards to the grant of special permits as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards shall

be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

74-05 - General Provisions for Special Permit Uses

LAST AMENDED
6/6/2024

The City Planning Commission shall have the power to permit in the districts indicated, the special permit #uses# set forth in this Chapter and to prescribe appropriate conditions and safeguards thereon, provided that in each specific case:

(a) The Commission shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use#, and shall find that the hazards or disadvantages to the community at large through the location of such #use# at the particular site are outweighed by the advantages to be derived by the community from the grant of such special permit #use#.

The Commission shall in each case determine that the adverse effects, if any, on the privacy, quiet, light and air in the neighborhood of such #use# will be minimized by appropriate conditions governing location of the site, design and method of operation.

(b) In all cases, the Commission shall deny a special permit #use# whenever such #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate or City

Planning Commission, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit #use#.

(c) Where, under the applicable findings, the Commission is required to determine whether the special permit #use# is appropriately located in relation to the #street# system, the Commission shall make such determination on the basis of the Master Plan of Arterial Highways and Major Streets. Whenever the Commission is required to make a finding on the location of a proposed special permit #use# in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Commission shall thereupon establish the appropriate classification of such #streets#.

(d) All applications relating to Sections 74-41 to 74-70, inclusive, and Section 74-80 shall be referred by the Commission to the Department of Traffic for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location, and when so required in the specific Section, the Commission shall refer the application to a designated agency for a report on the issue in question. If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issue referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

(e) The Commission may authorize any special permit #use# for such term of years as it deems appropriate.

(f) The Commission may permit the #enlargement# or #extension# of any existing #use# which, if new, would be permitted by special permit in the specified districts under the provisions of Section 74-01 (General Provisions) and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Commission shall make all of the required findings applicable to the special

permit #use#, except that:

(1) in the case of #public parking garages# or #public parking lots#, the Commission may waive all such applicable required findings set forth in Sections 74-193 or 74-194; and

(2) in the case of electric utility substations or public transit or railroad electric substations, the Commission may waive all such required findings set forth in Sections 74-142 or 74-147, except that the requirements with respect to site size shall not be waived.

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the degree of #non-compliance# with the applicable #bulk# regulations.

74-06 - Additional Considerations for Special Permit Use and Bulk Modifications

LAST AMENDED
6/6/2024

Where a special permit application would allow a significant increase in #residential# #floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of Section 27-131 (Mandatory Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section 27-12 (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of Section 27-131.

74-10 - SPECIAL PERMIT USES

LAST AMENDED
6/6/2024

74-11 - Agriculture and Other Open Uses

LAST AMENDED
6/6/2024

74-12 - Residences

LAST AMENDED
6/6/2024

74-121 - Residential use in C4-1 Districts in Staten Island

LAST AMENDED
12/5/2024

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block#, 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 Article III, Chapter 5, as applicable.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area and that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.

74-13 - Community Facilities

LAST AMENDED
6/6/2024

74-131 - Long-term care facilities

LAST AMENDED
12/5/2024

The Commission may permit #long-term care facilities# listed under Use Group III(A) in R1 and R2 Districts where they are not permitted as of right, provided that the following findings are made:

(a) such #use# is compatible with the character of the surrounding area;

(b) the proposed #building# access, orientation and landscaping create an adequate buffer between the proposed facility and nearby #residences#; and

(c) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

Where such #use# is permitted by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

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

74-132 - Non-profit hospital staff dwellings

LAST AMENDED
6/6/2024

The City Planning Commission may permit #non-profit hospital staff dwellings# in accordance with the conditions of paragraph (a) of this Section, provided that the findings of paragraph (b) are met.

(a) The Commission may permit:

(1) in all #Residence Districts#, or in C1, C2, C3, C4, C5, C6 or C7 Districts, #non-profit hospital staff dwellings# located on a #zoning lot#, no portion of which is located more than 1,500 feet from the non-profit or voluntary hospital and related facilities; or

(2) in C4-2 Districts without a letter suffix, in Community District 11 in the Borough of the Bronx, #non-profit hospital staff dwellings# on #zoning lots# located not more than 1,500 feet from the non-profit or voluntary hospital and related facilities.

(b) To permit such #non-profit hospital staff dwellings#, the Commission shall find:

(1) that the #bulk# of such #non-profit hospital staff dwelling# and the density of population housed on the site will not impair the essential character or the future use

or development of the surrounding area; and

(2) that the number of #accessory# off-street parking spaces provided for such #use# will be sufficient to prevent undue congestion of #streets# by such #use#.

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

74-133 - Swimming pool clubs or certain non-commercial clubs

LAST AMENDED
6/6/2024

In all #Residence Districts#, the City Planning Commission may permit a non-commercial outdoor swimming pool club, or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line#, provided that the following findings are made:

(a) that such #use# is so located as not to impair the essential character or future use or development of the nearby residential neighborhood;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;

(c) that such #use# has adequate reservoir space at the vehicular entrance to prevent the congestion of automobiles on the #streets#;

(d) that in R1, R2, R3 or R4 Districts, the pool or any #accessory# facilities affixed to the land are not located closer than 100 feet or, in the case of an #accessory# outdoor tennis court, such tennis court shall not be closer than 20 feet, to any #side# or #rear lot line# coincident with a #side# or #rear lot line# of an adjoining #zoning lot# in a #Residence District#, and not

located closer than 50 feet to any #street line#, and that any planned temporary enclosure such as an air-supported structure be indicated on the plans submitted with this application, and in no event shall such a structure be located closer than 50 feet from any #street# or #lot line#, if such a structure is planned subsequent to the approval of the special permit, then an amended application subject to the same approvals of this Section shall be submitted; and

(e) that for every 200 square feet of #lot area# used for the pool and its #accessory# facilities, one #accessory# off-street parking space is provided.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or the hours of operation, or requirements for shielding of floodlights, screening or surfacing of all access roads or driveways.

74-134 - Other community facility uses in M1 Districts

LAST AMENDED
6/6/2024

In M1 Districts, the City Planning Commission may permit any remaining #uses# listed under Use Group III(B), other than educational institutions, provided that such #use# is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

(a) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;

(b) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;

(c) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;

(d) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;

(e) within the neighborhood primarily to be served by the #community facility#, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and

(f) such facility will not impair the essential character of the surrounding area.

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

74-14 - Public Service Facilities and Infrastructure

LAST AMENDED
6/6/2024

74-141 - Fire or police stations

LAST AMENDED
6/6/2024

In all #Residence Districts#, the City Planning Commission may permit fire or police stations listed under Use Group IV(A), provided that the following findings are made:

(a) that such #use# will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as-of-right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and

(b) in the case of fire stations, that such #use# is so located as to minimize the movement of fire apparatus through local #streets# in residential areas.

For any such #use#, the Commission may permit appropriate modifications of the applicable regulations of Article II, Chapter 3, provided that such #use# complies with all the applicable district #bulk# regulations for #community facility buildings# as set forth in Article II, Chapter 4.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements for landscaping.

74-142 - Electric utility substations

LAST AMENDED
6/6/2024

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) listed under Use Group IV(B), limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

(a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;

(c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(d) that such #use# will conform to the performance standards applicable to M1 Districts.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

74-143 - Sewage pumping stations and sewage disposal plants

LAST AMENDED
6/6/2024

The City Planning Commission may permit sewage pumping stations and sewage disposal plants listed under Use Group IV(B) pursuant to paragraphs (a), (b) or (c) of this Section, as applicable.

(a) Private sewage pumping stations and sewage disposal plants

In all #Residence Districts#, the Commission may permit private sanitary or storm water sewage pumping stations and sewage disposal plants, provided that:

(1) such use will serve a #development# which contains more than 15 #dwelling units#;

(2) there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area;

(3) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities;

(4) for sewage disposal plants:

(i) the related #development# is arranged in such a way as best to serve active and passive recreation needs; protect and preserve scenic assets and natural features such as trees, streams and topographic features; and provide suitable variations in the siting of #buildings# to achieve these objectives; and

(ii) the proposed plant will be adequate for anticipated development in the area to be served; or

(5) in all cases, the proposal promotes and protects the public health, safety and general welfare.

In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Resources for a report.

The Commission may review the scope and impact of the proposal on public facilities and may, in addition, prescribe appropriate conditions or safeguards without dictating the architectural design of individual #buildings# in order to minimize adverse effects on the surrounding area.

(b) Private sewage disposal plants

In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the City Planning Commission may permit private sewage disposal plants provided that:

(1) such #use# will serve the commercial or residential area within which, or adjacent to which, it is to be located;

(2) that in the case of a residential area, such area contains more than 50 #dwelling units#; and

(3) that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area or commercial area.

In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Protection for a report.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.

(c) Municipal sewage pumping stations and sewage disposal plants

In all #Residence Districts#, the Commission may permit municipal sewage pumping stations, and in all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the Commission may permit municipal sewage disposal plants, provided that:

(1) there are serious difficulties in locating it in a district where it is permitted as-of-right;

(2) in the case of sewage disposal plants, the proposed plant will be adequate for anticipated development in the area to be served;

(3) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities; and

(4) in all cases, the proposal promotes and protects the public health, safety and general welfare.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices and landscaping.

74-144 - Airports

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of airports and their facilities listed under Use Group IV(B), in any case where the applicant has submitted a site plan showing the location and dimensions of all runways, provided that the following findings are made:

(a) that the airport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and

(b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration, for the report of such agency as to whether such airport is either an integral part of, or will not interfere with, the

general plan of airports for New York City and the surrounding metropolitan region; and whether a new, reoriented, or lengthened runway will interfere with the flight pattern of any nearby airport.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the Commission may adopt a resolution to amend the #zoning maps# so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent #Residence District# shall be mapped as an R1, R2, or R3 District, and any adjacent #Commercial# or #Manufacturing District# shall be mapped as a C1, C2, C3, C4-1, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3 or M3 District.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

74-145 - Bus stations

LAST AMENDED
11/21/2024

The City Planning Commission may permit bus stations listed under Use Group IV(B) with fewer than 10 berths pursuant to paragraph (a) of this Section, and with 10 or more berths pursuant to paragraph (b) or paragraph (c), as applicable.

All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such #use# has been authorized but the #enlargement#, #extension#, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in this Section.

(a) In C1, C2, C4, C6, C7 or C8 Districts, or in any #Manufacturing District#, the Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

(1) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;

(2) that the principal access of such #use# is not located on a local #street#;

(3) that vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart; and

(4) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.

(b) In C4, C6 or #Manufacturing Districts#, the Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

(1) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;

(2) that the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(3) that such #use# is not located within 200 feet of a #Residence District#, or is otherwise separated from nearby #residential# areas by topographical or physical conditions of the land;

(4) that vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart; and

(5) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

(c) In any #Commercial District# or #Manufacturing District#, the Commission may permit the construction of a bus station with 10 or more berths for buses on a site of any size, where the

#bus station and related facilities# are located wholly or partially in the #Special Midtown District# within Community District 4 in the Borough of Manhattan.

For purposes of this paragraph (c), a "bus station and related facilities" shall refer to: any bus station and #uses# #accessory# thereto that are #developed# in accordance with a special permit granted under this paragraph (c); and any #uses# that are constructed and maintained pursuant to Chapter 8 of Title 17 of the Unconsolidated Laws of New York.

In conjunction with a permit for a bus station, when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# that will contain such bus station, the Commission may permit, in such demapped air space, the #development# or #enlargement# of a #building# or portion thereof which is part of such bus station. The Commission may also permit, in connection with such bus station or any other #use# #developed# on the same #zoning lot# as such bus station, the modification of any applicable mandatory district plan elements, #bulk# regulations of this Resolution other than #floor area ratio# provisions, or the distribution of total allowable #floor area# without regard for #zoning lot# lines or district boundaries.

In order to grant such a permit, the Commission shall determine that the conditions set forth in paragraph (c)(1) and the findings set forth in paragraphs (c)(2) and (c)(3) of this Section, as applicable, are met.

Where the #bus station and related facilities# allowed under this Section will be #developed# pursuant to Chapter 8 of Title 17 of the Unconsolidated Laws of New York, any #buildings or other structures# comprising such #bus station and related facilities# shall not be subject to the #bulk# regulations or other applicable regulations of this Resolution, and the floor space within such #buildings or other structures# shall be excluded from the calculation of #floor area#.

The curb level of a zoning lot of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of curb level as the reference plane for the applicable regulations relating to open space, yards, level of yards, equivalent rear yards, rear yard setback, minimum distance between buildings, and height and setback.

(1) Conditions

Where the #development# or #enlargement# of a #building# is allowed within one or more demapped air spaces pursuant to this Section, such demapped air spaces and any adjoining tracts of land containing such #building# may be considered as part of a single #zoning lot#, but such demapped air spaces shall not generate #floor area# to be utilized on such #zoning lot#.

(2) Findings applicable to bus station #use#

In order to allow such bus station #use#, the Commission shall find that:

(i) the operation of such bus station does not create serious traffic congestion, and is not detrimental to public health or general welfare of the city;

(ii) the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(iii) the site plan for the #bus station and related facilities# includes pedestrian-oriented public spaces that, in their sizes and locations, reflect appropriate consideration of existing or planned at-grade pedestrian circulation networks;

(iv) the design of the facility, including public entrances to the bus station, vehicular entrances and exits, bus ramps or overpasses, and accessory #uses# within the #bus station and related facilities# are sited and designed in a manner that reflects appropriate consideration of the civic importance of the site and of the experience of pedestrians within existing or planned #streets# or open areas;

(v) the locations of at-grade entrances to such #bus station and related facilities# are designed to encourage pedestrian circulation into and on the #zoning lot# and are well-situated in relation to existing and proposed at-grade pedestrian and bicycle circulation networks;

(vi) the bus station provides adequate connections to and from existing transportation facilities;

(vii) the bus station and surrounding transportation network accommodate projected bus volumes and reduces potential conflicts between buses and other modes of transportation in the surrounding area; and

(viii) the #use# and #development# of the bus station will not have undue adverse impacts on the character of or land uses in the surrounding area.

(3) Findings applicable to modifications other than those allowing the #bus station and related facilities#

In order to modify any other applicable regulations of this Resolution, the Commission shall find that:

(i) such modifications will facilitate an improved site plan for the #bus station and related facilities# or are otherwise in furtherance of the bus station project;

(ii) such modifications will not unduly obstruct access to light and air from surrounding #streets#, open areas and properties; and

(iii) any proposed modification of regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the #zoning lot# or the intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area.

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

74-146 - Heliports

LAST AMENDED
6/6/2024

In C3, C4, C5, C6, C7 or C8 Districts or in any #Manufacturing District#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of heliports and their facilities listed under Use Group IV(B) where the applicant has submitted a site plan showing the location of landing areas, provided that the following findings are made:

(a) that the heliport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and

(b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the heliport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in the Resolution with respect to other major traffic-generating facilities.

74-147 - Public transit or railroad electric substations

LAST AMENDED
6/6/2024

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit public transit or railroad electric substations, listed under Use Group IV(B), limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

(a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

(b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;

(c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and

(d) that such #use# will conform to the performance standards applicable to M1 Districts.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

74-148 - Railroad passenger stations

LAST AMENDED
6/6/2024

(a) Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations listed under Use Group IV(B) in all districts, provided that the following findings are made:

(1) that the principal access for such #use# is not located on a local #street#;

(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and

(3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

(1) that the principal access for such railroad passenger station is not located on a local #street#;

(2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;

(3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;

(4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;

(5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and

(6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:

(i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and

(ii) the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station

emergency access stairs pursuant to a site plan accepted by the Chairperson of the Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.

74-149 - Seaplane bases

LAST AMENDED
6/6/2024

In all districts, the City Planning Commission may permit seaplane bases listed under Use Group IV(B) provided that the following findings are made:

(a) that such #use# and the take-off and landing operations it serves are so located as not to impair the essential character or future #use# or #development# of the surrounding area; and

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the seaplane base is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution.

74-15 - Transient Accommodations

LAST AMENDED
6/6/2024

74-151 - In R10H Districts

LAST AMENDED
6/6/2024

In R10H Districts, the City Planning Commission may permit #transient hotels# listed under Use Group V. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel# #use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel# #use# to occur without further Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.

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

74-152 - In Commercial Districts

LAST AMENDED
6/6/2024

In C1, C2, C4, C5, C6, C7 and C8 Districts, M1 Districts paired with a #Residence District#, or M1-6D Districts, the City Planning Commission may permit #transient hotels#, #motels#, or #tourist cabins# listed under Use Group V, as set forth in Sections 32-15 and 42-15 (Use Group V – Transient

Accommodations), that are not otherwise permitted pursuant to the provisions of Section 32-152 or 42-152 (Use Group V – uses subject to additional conditions). The Commission may also permit #transient hotels#, #motels#, or #tourist cabins# made permissible in Special Purpose Districts of this Resolution.

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

(a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;

(b) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and

(c) such #use# will not impair the future use or development of the surrounding area.

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

74-153 - In M1 Districts

LAST AMENDED
6/6/2024

In M1 Districts, other than those subject to the provisions of Section 74-152 (In Commercial Districts), the City Planning Commission may permit #transient hotels#, #motels# or #tourist cabins# listed in Use Group V, as set forth in Section 42-15 (Use Group V – Transient Accommodations), that are not otherwise permitted pursuant to Section 42-152 (Use Group V – uses subject to additional conditions).

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

(a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;

(b) the site plan demonstrates that the proposed #street wall# location and the design and landscaping of any area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations will result in a site design that does not impair the character of the existing streetscape;

(c) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and

(d) such #use# will not impair the essential character including, but not limited to, existing industrial businesses, or future use or development of the surrounding area.

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

74-16 - Retail and Services

LAST AMENDED
6/6/2024

74-161 - Retail and service uses

LAST AMENDED
6/6/2024

In all #Commercial Districts# and #Manufacturing Districts#, the City Planning Commission may permit modifications to #uses# listed under Use Group VI, as set forth in Sections 32-16 and 42-16 (Use Group VI – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group VI, other than those #uses# for which another permit exists pursuant to Section 74-16, inclusive, the Commission may permit modifications to a size limitation, denoted in the Use Group table with an "S", beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-16, inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or modifications to additional conditions, denoted in the Use Group table with a "P", including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Commission shall find that:

(1) such #use# will not impair the character or the future use or development of the surrounding area;

(2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) the modifications are necessary to support the operation of such #use#.

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

74-17 - Offices and Laboratories

LAST AMENDED
6/6/2024

74-171 - Laboratories

LAST AMENDED
6/6/2024

In #Residence Districts# and #Commercial Districts#, C1 or C2 Districts in the Borough of Manhattan, in other C1 or C2 Districts that are not #select commercial overlays#, and in other #Commercial Districts#, the City Planning Commission may permit laboratories listed under Use Group VII, not otherwise allowed by the underlying #use# regulations. In conjunction with such modifications the Commission may also permit modifications to the underlying #sign# regulations.

In order to grant such #use# modifications, the Commission shall find that such facility meets the applicable conditions of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c)

(a) Conditions

As a condition for the special permit, such facility shall:

(1) conform to the performance standards applicable to M1 Districts;

(2) occupy a #zoning lot# containing no #residential use#; and

(3) in #Residence Districts#, occupy a #large-scale community facility development# or occupy either a single #zoning lot# used predominantly for #community facility uses# that has an area of at least 40,000 square feet, or two or more contiguous #zoning lot#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, used predominantly for #community facility uses#, that has an area of at least 40,000 square feet; and

(b) Findings

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

(1) will not unduly affect the essential character or impair the future use and development of the surrounding area;

(2) will be located so as to draw a minimum of vehicular traffic to and through local #streets#;

(3) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and

(4) with regard to #sign# modifications:

(i) the modifications are consistent with the amount and location of signage for other laboratories and are appropriate on the #zoning lot#; and

(ii) #illuminated signs#, if provided, utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby residences; and do not alter the essential character of the adjacent area.

(c) Additional requirements

For the purposes of applying #bulk# regulations to such laboratory, the following shall apply:

(1) in all districts, where such laboratory will occupy a #large-scale community facility development# or occupy either a single #zoning lot# used predominantly for #community facility uses# that has an area of at least 40,000 square feet, or two or more contiguous #zoning lot#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, used predominantly for #community facility uses#, that has an area of at least 40,000 square feet, the #floor area# associated with such laboratory shall be considered #community facility floor area#, and all other associated #community facility bulk# regulations shall apply; and

(2) in all other instances, the #floor area# associated with such laboratory shall be considered #commercial floor area#, and all other associated #commercial bulk# regulations shall apply.

Modifications to the applicable #bulk# regulations may be made in conjunction with such laboratory, by special permit of the City Planning Commission, pursuant to Section 74-901.

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.

74-18 - Recreation, Entertainment, and Assembly Spaces

LAST AMENDED
6/6/2024

74-181 - Recreation, entertainment and assembly space uses

LAST AMENDED
6/6/2024

In C1 or C2 Districts that are not #select commercial overlays#, in all other #Commercial Districts# and in #Manufacturing Districts#, the City Planning Commission may permit modifications to #uses# listed under Use Group VIII, as set forth in Sections 32-18 and 42-18 (Use Group VIII – Recreation, Entertainment and Assembly Spaces), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group VIII, other than those #uses# for which another permit exists pursuant to Section 74-18, inclusive, the Commission may permit modifications to a size limitation, denoted in the Use Group table with an "S", beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-18, inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or modifications to additional conditions, denoted in the Use Group table with a "P", including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Commission shall find that:

(1) such #use# will not impair the character or the future use or development of the surrounding area;

(2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) the modifications are necessary to support the operation of such #use#.

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

74-182 - Arenas, auditoriums, stadiums or trade expositions

LAST AMENDED
2/24/2026

C4 C6 C7 C8 M1 M2 M3

(a) The City Planning Commission may permit arenas, auditoriums or stadiums, or trade expositions, as listed in Use Group VIII, with a capacity in excess of 2,500 seats for arenas, auditoriums or stadiums, or with a rated capacity in excess of 2,500 persons for trade expositions, provided that the following findings are made:

(1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(3) that such #use# is not located within 200 feet of a #Residence District#;

(4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;

(5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and

(6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.

(b) In Community District 7 in the Borough of the Bronx, the Commission may permit an indoor arena with a maximum seating capacity of 17,000 within 200 feet of a #Residence District# and, in conjunction with such arena, permit modifications to #sign# regulations and parking or loading regulations, provided that:

(1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;

(2) open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;

(3) the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;

(4) where the #sign# regulations are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#; and

(5) where the parking or loading regulations are modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand

generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms.

(c) In the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B of the #Special Hudson Yards District#, the Commission may permit arenas with seating in excess of 2,500 persons, provided that the following findings are made:

(1) the provisions of paragraphs (a)(1) through (a)(6) of this Section are met; and

(2) the proposed loading for the arena will not unduly: interfere with the use of public spaces; interfere with transit facilities; interrupt the flow of pedestrian traffic in the pedestrian circulation network; or interfere with the efficient functioning of adjacent #streets# including for the staging or queuing of vehicles for loading or for security checks. An application for this special permit shall include a loading operations plan that describes the number, location and arrangement of all loading berths on the #zoning lot# as well as the location and management of off-site storage and staging of vehicles associated with the arena #use#. The plan shall be referred to the Department of Transportation and affected transit agencies for a report or recommendations on the plan. The Commission shall, in its determination, give due consideration to these reports and recommendations.

The Commission may require that, within six months of approval of the special permit, the applicant submit to the Chairperson of the City Planning Commission a transportation management plan, developed in consultation with the Department of City Planning and the Department of Transportation, to detail the loading operations plan. The Chairperson shall certify that the loading operations, as described in the transportation management plan, comply with the relevant conditions of the Commission's resolution.

Special Coney Island District

(d) On Parcels B and G in the Coney West Subdistrict of the #Special Coney Island District#, the Commission may permit an arena with up to 6,000 seats and, in conjunction with such arena, permit modifications to #sign# and parking and loading regulations, provided that:

(1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;

(2) adequate pedestrian gathering, queueing and circulation spaces for such arena are provided to minimize disruption to the surrounding area, including at nearby #residences#, #public parks# and other publicly accessible open spaces;

(3) the arena will include noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#, #public parks# and other publicly accessible open spaces;

(4) where #sign# regulations are modified, a signage plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#, #public parks# and other publicly accessible open spaces;

(5) where parking regulations are modified, such waiver or reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and

(6) where loading regulations are modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium or stadium, including #accessory# directional or building identification #signs# located therein.

In addition, within Pennsylvania Station Subarea B4 of the #Special Hudson Yards District#, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Section 37-70, inclusive, shall not apply to such #plazas#.

74-183 - Drive-in theaters

LAST AMENDED
6/6/2024

In C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit drive-in theaters listed under Use Group VIII, limited to a maximum capacity of 500 automobiles, provided that the following findings are made:

(a) that the principal vehicular access for such #use# is not located on a local #street# or an arterial highway but is located on a major or secondary #street# within one-quarter mile of an arterial highway;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c) that such #use# is not located within 200 feet of a #Residence District#;

(d) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion; and

(e) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

74-184 - Racetracks

LAST AMENDED
6/6/2024

In C8 Districts or any #Manufacturing District#, the City Planning Commission may permit racetracks listed under Use Group VIII, provided that the following findings are made:

(a) that the principal vehicular access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street#, or a secondary #street# within one-quarter mile of an arterial highway or major #street#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;

(d) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and

(e) that, in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the requirements established in this Resolution with respect to other major traffic generating #uses#.

74-19 - Storage

LAST AMENDED
6/6/2024

74-191 - Micro-distribution facilities

LAST AMENDED
6/6/2024

In C1 or C2 Districts in the Borough of Manhattan, in other C1 or C2 Districts that are not #select commercial overlays#, and in C4 through C7 Districts, C1, C2, C4, C5, C6 and C7 Districts, for

micro-distribution facilities listed under Use Group IX(A), as set forth in Sections 32-19 (Use Group IX – Storage), the City Planning Commission may permit modifications to a size limitation, denoted in the Use Group table with an "S", beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-19.

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

(a) such #use# will not impair the character or the future use or development of the surrounding area;

(b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(c) the modifications are necessary to support the operation of such #use#.

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

74-192 - Self-service storage facility in designated areas within Manufacturing Districts

LAST AMENDED
6/6/2024

On #zoning lots# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts) of this Resolution, the City Planning Commission may permit the #development#, #enlargement# not permitted pursuant to the provisions of Section 42-193 (Use Group IX – uses subject to additional conditions), or change of #use# of a #building# for #self-service storage facility# #use# listed under Use Group IX(A).

To grant such permit, the Commission shall find that the #zoning lot# is appropriate for such #self-service storage facility# #use#, based on the land use characteristics of the proposed #zoning lot# and the surrounding area. In making this determination, the Commission may consider the following:

(a) whether such #use# is consistent with the economic development objectives of the City for the designated area in which the #self-service storage facility# seeks to be located, and may, in making this determination, consult with the Department of Small Business Services;

(b) whether recent trends for and levels of investment in "qualifying #uses#", as defined below, demonstrate that there is minimal demand for space for such #uses# in the surrounding area;

(c) whether the size and configuration of the #zoning lot# make it better suited for #self-service storage facility# #use# than for "qualifying #uses#";

(d) for changes of #use# to existing #buildings#, whether the design and layout of loading docks, interior column spacing, floor-to-ceiling height and other relevant physical characteristics of the existing #building# make the #building# better suited for #self-service storage facility# #use# than for "qualifying #uses#";

(e) whether the distance of the #zoning lot# from an arterial highway or a designated truck route, or lack of frontage on a #wide street#, makes the #zoning lot# better suited for #self-service storage facility use# than for "qualifying #uses#";

(f) whether the distance of the #zoning lot# from mass transit that serves employees makes the #zoning lot# better suited for #self-service storage facility# #use# than for "qualifying #uses#";

(g) whether the establishment of a #self-service storage facility# will cause environmental remediation work to be undertaken on the #zoning lot#; or

(h) whether there is a concentration of existing #self-service storage facilities# in the surrounding area.

For the purposes of this Section, “qualifying #uses#” shall include industrial drycleaning and laundry services listed in Use Group VI, as well as #uses# listed in Use Group IX (other than a #self-service storage facility#), or Use Group X.

The Commission may impose appropriate conditions and safeguards to minimize any adverse effects upon the existing #uses# in the surrounding area.

74-193 - Trucking terminals or motor freight stations

LAST AMENDED
6/6/2024

In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations listed under Use Group IX(A), with sites in excess of 20,000 square feet, provided that the following findings are made:

(a) that the principal access for such #use# is not on a local #street# but is located within one-quarter mile of a secondary or major #street#;

(b) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart;

(c) that such #use# is not located within 200 feet of a #Residence District# boundary; and

(d) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening and surfacing all access roads or driveways.

74-194 - Public parking garages or public parking lots outside high density areas

LAST AMENDED
6/6/2024

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts or, outside the #Greater Transit Zone#, in C7, or M1, M2 or M3 Districts with an A suffix, the City Planning Commission may permit #public parking garages# or #public parking lots# listed under Use Group IX(C), with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-54 or 44-44 (Surfacing) and Sections 36-55 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before October 17, 2019, and was previously granted a special permit pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

74-195 - Public parking garages or public parking lots in high density central areas

LAST AMENDED
6/6/2024

In C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C5, C6, C7 inside the #Greater Transit Zone#, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts or, inside the #Greater Transit Zone#, in C7, or M1, M2 or M3 Districts with an A suffix, the City Planning Commission may permit #public parking garages# or #public parking lots# listed under Use Group IX(C), with any capacity for #public parking garages#, or with more than 150 spaces for #public parking lots#, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-54 or 44-44 (Surfacing) and Sections 36-55 or 44-45 (Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

(b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;

(e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

74-20 - ADDITIONAL SPECIAL PERMIT USES

LAST AMENDED
6/6/2024

74-21 - Production Uses

LAST AMENDED
6/6/2024

74-211 - Production uses

LAST AMENDED
6/6/2024

In C1 or C2 Districts in the Borough of Manhattan, in other C1 or C2 Districts that are not #select commercial overlays#, in all other #Commercial Districts#, and in #Manufacturing Districts#, the City Planning Commission may permit modifications to the #uses# listed under Use Group X, as set forth in Sections 32-20 and 42-20 (Use Group X – Production Uses), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For #uses# listed under Use Group X, other than those #uses# for which another permit exists pursuant to Section 74-21 (Production Uses), inclusive, the Commission may permit modifications to a size limitation, denoted with an "S" in the Use Group table, beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section 73-21 (Production Uses), inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or modifications to additional conditions, denoted in the Use Group table with a "P", including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Commission shall find that:

(1) such #use# will not impair the character or the future use or development of the surrounding area;

(2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) the modifications are necessary to support the operation of such #use#.

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

74-30 - OTHER MODIFICATIONS TO USE REGULATIONS

LAST AMENDED
6/6/2024

74-31 - Stores or Offices on Large-scale Sites in Residence Districts

LAST AMENDED
6/6/2024

In #Residence Districts# the City Planning Commission may allow, by special permit, modifications to the underlying #use# regulations to permit #uses# that would be permitted in a C2 District on the #ground floor level# of a #building#. However, #accessory# drive-through facilities serving a #use# listed under Use Group VI, as set forth in Section 32-16 (Use Group VI – Retail and Services), shall not be permitted. The Commission may also permit the #sign# regulations applicable to a C2 District to be applied to such #use#. In order to grant such permit, the Commission shall find that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

As a condition for the special permit, the applicant shall demonstrate that the proposed #use#:

(1) is located on a #large-scale development#, or is located on either a single #zoning lot# that has an area of at least 1.5 acres, or two or more contiguous #zoning lots#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, that has an area of at least 1.5 acres and contains #residences#; and

(2) does not exceed a size of 15,000 square feet. The #floor area# associated with such #uses# permitted in a C2 District shall be considered a #community facility# #use# for the purposes of determining compliance with the applicable district #floor area ratio# regulations.

(b) Findings

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

(1) such #use# will serve residents on the #zoning lot# and the surrounding residential area;

(2) such #use# will generate a minimum of vehicular traffic to and through local #streets# and will not create traffic congestion;

(3) such #use# will not produce objectionable effects; and

(4) such #use#, including any permitted #signs#, will not alter the essential character of the neighborhood in which the #building# is located.

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

74-50 - OFF-STREET PARKING ESTABLISHMENTS

LAST AMENDED
12/15/1961

74-51 - Off-street Parking Requirement for Youth-oriented or Senior Citizen-oriented Community Centers and Non-profit Neighborhood Settlement Houses

LAST AMENDED
6/6/2024

In C1-2 and C2-2 Districts, for youth-oriented or senior citizen-oriented community centers and non-profit neighborhood settlement houses, the City Planning Commission may permit modifications of the parking requirement of Section 36-21, provided the following findings are made:

(a) that, because of site limitations, such a reduction is necessary for the proper design and operation of such community centers and non-profit neighborhood settlement houses; and

(b) that available off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by such #community facility#.

74-52 - Special Permit to Remove Required Parking

LAST AMENDED

Outside the #Inner Transit Zone#, the City Planning Commission may permit the reduction or removal of #accessory# off-street parking spaces required pursuant to Section 25-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES), provided the Commission finds that such reduction or removal:

(a) will not impede access to existing #accessory# off-street parking spaces on adjoining #zoning lots#; and

(b) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area;

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

74-53 - Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments

LAST AMENDED
5/8/2013

74-531 - Additional parking spaces or roof parking for accessory group parking facilities

LAST AMENDED3/22/2016

The City Planning Commission may permit #group parking facilities# #accessory# to #uses# in #large-scale residential developments# or #large-scale community facility developments# or #large-scale general developments# with more than the prescribed maximum number of parking spaces set forth in Sections 25-12, 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) or may permit modifications of the applicable provisions of Sections 25-11, 36-11 and 44-11 (General Provisions) so as to permit off-street parking spaces #accessory# to such #uses# to be located on the roof of a #building#.

As a condition of permitting such exceptions or modifications, the Commission shall make the following findings:

(a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;

(b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and

(d) that where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, or to the #Long Island City area#, as defined in Section 16-02 (Definitions), where the regulations set forth in Article I, Chapter 6, shall apply.

74-54 - Rear Yard Modifications

LAST AMENDED
10/9/1969

In C4, C6, C7, C8, M1, M2 or M3 Districts, for #public parking garages# with more than 150 spaces, the City Planning Commission may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, and Sections 43-26 to 43-31, inclusive, relative to #rear yard# regulations, provided the following findings are made:

(a) that the #public parking garage# will alleviate excessive on-street parking demand and thereby relieve traffic congestion in the area; and

(b) that because of site limitations such modification is necessary for the proper design and operation of the #public parking garage#.

The Commission shall consider the characteristics of surrounding development and may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of adjacent areas.

74-60 - PUBLIC SERVICE OR TRANSPORTATION FACILITIES

LAST AMENDED
12/15/1961

74-61 - Developments on Lots that Include Railroad Right-of-Ways

LAST AMENDED

The City Planning Commission may permit a #development# or #enlargement# on a #zoning lot# that includes either a #railroad right-of-way# or a #former railroad right-of-way# where the #lot area# is one and a half acres or greater, and may include a #railroad right-of-way# that would otherwise be considered a #block# boundary in the #lot area# of such #zoning lot#, provided the Commission finds that:

(a) the distribution of #floor area# on the #zoning lot# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#; and

(b) where the #zoning lot# includes a #former railroad right-of-way# and a transportation agency has a plan to use such tract of land for transportation purposes, the site plan does not preclude future improvements to facilitate such transportation purposes. The Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any such plans.

On #zoning lots# of any size that require a certification pursuant to Section 75-411 (Developments on or over railroad rights-of-way), the Commission may permit the establishment of an appropriate level or levels instead of #curb level#, #base plane#, or other applicable reference plane, as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#.

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

74-62 - Developments Over Streets

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State-enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air space, the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

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

(a) for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on-site and in the area; and

(b) for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning# #lot lines#, provided that such loading berths shall be:

(1) adequate to serve the requirements of the institution;

(2) accessible to all the #uses# in such institution without the need to cross any #street# at grade; and

(3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

74-70 - ADDITIONAL PERMITS

LAST AMENDED
6/6/2024

74-71 - Landmark Preservation

LAST AMENDED
11/25/1997

74-711 - Landmark preservation in all districts

LAST AMENDED
2/2/2011

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

(a) The following conditions are met:

(1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings#, and that such #use# or #bulk# modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;

(2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such #bulk# modifications relate harmoniously to the subject landmark #building# or #buildings# in the Historic District, as applicable; and

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

(b) In order to grant a special permit, the City Planning Commission shall find that:

(1) such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

(2) such #use# modifications shall have minimal adverse effects on the conforming #uses# within the #building# and in the surrounding area.

The Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the #development# and #buildings# on the #zoning lot#.

74-712 - Developments in Historic Districts

LAST AMENDED
12/5/2024

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

(a) In M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, or has not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential# #development# and, below the floor level of the second #story# of any #development#, #uses# permitted in Use Group VI, provided:

(1) the #use# modifications shall meet the following conditions, that:

(i) #residential# #development# complies with the requirements of Sections 23-342 (Rear yard requirements) and 23-372 (Distances between legally required windows and lot lines), inclusive, pertaining to R8 Districts;

(ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;

(iii) the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;

(iv) all #signs# for #residential# or #commercial# #uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and

(v) eating or drinking establishments of any size, as set forth in Use Group VI, are not permitted; and

(2) the Commission shall find that such #use# modifications:

(i) have minimal adverse effects on the conforming #uses# in the surrounding area;

(ii) are compatible with the character of the surrounding area; and

(iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.

(b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk#

modifications:

(1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and

(2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

74-72 - Bulk Modification

LAST AMENDED
12/17/1981

74-721 - Height and setback and yard regulations

LAST AMENDED
6/6/2024

(a) In C4-7, C5-2, C5-3, C5-4, C6-1A, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts, the City Planning Commission may permit modification of the height and setback regulations, including tower coverage controls, for #developments# or #enlargements# located on a #zoning

lot# having a minimum #lot area# of 40,000 square feet or occupying an entire #block#.

In C5-3, C6-6 and C6-7 Districts on such #zoning lots#, and in C6-4 Districts as set forth in paragraph (e) of this Section, the Commission also may modify #yard# and court regulations, and regulations governing the minimum required distance between #buildings# and/or the minimum required distance between #legally required windows# and walls or #lot lines#, provided that the Commission finds that such modifications:

(1) provide a better distribution of #bulk# on the #zoning lot#;

(2) result in a better relationship of the #building# to open areas, adjacent #streets# and surrounding development; and

(3) provide adequate light and air for #buildings# on the #zoning lot# and neither impair access to light and air to #legally required windows# in adjacent #buildings# nor adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties.

As a condition of this special permit, if any open area extending along a #side lot line# is provided at any level, such open area shall be at least eight feet in width.

(b) In C5-3, C6-6 and C6-7 Districts, the Commission may modify height and setback and #yard# regulations, including tower coverage controls for #developments# or #enlargements# located on a #zoning lot# having an area less than 40,000 square feet, that occupies an entire #block# front on a #wide street#, subject to the following conditions:

(1) where #buildings# or portions thereof penetrate the established #sky exposure plane#, the aggregate area occupied by such #buildings# or portions thereof at such elevation shall not exceed:

(i) 55 percent of the area of such #zoning lot#; or

(ii) an equivalent of 55 percent of the aggregate area of such #zoning lot# and any adjoining #zoning lots# with a common #lot line# for at least 90 feet with negative easements limiting height of existing and future #developments# on the adjoining #zoning lots# by recorded deed or other written instruments;

(2) that the #development# or #enlargement# includes on-site amenities, such as #arcades#, #through block arcades# or #covered pedestrian spaces# where the size and dimensions of such spaces are substantially greater than the required minimum standards, and includes skylights or other provisions for additional access of direct natural light so as to provide for an increased penetration of light and air therein at the #street# level of the #development# or #enlargement#, or a transit station improvement that results in a direct major connection to a subway station.

(3) In lieu of condition (c)(2), the #development# or #enlargement# may provide, in the same or an adjoining #block# of such #development# or #enlargement#, compensatory "off-site public open space." For the purposes of this paragraph, (c)(3), the term "adjoining block" shall mean a #block# that is contiguous to the #block# containing the #development# or #enlargement# but for its separation by a #street# or #street# intersection. The area of such off-site public open space shall be at least 4,000 square feet, or 15 percent of the #lot area# of a #zoning lot# containing the #development# or #enlargement#, whichever is more, and a width of at least 40 feet at any point.

Such public open areas shall have a southern exposure, and adjoin a public sidewalk and be #developed# pursuant to the provisions of Section 37-70 (PUBLIC PLAZAS). A plan for the development and maintenance of such off-site public space shall be approved by the Commission. The off-site public area shall be kept open to the general public in

accordance with a time schedule specified by the Commission. In no event shall such off-site public open space be eligible for #floor area# or bonus computation in connection with this or any other #development# or #enlargement#.

For such #developments# or #enlargements#, the Commission may also modify the applicable regulations of Sections 32-43 (Limitations on Business Entrances, Show Windows or Signs) and 36-663 (Restrictions on location of berths near Residence Districts) where adjoining frontage within a distance of 75 feet on the same side of the #street# is occupied by a #community facility# or ground floor #commercial# #use#, provided that such modification is part of an overall design for #show windows#, signage and entrances or off-street loading berths developed in conjunction with a public amenity such as a #public plaza#, #through block arcade# or #covered pedestrian space#, and will not alter the essential character of the immediate neighborhood.

In the case of existing #buildings# containing #residences# to remain temporarily on such #zoning lot#, the provisions of Sections 23-311 (Permitted obstructions in all yards, courts and open areas), 23-35 (Court Regulations) and 23-37 (Other Open Area Regulations) may be modified provided that each and every one of the following conditions are met:

(i) that such existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;

(ii) that the portions of the #zoning lot# where such existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan;

(iii) that no temporary or final certificate of occupancy shall be issued for that portion of #floor area# in the #development# or #enlargement# equal to twice the #floor area# in the temporary existing #buildings# until such #buildings# are vacated, demolished and their sites are redeveloped in accordance with the approved project plan, except that where the Commission shall have determined that the applicant for a special permit has made an offer to purchase the leasehold interests from the lessees at a fair market value of the remainder of the lease term, the Commission may decrease the amount of #floor area# for which no certificate of occupancy may be issued; and

(iv) that the #development# or #enlargement# conform with all the applicable laws relating to construction, operation and maintenance.

The owner of the #zoning lot# shall have prominently displayed thereon a sign stating the date by which the #buildings# are to be demolished.

(4) As a further condition for the issuance of a permit under this paragraph (c), the owner of the #zoning lot# upon which #developments# or #enlargements# are to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel as to form, sufficient in amount as determined by the Commission to cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time set forth in the approved project plan, and ensure that all #floor area# which is to be vacant in the #development# shall remain unfinished and vacant.

The bonds or other securities shall be payable to the City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this paragraph, (c), that the #development# or #enlargement#:

(i) shall result in improved circulation; and

(ii) would eliminate the undesirable pre-emption of ground level space by private #buildings or other structures#.

In making these findings, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this paragraph (c), shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of #development# or #enlargement# and other improvements on the #zoning lot#.

In addition to the conditions in paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this Section, the Commission shall find that the modification of height and setback will provide a better distribution of #bulk# on the #zoning lot# and will not adversely affect other adjacent #zoning lots# by unduly restricting access to light and air to surrounding public spaces, #streets# and properties.

(c) Notwithstanding any other provisions of the Zoning Resolution, where a #development# shares a #lot line# with a landmark #building# site for an aggregate distance of at least 90 feet, or contains a historically significant #street# that has been demapped and an archeologically significant site, both of which have been identified by the Landmarks Preservation Commission, the Commission may permit modification of the height and setback and #yard# regulations regardless of the lot size, provided that the following findings are made:

(1) there is a harmonious architectural relationship between the landmark and the new structure, and such relationship is approved by the Landmarks Preservation Commission or, in the case of a #development# which contains a historically significant #street# that has been demapped and an archeologically significant site, there is a visual recognition of the location of the demapped #street# and of the archeologically significant site created by a design treatment that has been approved by both the Landmarks Preservation Commission and the City Planning Commission and, if such #development# is located within 200 feet of a historic district, there is a harmonious relationship between the proposed #development# and the historic district; and

(2) pedestrian amenities are contained in the new structure including, where appropriate, retail stores and substantial pedestrian space at the principal levels of circulation, such as wider sidewalks, #arcades#, #covered pedestrian space#, subsurface concourses and convenient subway connections.

(d) The City Planning Commission may also permit modification of all #bulk# regulations as set forth in paragraph (a) of this Section on #zoning lots# with a minimum #lot area# of 30,000 square feet, where such #zoning lot# is located in a C6-4 District in Manhattan Community District 3, has frontage on a #wide street# and existed on August 8, 2018.

74-74 - Large-scale General Development

LAST AMENDED
2/2/2011

For #large-scale general developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best

possible site plan within the overall density and #bulk# controls. The regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #large-scale general development# shall contain:

(a) any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #large-scale general development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (DEFINITIONS AND GENERAL PROVISIONS);

(b) any #zoning lot#, or portion thereof, that is part of a #large-scale residential development# or #large-scale community facility development#.

74-741 - Requirements for application

LAST AMENDED
8/13/2015

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#.

However, for applications proceeding pursuant to the ownership provisions of paragraph (e) of Section 74-742, such site plan need only show the applicable portion of the #large-scale general development# as set forth in paragraph (e)(1) or (e)(2) of Section 74-742.

74-742 - Ownership

LAST AMENDED
12/18/2025

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

(a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or

(b) owned by the Federal government and is within Brooklyn Community District 2; or

(c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership; or

(d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

(1) tracts of land in State or City ownership; or

(2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the bulkhead line;

(e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to:

(1) such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and

(2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#.

However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest;

(f) partially under State or City ownership, and is located within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership; or

(g) partially under State or City ownership, and occupied by an elevated rail line and associated structures, and is located within the boundaries of Community District 5 in the Borough of Brooklyn partially within a C6-4 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership.

74-743 - Special provisions for bulk modification

LAST AMENDED
10/29/2025

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

(1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot# lines or district boundaries, subject to the following limitations:

(i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;

(ii) when a #large-scale general development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of #commercial# #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted, except that for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, a transfer of #commercial# #floor area# from a C6 District to a C2 District may be permitted

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

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

District# boundaries;

(4) the maximum #floor area ratio# permitted pursuant to Section 23-732 (Floor area ratio and open space ratio in R6 through R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#. Required #open space# for the purposes of this paragraph (a)(4) shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio#, pursuant to Section 23-732 for the applicable district;

(5) in a former Inclusionary Housing Designated Area as indicated in APPENDIX F in a C4-6 or C5 District:

(i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or

(ii) #community facility# #floor area# located above the ground floor to be excluded from the calculation of the amount of #affordable housing# required pursuant to Section 23-95, as such Section existed prior to December 5, 2024;

(6) modification of the requirements of Section 23-372 (Distance between legally required windows and lot lines) for #developments# or #enlargements#, where:

(i) the required minimum distance as set forth in Section 23-372 is provided between the #legally required window# in the #development# or #enlargement# and a wall or #lot line# on an #abutting# property; and

(ii) the required minimum distance is provided by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk's office in the county in which such tracts of land are located;

(7) modification of the definition of #outer court# in Section 12-10 (DEFINITIONS) and the provisions of Section 23-353 (Outer court regulations) to include any open area that is bounded on all sides but one by #building# walls and is not otherwise a #yard# or an #inner court#, provided that:

(i) such modifications are permitted only for #large-scale general developments#, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7; and

(ii) the minimum distance between a #legally required window# facing onto such #outer court# and a #building# wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening;

(8) in a former Inclusionary Housing Designated Area in a C4-7 District within the boundaries of Manhattan Community District 7, for the purpose of applying

the Inclusionary Housing Program, as such program existed prior to December 5, 2024:

(i) modification of the base and maximum #floor area ratios# specified in Section 23-154 (Inclusionary Housing), not to exceed the maximum #floor area ratios# permitted by the underlying district, based on a proportionality between #affordable floor area#, as defined in Section 23-911, and #residential# #floor area# in #buildings# containing multiple #uses#; and

(ii) modification of the requirements regarding distribution of #affordable housing units#, as defined in Section 23-911, specified in paragraph (b) of Section 23-96 (Requirements for Generating Sites or MIH Sites);

(9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#;

(10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-613 (Front yard planting requirements), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk;

(11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility#

#development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District and within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

(i) A request for such bonus #floor area# shall be accompanied by:

(a) a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and

(b) a letter from the Commissioner of Parks and Recreation stating:

(a) the selection of the #public park# for the #public park# improvement has been informed by community input in the form of consultation or an existing plan;

(b) such #public park# improvement provides an appropriate amenity for the surrounding area; and

(c) that, absent funding to be provided by the applicant, such #public park# improvement is unlikely to be made in the foreseeable future.

(ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

(a) any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and

(b) a letter that shall include:

(a) cost estimates for the #public park# improvement; and

(b) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public

park# improvement;

(12) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Hallets Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large-scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

(i) such parcel shall be made part of such #zoning lot# upon approval of such #large-scale general development#, pursuant to the definition of #zoning lot# in Section 12-10, paragraph (d); and

(ii) the existing light industrial #buildings# on the separate parcel of land are demolished;

(13) within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, portions of the land, #piers# or #platforms# projecting seaward of the bulkhead line and existing on December 15, 2021, may be replaced or reconstructed with #new piers# or #new platforms#, as follows:

(i) any such existing land projecting seaward of the bulkhead line may be replaced or reconstructed with #new platforms# and such #new platforms# may be included as part of the #upland lot#. In no event shall the #lot area# generated by such #new platforms# exceed the #lot area# of the land projecting seaward of the bulkhead line, as it existed on December 15, 2021;

(ii) any other such #new piers# or #new platforms# may be considered #lot area# for the purposes of determining allowable #floor area# or number of #dwelling units#, or to satisfy any other #bulk# regulations, in accordance with the provisions of paragraphs (b) and (c) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots). In no event shall the #floor area# generated by such #new piers# or #new platforms# exceed the #floor area# generated by #piers# or #platforms# projecting seaward of the bulkhead line, as they existed on December 15, 2021; and

(iii) any #new piers# or #new platforms# that are subject to the provisions of this paragraph (a)(13) need not meet the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers) or 62-63 (Design Requirements for Public Access on Piers and Floating Structures), inclusive; or

(14) within the boundaries of Community District 1 in the Borough of Brooklyn, to apply the provisions of Section 23-23 to allow floor area exemptions in #buildings# existing on December 5, 2024 within the #large-scale general development# for use in one or more new #buildings# within the same #large-scale general development#.

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

(1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #large-scale general development#, the neighborhood and the City as a whole;

(2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

(3) where a #zoning lot# of a #large-scale general development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;

(4) considering the size of the proposed #large-scale general development#, the #streets# providing access to such #large-scale general development# will be adequate to handle traffic resulting therefrom;

(5) when the Commission has determined that the #large-scale general development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;

(6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged# #buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged# #buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #large-scale general development# shall include superior landscaping for #open space# of the new or #enlarged# #buildings#;

(7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary Housing Program, as such program existed prior to December 5, 2024, and those of Section 74-74 (Large-scale General Development) with respect to better site planning;

(8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#;

(9) where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:

(i) the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and

(ii) such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks# or of people using the public #streets#.

Grant of a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large-scale general development# unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner;

(10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission;

(11) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such #floor area# distribution shall contribute to better site planning of the #waterfront public

access area# and shall facilitate the #development# of affordable housing units within a #large-scale general development#;

(12) where #new piers# or #new platforms# are constructed, replaced or reconstructed in accordance with the provisions of paragraph (a)(13) of this Section, such #new piers# and #new platforms# are an integral part of such #large-scale general development#, result in a superior site plan and form an appropriate relationship with adjacent #waterfront public access areas# and #shorelines#, and provide significant public access to or within the #seaward lot# portion of the #waterfront zoning lot#; and

(13) where the Commission permits floor space to be exempt from the definition of #floor area# in accordance with the provisions of paragraph (a)(14) of this Section:

(i) such exemptions shall result in improvements to #residential# amenities accessible to all residents of the #large-scale general development#; and

(ii) an amount of #floor area# equivalent to 20 percent of the amount of #residential# floor space exempted from #floor area# pursuant to the provisions of paragraph (a)(14) shall be allocated to units affordable at levels required for #affordable housing units# for a #UAP site#, as those terms are defined in Section 27-111 (General definitions).

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, where the Commission has approved a #large-scale general development# and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of

applying all #use# and #bulk# regulations of this Resolution.

In addition, within Manhattan Community District 2, where the Commission has approved a #large-scale general development# located partially within a C2-7 District, if any #open space# approved pursuant to paragraph (a)(4) of Section 74-743 is subsequently mapped as a park and transferred to City ownership, the #open space# requirement approved for such #large-scale general development# pursuant to paragraph (a)(4) of Section 74-743 shall be reduced by the area of such #public park#.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92 (General Provisions) is achieved in a #large-scale general development#, as such program existed prior to December 5, 2024. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2) of Section 23-154. Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

74-744 - Modification of use regulations

LAST AMENDED
6/6/2024

(a) #Use# modifications

(1) Automotive sales and service #uses#

For #large-scale general developments#, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7, Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

(i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a #cellar# level and below grade or established #curb level#, and the ground floor level of such establishment is used only for showrooms and sales;

(ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and

(iii) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

(2) Retail establishments

For a #large-scale general development# located partially or wholly within the former

Seward Park Extension Urban Renewal Area, the Commission may modify applicable district regulations to allow #uses# listed under Use Groups VI, VIII or X that would be permitted in a C6 District, except for arenas or auditoriums, trade expositions and stadiums, provided the Commission finds that:

(i) such #uses# will not impair the character of future #uses# or development of the surrounding area; and

(ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

(b) Modifications of #sign# regulations

(1) In all #Commercial# or #Manufacturing Districts#, the Commission may, for #developments# or #enlargements# subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-65 (Permitted Projection or Height of Signs), 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 42-63 (Surface Area and Illumination Provisions), 42-64 (Permitted Projection or Height of Signs), 42-65 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections 32-43 and 42-53 (Limitations on Business Entrances, Show Windows or Signs), provided the Commission finds that such modification will result in a better site plan.

(2) For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission, by authorization, may make the #sign# regulations of a C6-1 District applicable to those portions of such

#large-scale general development# within a C2 District, and in addition, may modify the provisions of Section 32-68 (Permitted Signs on Residential or Mixed Buildings) to allow #signs# #accessory# to non-#residential uses# above the level of the finished floor of the third #story#, provided such #signs# do not exceed a height of 40 feet above #curb level#. In order to grant such authorizations, the Commission shall find that such modifications are consistent with the amount, type and location of #commercial# #uses# that the Commission finds appropriate within such #large-scale general development#.

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

74-745 - Modifications of parking and loading regulations

LAST AMENDED
7/16/2026

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

(a) Modification of location requirements

When a #large-scale general development# includes two or more #zoning lots#, the Commission may permit required or permitted #accessory# off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a #large-scale general development# without regard for #zoning lot# #lines#, provided that the Commission shall find:

(1) such off-street parking spaces, bicycle parking spaces and loading berths will be conveniently located in relation to the #use# to which such spaces or berths are #accessory#;

(2) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better site plan; and

(3) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single #block#, draw excessive traffic through local #streets#, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to be located without regard for #zoning# #lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# shall be kept available for such #building# throughout its life.

(b) Waiver or reduction of loading berth requirements

For #zoning lots# in a #large-scale general development# located in a geography set forth in this Section, the Commission may waive or reduce the number of required loading berths, provided that the findings in paragraph (b)(2) are met.

(1) The following geographies are eligible for the loading berth modifications of this paragraph:

(i) within #Special Mixed Use District# 17 in Community District 2 in the Borough of The Bronx;

(ii) within #Special Mixed Use District# 24 in Community District 1 in the Borough of Queens;

(iii) within Waterfront Access Plan BK-1 in Community District 1 in the Borough of Brooklyn; or

(iv) #zoning lots# in waterfront areas subject to the provisions of paragraph (b) of Section 62-132 (Applicability of Article VII, Chapters 4, 5, 8 and 9), in Community District 1 in the Borough of Brooklyn, outside of Waterfront Access Plan BK-1, where such #zoning lots# in the waterfront area contain one or more retail or service #uses# listed in Use Group VI and where no single such establishment in the waterfront area exceeds 8,500 square feet in #floor area#.

(2) In order to grant the special permit, the Commission shall find that:

(i) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#;

(ii) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment;

(iii) such modification allows for a better relationship between the #street walls# of the #building# containing such establishment and the adjacent sidewalk and

surrounding area; and

(iv) such modification will not impair or adversely affect the development of the surrounding area.

(c) Reduction of parking requirements

For #buildings# on #zoning lots# in a #large-scale general development#, within R7-2 Districts in Community District 1 in the Borough of the Bronx, that contain an #affordable independent residence for seniors#, the Commission may waive or reduce the number of required #accessory# off-street parking spaces, including any spaces previously required for an existing #building#, provided that the Commission finds that:

(1) the anticipated automobile ownership patterns for residents of such #affordable independent residence for seniors# are minimal and that such waiver or reduction is warranted;

(2) such waiver or reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and

(3) such waiver or reduction of parking spaces will result in a better site plan with better quality open areas.

In determining the amount of parking spaces to waive or reduce, the Commission may take into account current automobile ownership patterns for an existing #affordable independent residence for seniors# on the #zoning lot#, as applicable.

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

74-746 - Special provisions for development or enlargement over streets

LAST AMENDED
2/2/2011

Within a #large-scale general development#, when the volume above a #street#, or portion thereof, has been eliminated, discontinued and closed, the City Planning Commission may permit such volume to be considered part of an adjoining #zoning lot# and may allow, within such volume, a #development# or #enlargement# that is part of a #building# or #buildings# in the #large-scale general development#. In no event shall such volume contribute to the amount of #lot area# counted for the purposes of qualifying as a #large-scale general development# or generating any #floor area#.

(a) The following conditions must be met for the #development# or #enlargement# to be permitted in such volume:

(1) a satisfactory ventilation plan consistent with the requirements of New York City's Departments of Transportation and Environmental Protection is provided for the #street# below the volume;

(2) an illumination of at least five foot candles at the #curb level# is provided for the #street# below the volume; and

(b) In order to grant the special permit, the Commission shall find that the #development# or #enlargement# in such volume:

(1) is functionally necessary or will improve the internal circulation within the #large-scale general development#, or will improve vehicular or pedestrian circulation on adjacent #streets#;

(2) will not adversely impact the continued use of the #street#;

(3) will not have an adverse impact on the essential character or future use or development of the adjacent area; and

(4) will not unduly obstruct any significant scenic view.

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

74-747 - Previously granted special permits

LAST AMENDED
2/2/2011

Any #development# or #enlargement# granted a special permit by the City Planning Commission under previous Section 74-74 (Commercial Development Extending into More than One Block) prior to February 22, 1990, may be started or continued pursuant to that special permit.

The Commission may administratively, upon application, allow modifications of the special permit granted under previous Section 74-74 (Commercial Development Extending into More than One Block) before February 22, 1990.

In no event may the Commission grant a modification of a special permit approved prior to February 22, 1990, that would require additional #bulk# distribution among #zoning lots# or modification of the height and #lot coverage# limitations previously established. Any modifications exceeding the limitations set forth herein shall be subject to the provisions of the new Section 74-74 (Large-scale General Development).

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

Any #sign# shown on a site plan incorporated as part of a special permit of the Commission under the provisions of Section 74-74 (Large-scale General Development) prior to February 27, 2001, may be erected and maintained in accordance with such special permit.

74-75 - Educational Construction Fund Projects

LAST AMENDED
8/24/2017

74-751 - Educational Construction Fund in certain districts

LAST AMENDED7/8/2025

In R5 through R12 Districts, in #Commercial Districts# mapped within, or with a #residential equivalent# of R5 through R12 Districts, and in C7 Districts, for combined #school# and #residences# including air rights over #schools# built on a #zoning lot# owned by the New York City Educational Construction Fund, the City Planning Commission may permit utilization of air rights; modify the requirements that open area be accessible to and usable by all persons occupying a #dwelling unit# or #rooming unit# on the #zoning lot# in order to qualify as #open space#; permit ownership, control of access and maintenance of portions of the #open space# to be vested in the New

York City Educational Construction Fund or City agency successor in title; permit modification of #yard# regulations and height and setback regulations; permit the distribution of #lot coverage# without regard for #zoning# #lot lines# for a #zoning lot# containing the Co-op Tech High School in Manhattan Community District 11; authorize the total #floor area#, #open space#, #dwelling units# or #rooming units# permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 percent in the number of #dwelling units# or #rooming units# permissible under the applicable district regulations. For the purposes of this Section, a #zoning lot# owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school listed in the following table.

School	Community District
P.S. 151	CD 8, Manhattan

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

The distribution of #bulk# on the #zoning lot# shall permit adequate access of light and air to the surrounding #streets# and properties.

As further conditions for such modifications:

(a) the #school# and the #residence# shall be #developed# as a unit in accordance with a plan approved by the Commission;

(b) at least 25 percent of the total #open space# required by the applicable district regulations, or such greater percentage as may be determined by the Commission to be the appropriate

minimum percentage, shall be accessible exclusively to the occupants of such #residence# and under the direct control of its management;

(c) notwithstanding the provisions of Section 23-734 (Permitted obstructions in open space), none of the required #open space# shall include driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths; and

(d) the Commission shall find that:

(1) a substantial portion of the #open space# which is not accessible exclusively to the occupants of such #residence# will be accessible and usable by them on satisfactory terms part-time;

(2) playgrounds, if any, provided in conjunction with the #school# will be so designed and sited in relation to the #residence# as to minimize any adverse effects of noise; and

(3) all #open space# will be arranged in such a way as to minimize friction among those using #open space# of the #buildings or other structures# on the #zoning lot#.

The Commission shall give due consideration to the landscape design of the #open space# areas. The Commission shall also give due consideration to the relationship of the #development# to the #open space# needs of the surrounding area and may require the provision of a greater amount of total #open space# than the minimum amount required by the applicable district regulation where appropriate for the purpose of achieving the #open space# objectives of the #Residence District# regulations.

The Commission may prescribe other appropriate conditions and safeguards to enhance the character of the surrounding area.

74-752 - Educational Construction Fund projects in certain areas

LAST AMENDED

In C6-9 Districts within the #Special Downtown Brooklyn District#, for #developments#, #enlargements# or #conversions# that include one or more #schools# on a tract of land owned by the New York City Educational Construction Fund, the City Planning Commission may permit the modifications set forth in paragraph (a) of this Section. For the purposes of this Section, a tract of land owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school.

(a) Modifications

The Commission may modify:

(1) applicable ground floor #use# regulations;

(2) in a #Mandatory Inclusionary Housing area#, the affordable housing requirements of Section 27-131 (Mandatory Inclusionary Housing);

(3) other #bulk# regulations, except that the maximum permitted #floor area ratio# may not be increased; and

(4) #accessory# off-street parking and loading berth requirements.

(b) Findings

To grant a special permit pursuant to this Section, the Commission shall find that:

(1) such modifications will facilitate the construction of one or more #schools# on the #zoning lot#;

(2) such ground floor #use# modifications will improve the layout and design of the #school# or #schools#, shall not have an adverse effect on the #uses# located within any portion of the #zoning lot# and will not impair the essential character of the surrounding area;

(3) such modifications to the affordable housing requirements in a #Mandatory Inclusionary Housing area# will facilitate significant public infrastructure or public facilities, including one or more #schools#, addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#;

(4) such #bulk# modifications will result in a better site plan for the #school# or #schools# and will have minimal adverse effects on the surrounding area;

(5) such parking and loading modifications will improve the layout and design of the school and will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area.

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

74-76 - Plazas

LAST AMENDED
6/21/1973

74-761 - Elimination or reduction in size of bonused public amenities

LAST AMENDED
10/17/2007

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

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

(a) such elimination or reduction is adequately compensated by the substitution of another public amenity or improvement on the #zoning lot# that shall provide equal or increased public benefit; and

(b) for #publicly accessible open areas# any remaining bonused open area will comply to the maximum extent feasible with the standards of #public plazas# as set forth in Section 37-70.

However, the Commission may waive the provisions of paragraph (b) of this Section if it finds that such standards for #public plazas# would compromise the design integrity of the #publicly accessible open area# or would result in the loss of significant design elements or character that are integral components of the #publicly accessible open area's# design.

The Commission may prescribe additional conditions to enhance the relationship of public open areas, #buildings# or other amenities on the #zoning lot#, to the surrounding areas.

74-77 - Artists' Centers

LAST AMENDED
8/12/1969

In C6-1, C6-2, C6-3 or C6-4 Districts, for alterations or additions to existing #buildings#, to be occupied as living and working quarters by #artists# engaged in the visual or performing arts, with or without related community studio space, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within the #building# without regard for the regulations set forth in Section 32-42 (Location Within Buildings). For alterations of such #buildings# but not for additions, the Commission may permit modifications of the regulations set forth in Sections 23-35 to 23-37, inclusive, relating to Court Regulations and Minimum Distance between Windows or Walls or Lot Lines and may permit modification of the requirements set forth in Sections 23-33 to 23-34, inclusive, relating to #rear# and #side yard# regulations.

As a condition precedent to the grant of such special permit, the Commission shall make the following findings:

(a) that the location, design and construction of such #building# particularly suit it to use as an #artists'# center, and that full realization of these advantages requires modification of the regulations controlling arrangement of #residential# and non-#residential uses# within the #building#, or modification of the #court# regulations or the required distance between #legally required windows# and existing walls or #lot lines#, or modification of the #rear# and #side yard# requirements; and

(b) that an organization has been established for assuring that the #dwelling units# will be occupied by persons who qualify as #artists#.

For the purposes of this Section, non-#commercial# studio space for use in common by artists residing in the #building# may be classified as a #community facility use#.

74-78 - Conversions of Non-residential Floor Area

LAST AMENDED

2/2/2011

74-781 - Modifications by special permit of the City Planning Commission of uses in M1-5B Districts

LAST AMENDED
12/5/2024

In M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification paragraphs (a)(3), (a)(4) and (b) of Section 42-315 (Use regulations in M1-5B Districts), provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet, prior to the date of the application for a special permit

74-79 - Transfer of Development Rights From Landmark Sites

LAST AMENDED
12/5/2024

The City Planning Commission may permit the allowances in paragraph (a) provided that the findings in paragraph (b) are met,

(a) The Commission may permit:

(1) in #Commercial Districts# or #Manufacturing Districts# where the maximum #floor area ratio# for non-#residential uses# is 15.0 or greater, a transfer of development rights pursuant to Section 75-42 (Transfer of Development Rights From Landmarks) that exceeds the maximum #floor area# allowable on such #zoning lot# by more than 30 percent; or

(2) in all districts, for #developments# or #enlargements#, #bulk# modifications, other than #floor area ratio#, to be made in conjunction with a transfer of development rights pursuant to Section 75-42.

(b) In order to grant such special permit, the Commission shall find that:

(1) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#; and

(2) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

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

74-80 - ADDITIONAL PERMITS

LAST AMENDED
6/6/2024

74-81 - Through Block Arcades

LAST AMENDED
12/5/2024

In C4-7, C5-2, C5-3, C5-4, C5-5 and C6 Districts, the City Planning Commission may permit #through block arcades# to be located in #commercial buildings# or #mixed buildings#. For each square foot of #through block arcade# located in C4-7, C5-2, C5-4, C6-1, C6-2, C6-3, C6-4, C6-5 or C6-8 Districts, a bonus of three feet of #floor area# may be permitted and for each square foot of #through block arcade# located in C5-3, C5-5, C6-1A, C6-6, C6-7, C6-9, C6-11 or C6-12 Districts, a bonus of six feet of #floor area# may be permitted. #Through block arcades# may be located on a #zoning lot# in conjunction with a #publicly accessible open area# or an #arcade# but in no event shall the total #floor area# permitted on that #zoning lot# exceed the amount set forth in Section 33-12 (Maximum Floor Area Ratio) by more than 20 percent.

In the districts with an equivalent #residential# #floor area ratio# of 10, any #floor area# bonus earned by providing a #through block arcade# may be applied to increase the #residential# #floor area# of a #mixed building# provided the maximum #floor area ratio# for the #residential# portion does not exceed 12.0.

Each application for a #through block arcade# must meet the following criteria:

(1) result in substantial improvement of pedestrian circulation; and

(2) provide appropriate secondary #commercial# frontage along the #through block arcade# such as small shops and restaurants.

Bridges, mezzanines and balconies which add interest and function to the #arcade# without unduly obstructing its light and air may be incorporated in the proposal.

Lighting, paving, #signs# and plantings shall be specified in the application.

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

74-82 - Public Service Establishments

LAST AMENDED
12/5/2024

74-821 - Court houses

LAST AMENDED
12/5/2024

In all #Commercial Districts#, the City Planning Commission may permit modifications of the applicable #bulk# regulations so as to allow the same #bulk# regulations as would apply for a #community facility building# in the applicable #Commercial District# and may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Yard Regulations or Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations. The Commission shall find that because of site limitations such modifications are necessary for the proper design and operation of the court house.

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

74-822 - Borough-based jail system

LAST AMENDED
12/5/2024

For #zoning lots# that are the subject of a site selection for a borough-based jail system pursuant to application C 190333 PSY, the City Planning Commission may, by special permit, allow modifications to the applicable regulations governing #uses#, #bulk#, including permitted #floor area ratio#, the permitted capacities of #accessory# off-street parking facilities and #public parking garages#, and off-street loading regulations, to facilitate construction of the proposed facilities. In order to grant such special permit, the Commission shall find that:

(a) any #use# modifications will support the operation of the facility and will be compatible with the essential character of the surrounding area;

(b) ground floor #uses# will be located in a manner that is inviting to the public and will integrate the facility within the surrounding community;

(c) any increase in permitted #floor area ratio# will facilitate the development of the facility;

(d) any #bulk# modifications will improve the interior layout and functionality of the facility;

(e) such #bulk# modifications, including any increase in permitted #floor area ratio#, will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area;

(f) any modifications to the provisions of #accessory# off-street parking and loading regulations will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and

(g) any modifications to the permitted capacity of #public parking garages#:

(1) will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and

(2) will provide adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 spaces, and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles.

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

74-83 - Developments With Existing Buildings

LAST AMENDED
12/5/2024

74-831 - Development in certain Commercial Districts

LAST AMENDED
12/5/2024

In C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C6-11 or C6-12 Districts, the City Planning Commission may permit a #zoning lot# having a minimum area of 40,000 square feet or occupying an entire #block# to be #developed# to its maximum allowable #bulk# under applicable district regulations and any existing #buildings# to remain temporarily on that lot and may permit the #floor area# of any existing #buildings# to be excluded from computations determining such maximum allowable #floor area#, provided that each and every one of the following conditions are met:

(a) that existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;

(b) that all leases within the existing #buildings# must terminate within five years after the issuance of a special permit under this Section, and that no new leases or any lease renewals shall be entered into on any existing #buildings# or portion of such existing #buildings#;

(c) that the total #floor area# of all such existing #buildings# on the #zoning lot# is not greater than 20 percent of the maximum allowable #floor area# for that #zoning lot#;

(d) that demolition of all such existing #buildings# must commence within five years after the issuance of the special permit under this Section;

(e) that the portions of the #zoning lot# where existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan; and

(f) that, until such time as demolition of all such existing #buildings# and completion of the approved site plans, #floor area# equal in amount to that which was located in such existing #buildings#, must be left unfinished and vacant in the new #development#; and a temporary certificate of occupancy, for the vacant space, shall remain in effect until all conditions in the special permit are satisfied.

The owner of the #zoning lot# shall submit a copy of all leases on any #building# or portion of any #building# on the #zoning lot# together with an opinion of counsel that the leases will terminate within five years.

All leases of such existing #buildings# or portions of #buildings# shall submit affidavits attesting to the expiration date of their leases together with an opinion of counsel that the lease will expire within five years.

The owner of the #zoning lot# shall have prominently displayed on the front of all existing #buildings# a sign stating the date that the #building# is to be demolished.

As a further condition for the issuance of a permit under this Section, the owner of the #zoning lot#, upon which new #development# is to take place, must post a bond or other security payable to the

City of New York and approved by the Corporation Counsel sufficient in amount to:

(1) cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time;

(2) ensure that all #floor area# which is to be vacant in the new #development# shall remain unfinished and vacant; and

(3) ensure that no new leases or lease renewals are entered into on any portion of any of the existing #buildings#.

The bonds or other securities shall be payable to The City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this Section, that the #development# shall result in improved circulation and would eliminate the undesirable preemption of ground level space by private #buildings or other structures#. In making this finding, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.

74-84 - Certain Large Retail Establishments

LAST AMENDED
12/5/2024

In M1-5 or M1-6 Districts, the City Planning Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building# designed for #residential use#.

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

(a) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and

(b) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:

(1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;

(2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1000 feet;

(3) that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;

(4) that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and

(5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

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

74-85 - Covered Pedestrian Space

LAST AMENDED
8/14/2025

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 M1-6A M1-7A M1-8A M1-9A

In the districts indicated and in the #Special Midtown South Mixed Use District#, the City Planning Commission may permit #floor area# bonuses for #covered pedestrian space# in accordance with the provisions of Sections 74-851 through 74-853, inclusive.

74-851 - Floor area bonus for covered pedestrian space

LAST AMENDED
8/14/2025

For the #development# or #enlargement# of a #commercial#, #community facility# or #mixed building#, for each square foot of #covered pedestrian space# provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) or Section 43-132 (Floor area regulations in M1 Districts with an A suffix), as applicable, may be increased as set forth in the following table:

PERMITTED ADDITIONAL FLOOR AREA PER SQUARE FOOT OF COVERED PEDESTRIAN SPACE

District	Basic (in square feet)	Maximum (in square feet)
C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12 M1-8A M1-9A	11	14
C4-7 C5-2 C5-4 C6-4 C6-5 C6-8 M1-6A M1-7A	8	11

In no event shall the resulting #floor area ratio# exceed the amount set forth in the underlying provisions by more than 20 percent. Any #floor area# bonus earned by providing a #covered pedestrian space# may be applied to increase the #residential# #floor area# of a #mixed building#.

Any portion of the #covered pedestrian space# that is within 10 feet of a #street line# or #lot line# and that is extended along such #street line# or #lot line# on either side of an entrance to it from an adjoining #street#, #arcade#, #publicly accessible open area#, #court#, #yard# or other #covered

pedestrian space#, may receive only that #floor area# bonus accorded to an #arcade#.

The basic #floor area# bonus may be increased by providing one or more of the following additional amenities:

(a) An escalator, providing pedestrian access from sidewalk level to any floor level containing #uses# specified in paragraph (c) of Section 74-852 (Design requirements for covered pedestrian spaces). Such escalator may be either within or directly accessible from the #covered pedestrian space#. The basic #floor area# bonus may be increased by 1.5 square feet per square foot of #covered pedestrian space# for each floor level connected by such escalator. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such escalator shall not exceed the allowable maximum set forth in the table.

(b) Where the height over at least one-third of the #covered pedestrian space# in one location is increased by more than one #story# of the #building# above the required height, the basic #floor area# bonus for that portion may be increased by 1.5 square feet per square foot of such raised portion for each such #story#. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such additional height shall not exceed the allowable maximum set forth in the table.

(c) Where direct access from the #covered pedestrian space# to a subway station mezzanine or concourse is provided and such connection is major, necessary, and kept open to the general public for the same hours as the #covered pedestrian space# or as specified by the Commission, an additional bonus of two square feet of #floor area# per square foot of #covered pedestrian space# may be permitted over the amount specified in the table.

74-852 - Design requirements for covered pedestrian spaces

LAST AMENDED

In order to qualify for a #floor area# bonus, a #covered pedestrian space# shall be directly accessible to the public from the adjoining #street#, #arcade#, #through block arcade#, #publicly accessible open area#, #court#, #yard#, #pedestrian mall# or other #covered pedestrian space# which is a part of the public pedestrian circulation system, and shall:

(a) have an area of at least 3,000 square feet and a minimum width, at any point, of 20 feet. For spaces between 100 feet and 150 feet in length, the minimum width shall be 25 feet. For spaces longer than 150 feet, the average width shall be at least 30 feet;

(b) have a height of at least 30 feet;

(c) have appropriate #uses# permitted in the district, such as, but not limited to, small stores and cafes, occupying the maximum feasible frontage along those bounding walls of the #covered pedestrian space# which do not abut #lot lines# or #street lines#. At least 50 percent of such frontage shall be comprised of individual #uses#, each of which has a frontage not exceeding 25 feet, and the frontage of any other single #use# may not exceed 40 feet. In no event may banks, loan offices, insurance offices or similar office type #uses# occupy any portion of the frontage of the #covered pedestrian space#. Access to other #uses# within a #building# may be provided from the #covered pedestrian space# if such #uses# are not located at the same #story# as the pedestrian space;

(d) be adequately illuminated, utilizing natural daylight wherever possible; and

(e) be suitably maintained and kept open to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

Obstructions such as awnings, canopies, pedestrian bridges, escalators, stairs, balconies or other architectural elements above the floor level of the #covered pedestrian space# are prohibited unless it can be clearly demonstrated that they will enhance design or pedestrian circulation. In any event, horizontal projection of balconies into any #covered pedestrian space# shall not exceed five feet.

Planting, landscaping, ornamental fountains, statuary, outdoor furniture, kiosks, works of art, light wells and other features may be permitted in a portion of the pedestrian space, but not to the extent of impeding pedestrian movement.

Columns or similar elements may be permitted within a #covered pedestrian space#, but the aggregate area of such elements may not exceed two percent of the total pedestrian space. The clear span along the main path of pedestrian traffic shall not be less than the figure indicated for minimum dimensions of pedestrian space in paragraph (a) of this Section. However, when two or more pedestrian paths are provided, the minimum clear span widths of such paths may be reduced by five feet.

Where multiple access to the #covered pedestrian space# is provided from an #arcade#, the minimum clear spacing between columns at the face of the #building# may be reduced to 18 feet, provided the height of the #arcade# is not less than 30 feet.

A portion of the #covered pedestrian space# shall be public sitting areas with appropriate facilities such as cafes or other public seating arrangements.

Entrances to lobbies may be permitted along the boundary of a #covered pedestrian space#. The #floor area# of an entrance lobby shall not be considered as part of the #covered pedestrian space#. Where a #zoning lot# is bounded by more than one #street#, or by the combination of #streets#, #publicly accessible open areas# or other public rights-of-way, the #covered pedestrian space# will provide a connection between at least two such areas.

Where the space is heated or air-conditioned, the standards for heating, ventilating and air-conditioning shall be at least equal to that of the lobby.

For the purpose of ensuring prominent public attention to the #covered pedestrian space#, the openings at the face of the #building# for entrances to the #covered pedestrian space# shall be at least 20 feet wide, 30 feet high and unobstructed for a depth of 30 feet, except, where the #covered pedestrian space# is air-conditioned, the openings at the entrances may be partially enclosed. Such enclosure at the entrances shall be transparent in nature, commence at a height not less than eight feet

above the floor level at the entrances, and be set back from the face of the #building# at least 12 feet. Air curtains are permitted but shall be located at a height not less than eight feet. Such entrances are permitted to be fully enclosed only for that portion of the year between October 15 and April 15, provided, however, that such space is readily accessible to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

An information plaque shall be provided that contains a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York.

When a #through block arcade# provides public access to a #covered pedestrian space#, the opening at the point shall be at least 30 feet wide and 30 feet high. The two openings at the face of the #building# to the #through block arcade# shall be at least 20 feet wide and 30 feet high for a depth of 30 feet and shall be unobstructed except for stairs, ramps and escalators. If such space is air-conditioned, only one opening at the face of the #building# need comply with the partial enclosure requirements of the preceding paragraph.

A #covered pedestrian space# located at 12 feet or more below the sidewalk level shall provide direct subway or below grade pedestrian concourse access. For such #covered pedestrian spaces#, the entrance openings at the sidewalk level may be less than 30 feet in height, but not less than 15 feet, provided the entrance opening is unenclosed for its full height and is extended along the face of the #building# for the entire width of the #covered pedestrian space#.

74-853 - Findings for covered pedestrian spaces

As a condition for permitting such bonus #floor area#, the City Planning Commission shall find that:

(a) the proposed #covered pedestrian space# will have a useful role in meeting existing needs for sheltered space for the comfort and convenience of the general public;

(b) the proposed #covered pedestrian space# is located at or close to the principal level of pedestrian circulation in adjacent areas, with prominent and obvious public entrances;

(c) the public character of the proposed #covered pedestrian space# shall be obvious from the outside of the #building#;

(d) appropriate #commercial# #uses# including, but not limited to, small stores and cafes fronting on the #covered pedestrian space# are provided;

(e) the distribution of the #bulk# on the #zoning lot# permits satisfactory access of light and air to surrounding #streets# and properties; and

(f) the proposed connection to an underground subway station from a #covered pedestrian space# is necessary to ease pedestrian movement and sidewalk congestion in the area and the construction cost of the proposed amenity is substantial enough to justify the granting of additional #floor area ratio# bonus.

The Commission may permit modification of the entrance requirements for #covered pedestrian spaces#, provided that the Commission finds that the entrance is so designed as to ensure prominent public notice and promote public pedestrian circulation through such space.

74-86 - Bulk Modifications for Telephone Exchanges or Other Communication Equipment Structures

In C1 and C2 Districts when mapped in R6 through R12 Districts, and in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C4-9, C4-11, C4-12, C5-1, C6-1, C6-2, C6-3, C7, C8-2, C8-3, C8-4, M1-1A through M1-4A, M1-2 through M1-5, M2 and M3 Districts, the City Planning Commission may permit modification of the #bulk# regulations for telephone exchanges or other communications equipment structures not existing on December 15, 1961, provided that the #zoning lot# has a minimum area of 40,000 square feet, a #floor area ratio# of no greater than 10.0 and that the following findings are made:

(a) that the growth of the utility service demand to be served by the facility requires the construction of a #building or other structure# that would exceed the allowable #bulk# permitted by the district regulations;

(b) that provisions of new or additional facilities at other locations would cause substantial duplication of plant and facilities;

(c) that the proposal is the minimum modification necessary to permit the additional facilities needed to serve the demand;

(d) that the design of the facility will not adversely affect the character of the neighborhood;

(e) that the existing #street# and public transportation system will not be adversely affected; and

(f) that, where appropriate and feasible in the judgment of the Commission, the applicant provides a public amenity for the benefit of the affected community.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.

74-90 - ADDITIONAL PERMITS

LAST AMENDED
6/6/2024

74-901 - Bulk modifications for laboratories

LAST AMENDED
6/6/2024

In #Residence Districts# and #Commercial Districts#, the City Planning Commission may permit, in conjunction with a laboratory listed under Use Group VII, modifications to #bulk# regulations, other than #floor area ratio#, provided that the following findings are met.

In order to grant the special permit, the Commission shall find that the proposed #bulk# modifications:

(a) will not unduly affect the essential character or impair the future use and development of the surrounding area; and

(b) will not unduly obstruct the access of light and air to adjoining properties or public #streets#.

74-902 - Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

LAST AMENDED
6/6/2024

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# listed in Use Group III permitted as-of-right pursuant to the provisions of Sections 22-13, or #long-term care facilities# for which a special permit has been granted pursuant to Section 74-131, 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 #bulk# on the #zoning lot# 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 the surrounding area;

(b) 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 facility 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.

74-903 - Certain community facility uses in R3 to R12 Districts and certain Commercial Districts

LAST AMENDED
3/22/2016

The City Planning Commission may permit the #community facility# #floor area ratio# and the #community facility# #bulk# provisions to apply to a #development#, #extension# or #enlargement#, or change of #use# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as set forth in paragraph (a), provided that the findings in paragraph (b) of this Section are met.

(a) The Commission may permit:

(1) in R3 through R9 Districts, or in C1 or C2 Districts mapped within an R3 through R9 District or #Commercial Districts# with an R3 through R9 District residential equivalent, the #community facility# #floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #buildings# containing philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group III;

(2) in R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C3A Districts, the #community facility# #floor area ratio# of Section 24-11 to apply to #buildings# containing #long-term care facilities#, as listed in Use Group III;

(3) in R3-2 Districts, or R4 or R5 Districts without a letter or number suffix, or in C1 or C2 Districts mapped within an R3-2 District or within an R4 or R5 District without a letter suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 4, Article III, Chapter 3, or Article III,

Chapter 5, as applicable, and the #community facility# #floor area ratio# of Section 24-11, to apply to #buildings# containing #long-term care facilities#; or

(4) in R6 through R12 Districts without a letter suffix, and in #Commercial Districts# mapped within, or with a #residential equivalent# of such districts, the #bulk# regulations of Article II Chapter 4, Article III, Chapter 3 or Article III, Chapter 5, as applicable, and the #community facility# #floor area ratio# of Section 24-11, as applicable, to apply to #buildings# containing #long-term care facilities#.

(b) In order to grant such a special permit for #community facility# #floor area ratio# or #community facility# #bulk#, as applicable, the Commission shall find that:

(1) the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;

(2) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and

(3) the #streets# providing access to such #use# will be 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.

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

74-904 - Non-profit or voluntary hospitals in R9 or R10 Districts and certain Commercial Districts

LAST AMENDED
8/14/2025

For a #zoning lot# occupying an entire #block# located in an R9 or an R10 District, or in #commercial districts# mapped within, or with a #residential equivalent# of an R9 or an R10 District, partially within the #Special Park Improvement District#, and containing a non-profit or voluntary hospital and related facilities, as listed in Use Group III(B), the City Planning Commission may, by special permit, allow the modifications set forth in paragraph (a) of this Section, provided the conditions set forth in paragraph (b) and findings set forth in paragraph (c) are met.

(a) The Commission may allow an increase in the maximum #community facility# #floor area ratio# by up to a maximum of 20 percent. A #floor area# bonus pursuant to this Section may be used in combination with a #floor area# bonus permitted pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), and the combination of such bonuses may exceed 20 percent of the maximum #floor area ratio# otherwise permitted.

In connection with such #floor area# bonus, the Commission may allow modifications to applicable #bulk# regulations.

(b) In order to grant a special permit pursuant to this Section, the following conditions shall be met:

(1) a minimum #floor area# of 95 percent of any #development# or #enlargement# on such #zoning lot# will be allocated to such hospital #use#;

(2) the bonus #floor area# allowed pursuant to this Section shall be exclusively allocated to such hospital #use#; and

(3) the amount of #floor area# to be located on the portion of such #zoning lot# within the #Special Park Improvement District# shall not exceed a #floor area ratio# of 10.0.

(c) In order to grant a special permit pursuant to this Section, the Commission shall find that:

(1) the public benefit derived from such proposed hospital #development# or #enlargement# merits the additional #floor area# being granted pursuant to this special permit;

(2) where #bulk# modifications are utilized, such modifications will provide a more satisfactory physical relationship to existing hospital #buildings or other structures# on the #zoning lot#, and facilitate a more efficient and integrated site plan; and

(3) where #bulk# modifications are utilized, the distribution of #bulk# on the #zoning lot# will result in a satisfactory site plan and urban design relationships of #buildings or other structures# to adjacent #streets# and the surrounding area.

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

74-91 - Modification of Public Plazas

LAST AMENDED
12/5/2024

In all districts, the City Planning Commission may permit modification of the provisions of Section 37-70 (PUBLIC PLAZAS) affecting the eligibility of #public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections 23-22 (Floor Area Regulations for R6 through R12), 24-14 or 33-13 (Floor Area Bonus for a Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #public plaza# will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #public plazas# to surrounding #buildings# and open areas.

74-92 - Bulk Modifications for Museums in M1-5 Districts

LAST AMENDED
6/6/2024

For a #building# containing a museum listed under Use Group III(B), in an M1-5 District, on a #zoning lot# over which the High Line (as defined in Section 98-01) passes, the Commission may modify height and setback regulations, provided that such modifications:

(a) provide a better distribution of #bulk# on the #zoning lot#;

(b) result in a better relationship of the #building# to open areas including the High Line, adjacent #streets# and surrounding properties;

(c) provide adequate light and air for #buildings# on the #zoning lot# and do not adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties; and

(d) result in a #building# containing a museum #use# that facilitates the public's use and enjoyment of the High Line.

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

74-93 - Special Commercial or Mixed Use Developments in Commercial Districts

LAST AMENDED
6/6/2024

Within the boundaries of Community District 6, Borough of Queens, for #commercial# or #mixed use# #developments# or #enlargements# on two or more #zoning lots# in more than one #block#, which #zoning lots#, as defined in Section 12-10, each have single fee ownership or equivalent ownership arrangements for all lots comprising the #development# or #enlargement#, which are contiguous or would be contiguous but for their separation by a #street#, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

(a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #uses# proposed;

(b) any closed and demapped air space above a #street# to be considered as a part of the #development# or #enlargement# and to be used for automobile ways, or for pedestrian ways, provided the Commission finds that:

(1) each bridge over the #street# bed utilizes only unused #floor area# from an adjoining #zoning lot# within the #development# or #enlargement# and that no #floor area# credit is generated from the demapped air space;

(2) each bridge adjoins #zoning lots# which are wholly within the #development# or #enlargement#;

(3) the #curb levels# of the adjoining #zoning lots# are not affected by the closing and demapping of such air space;

(4) all #street# frontages of the #zoning lots# under each bridge are provided with satisfactory lighting; and

(5) a landscaped open, covered or enclosed space for public use at #street# level, linked with the pedestrian circulation system, is provided in one location within the #development# or #enlargement#, which open, covered or enclosed space is at least equivalent to the #street# area covered by the bridges, has a minimum area of 20,000 square feet and is maintained with planting and seating facilities, by the owner of the #development# or #enlargement# or his designee, said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;

(c) automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such #use# is an integral part of the permitted principal #use#; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair

establishments; or automobile fuel service stations;

(d) modification of applicable #bulk# regulations by permitting the total permitted #floor area# for all #zoning lots# within such #development# or #enlargement# to be distributed without regard to #zoning# #lot lines# and permitting the location of #buildings# without regard for the applicable height and setback regulations, provided the Commission finds that:

(1) such distribution of #floor area# and location of #buildings# will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and

(2) such distribution of #floor area# and location of #buildings# will permit adequate access of light and air to surrounding #streets# and properties; and

(e) modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

The Commission may impose additional conditions and safeguards to improve the quality of the #development# or #enlargement# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial# #uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

74-94 - Industrial Business Incentive Areas

LAST AMENDED
12/5/2024

For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the maps in Section 74-948 (Maps of Industrial Business Incentive Areas),

the City Planning Commission may increase the maximum permitted #floor area ratio# in accordance with Section 74-943 (Permitted floor area increase). In conjunction with such #floor area# increase, t he Commission may permit modifications to other #bulk# regulations, provisions for publicly accessible open spaces, as well as parking and loading requirements for such #developments# or #enlargements#, pursuant to Section 74-944 (Modifications in conjunction with a floor area increase).

All applications for a special permit pursuant to this Section, inclusive, shall be subject to the requirements, conditions and findings set forth in Section 74-942 (Application requirements), Section 74-945 (Conditions), Section 74-946 (Findings), and Section 74-947 (Compliance, recordation and reporting requirements).

74-941 - Definitions

LAST AMENDED
12/5/2024

For the purposes of Section 74-94 (Industrial Business Incentive Areas), inclusive, a “required industrial use” and an “incentive use” shall be defined as follows:

Incentive Use

An “incentive use” is a #use# permitted by the applicable zoning district, that is allowed to occupy the additional #floor area# generated by a #required industrial use# with the exception of the following #uses#:

From Use Group V

All #uses# listed under Use Group V

From Use Group VI

All #uses# listed under Use Group VI, other than industrial drycleaning and laundry services or #uses# listed under Repair and Maintenance

From Use Group VIII

All #uses# listed under Use Group VIII, other than #uses# listed under Art Galleries and Studios

From Use Group IX

All #uses# listed under Use Groups IX(A) or IX(C).

Required Industrial Use

A “required industrial use” is a #referenced commercial and manufacturing use# that helps achieve a desirable mix of #commercial# and #manufacturing uses# in an Industrial Business Incentive Area, and that generates additional #floor area# pursuant to provisions set forth in Section 74-942.

74-942 - Application requirements

LAST AMENDED
12/5/2024

All applications for a special permit pursuant to this Section shall include the following:

(a) site plans and elevations which shall establish distribution of #floor area#, height and #setback#, sidewalk widths, primary business entrances, including parking and loading, #yards# and publicly accessible open space, signage and lighting;

(b) floor plans of all floors which shall establish the location, access plan and dimensions of freight elevators and loading areas and the location of #floor area# dedicated to #required industrial uses# and #incentive uses#;

(c) drawings that show, within a 600-foot radius, the location and type of #uses#, the location, dimensions and elements of off-site open areas including #streets#, waterfront and #upland# parcels, elements of a Waterfront Access Plan, as applicable, and the location of #street# trees and #street# furniture and any other urban design elements. Where applicable, for applications in Industrial Business Incentive Area 1, the plans shall demonstrate that any publicly accessible open space provided meets the requirements of paragraph (f) of Section 74-945 (Conditions); and

(d) for #zoning lots# in #flood zones#, flood protection plans, location of mechanical equipment, areas for storage of any hazardous materials and proposed structural or design elements intended to mitigate the impacts of flood and storm events.

74-943 - Permitted floor area increase

LAST AMENDED
12/5/2024

In Industrial Business Incentive Areas, the City Planning Commission may increase the maximum #floor area ratio# on a #zoning lot# in accordance with the Table in this Section.

For #developments# or #enlargements# in the district indicated in Column A, for each square foot of #required industrial uses#, the base maximum #floor area ratio# on a #zoning lot#, set forth in Column B may be increased by 3.5 square feet up to the maximum #floor area ratio# for all #uses# on the #zoning lot# as set forth in Column E, provided that such increase in #floor area# is occupied by

#required industrial uses# and #incentive uses# up to the maximum #floor area ratio# set forth in Column C (Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#), and Column D (Maximum Additional #Floor Area Ratio# for #Incentive Uses#), respectively. In no event shall such #development# or #enlargement# include a #transient hotel#.

FLOOR AREA INCREASE PERMITTED
IN INDUSTRIAL BUSINESS INCENTIVE AREAS

A	B	C	D	E
District	Base Maximum #Floor Area Ratio#	Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#	Maximum Additional #Floor Area Ratio# for #Incentive Uses#	Maximum #Floor Area Ratio# for All #Uses#
M1-2	2.0	0.8	2.0	4.8
M1-4	2.0	1.3	3.2	6.5

Applications for such #floor area# increases are eligible for modifications set forth in Section 74-944 (Modifications in conjunction with a floor area increase), and are subject to the conditions set forth in Section 74-945 and findings set forth in Section 74-946.

74-944 - Modifications in conjunction with a floor area increase

LAST AMENDED

In Industrial Business Incentive Areas, the City Planning Commission may modify the following in conjunction with an application for a #floor area# increase pursuant to Section 74-943 (Permitted floor area increase).

(a) Bulk modifications

(1) Yard regulations

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall be modified pursuant to the provisions of paragraph (c) of Section 74-945 (Conditions). In addition, the Commission may modify any other #yard# regulations set forth in Section 43-20, inclusive.

(2) Height and setback regulations

(i) In Industrial Business Incentive Area 1, the height and setback regulations of Section 43-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, shall be modified pursuant to the conditions of paragraph (d) of Section 74-945.

(ii) In Industrial Business Incentive Area 2, the Commission may modify the height and setback regulations of Section 43-40, inclusive.

(b) Modification for publicly accessible open space

In Industrial Business Incentive Area 1, where a publicly accessible open space is provided pursuant to paragraph (f) of Section 74-945, the Commission may modify the provisions of Section 37-70 (PUBLIC PLAZAS), inclusive.

(c) Parking and loading modifications

In all Industrial Business Incentive Areas, the Commission may reduce or waive the off-street parking requirements set forth in Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES), inclusive, not including bicycle parking, and may also reduce or waive the loading berth requirements as set forth in Section 44-50 (OFF-STREET LOADING REGULATIONS), inclusive.

74-945 - Conditions

LAST AMENDED
12/5/2024

In Industrial Business Incentive Areas, applications for #floor area# increases pursuant to Section 74-943 (Permitted floor area increase) and modifications pursuant to Section 74-944 (Modifications in conjunction with a floor area increase), are subject to the following conditions:

(a) Minimum amount of #required industrial uses#

#Required industrial uses# shall occupy a minimum horizontally contiguous #floor area# of 5,000 square feet in Industrial Business Incentive Area 1, and 2,500 square feet in Industrial Business Incentive Area 2, and shall be served by loading areas and freight elevators with sufficient capacity.

(b) Minimum sidewalk width

In all Industrial Business Incentive Areas, all #developments# and horizontal #enlargements# that front upon a #street line# shall provide a sidewalk with a minimum width of 15 feet along the entire frontage of the #zoning lot#. Such sidewalk, and any open area on the #zoning lot# required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards; shall be at the same level as the adjoining public sidewalk; and shall

be accessible to the public at all times.

(c) Yards

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section 43-20 (YARD REGULATIONS), inclusive, shall not apply to any #development# or #enlargement# on a #through lot# or the #through lot# portion of a #zoning lot#.

(d) Height and setback

In Industrial Business Incentive Area 1, the #street wall# location requirements and height and setback regulations of this paragraph shall apply to any #development# or #enlargement#. For the purposes of applying the provisions of this paragraph, any sidewalk widening line provided pursuant to the minimum sidewalk width requirement of paragraph (b) shall be considered the #street line#. All heights shall be measured from the #base plane#.

(1) The #street wall# of any #building# shall be located on the #street line# and shall extend to a height not lower than a minimum base height of 40 feet and not higher than a maximum base height of 75 feet or the height of the #building#, whichever is less. At least 70 percent of the aggregate width of such #street wall# below 12 feet shall be located at the #street line# and no less than 70 percent of the aggregate area of the #street wall# up to the base height shall be located at the #street line#. However, up to a width of 130 feet of such #street wall# located on the short end of the #block# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section.

(2) The height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or within 15 feet of a #narrow street# shall not exceed a maximum base height of 75 feet. Permitted obstructions as set forth in Section 43-42 shall be modified to include dormers above the maximum base height within the front setback area, provided that on any #street# frontage, the aggregate width of all

dormers at the maximum base height does not exceed 50 percent of the #street wall# and a maximum height of 110 feet. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 110 feet. Where a publicly accessible open space is provided pursuant to paragraph (f) of this Section, such maximum #building# height may be increased to 135 feet.

(3) Along the short dimension of a #block#, up to 130 feet of such #street wall# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section, and a #street wall# located at the #street line# that occupies not more than 40 percent of the short end of the #block# may rise without setback to the maximum #building# height.

(e) Ground floor design

In all Industrial Business Incentive Areas the ground floor level #street walls#, and ground floor level walls fronting on a publicly accessible open space of a #development# or horizontal #enlargement# provided pursuant to paragraph (f) of this Section, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

(f) Publicly accessible open space

In Industrial Business Incentive Area 1, a publicly accessible open space shall be provided where the additional #building# height provision of paragraph (d)(2) of this Section is used. Such publicly accessible open space shall contain an area of not less than 12 percent of the #lot area# of the #zoning lot# and a minimum of at least 2,000 square feet in area. In addition, such publicly accessible open space shall comply with the provisions set forth in Section 37-70 (PUBLIC PLAZAS), inclusive, except that certification requirements of Sections 37-73 (Kiosks and Open Air Cafes) and 37-78 (Compliance) shall not apply.

(g) Signs

In all Industrial Business Incentive Areas, the following shall apply:

(1) #Signs# shall be subject to the regulations applicable in C6-4 Districts as set forth in Section 32-60 (SIGN REGULATIONS), inclusive. Information #signs# provided pursuant to paragraph (g)(2) of this Section shall not count towards the maximum permitted #surface area# regulations of Section 32-64 (Surface Area and Illumination Provisions), inclusive.

(2) An information #sign# shall be provided for all #buildings# subject to the #use# restrictions of this special permit. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the building, and at a height no less than four feet and no more than five and a half feet above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain: the name and address of the building in lettering no less than three-quarters of an inch in height; and the following statement in lettering no less than one-half of an inch in height, "This building is subject to Industrial Business Incentive Area regulations which require a minimum amount of space to be provided for specific industrial uses." The information #sign# shall include the internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (b) of Section 74-947 (Compliance, recordation and reporting requirements) is available to the public.

74-946 - Findings

LAST AMENDED

In order to grant additional #floor area# and any modifications to #bulk#, publicly accessible open space or parking and loading regulations, the City Planning Commission shall find that:

(a) For all applications with a #floor area# increase, and for any applications with #bulk# modifications, such increase or modification:

(1) will promote a beneficial mix of #required industrial# and #incentive uses#;

(2) will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;

(3) will result in a #building# that has a better design relationship with surrounding #streets# and adjacent open areas;

(4) will result in a #development# or #enlargement# that will not have an adverse effect on the surrounding neighborhood; and

(5) will, for #yard# or height and setback regulations, provide a better distribution of #bulk# on the #zoning lot# and will not unduly obstruct the access to light and air of surrounding #streets# and properties.

(b) Where modifications to publicly accessible open space requirements of paragraph (f) of Section 74-945 (Conditions) are proposed, such modifications will result in a publicly accessible open space of equivalent or greater value as a public amenity.

(c) Where modifications to parking or loading regulations are proposed:

(1) such reduction or waiver of required parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;

(2) the number of curb cuts provided are the minimum required for adequate access to off-street parking and loading berths, and such curb cuts are located so as to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;

(3) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and

(4) the reduction or waiver of loading berths requirements will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

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

74-947 - Compliance, recordation and reporting requirements

LAST AMENDED
12/5/2024

Applications for #floor area# increases and modifications in Industrial Business Incentive Areas are subject to the following requirements:

(a) Compliance and recordation

Failure to comply with a condition or restriction in a special permit granted pursuant to Section 74-94 (Industrial Business Incentive Areas), inclusive, or with applicable approved plans, or with provisions of paragraphs (a), (b) and (c) of this Section, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such special permit, and for the

implementation of all other applicable remedies.

A Notice of Restrictions, the form and content of which shall be satisfactory to the Commission, for a property subject to #use# restrictions or #public plaza# requirements, as applicable, pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lot is located.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect. No temporary certificate of occupancy for any portion of the #building# to be occupied by #incentive uses# shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the #building# required to be occupied by #required industrial uses#.

(b) Periodic notification by owner

No later than the 20th day after the lease executed by a new tenant permits occupancy of any #required industrial space#, the owner of a #building# subject to #use# restrictions of this special permit shall provide the following information at the designated internet URL, or other widely accessible means of electronically transmitting and displaying information to the public pursuant to paragraph (g)(2) of Section 74-945 (Conditions). If no new tenant executes a lease for any #required industrial space# within the calendar year, such information shall be provided no later than the 20th day of the following calendar year. Such electronic information source shall be accessible to the general public at all times and include the information specified below:

(1) the date of the most recent update of this information;

(2) total #floor area# of the #required industrial uses# in the #development#;

(3) a digital copy of all approved special permit drawings pursuant to Section 74-942 (Application requirements);

(4) the name of each business establishment occupying #floor area# reserved for #required industrial uses#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area#, the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;

(5) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and

(6) all prior periodic notification information required pursuant to the provisions of this paragraph (b). However, such notification information that is older than four years from the date of the most recent update need not be included.

(c) Annual reporting by qualified third party

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which a temporary or final certificate of occupancy was issued for a #building# subject to #use# restrictions of this Section, the owner of a #building# subject to #use# restrictions of this Section shall cause to be prepared a report on the existing conditions of the #building#, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed.

The inspection shall be preceded by an annual notification letter from the owner of a #building# subject to #use# restrictions of this Section to all the #required industrial use#

tenants of the #building# announcing the date of such inspection, that the organization conducting the inspection shall have access to the spaces occupied by #required industrial uses#, and encouraging the tenants to provide information including, but not limited to, the number of employees for each such space, to the organization.

The owner of a #building# subject to #use# restrictions of this Section shall cause such report to be prepared by an organization under contract with the City to provide inspection services, or on the Department of Small Business Services list of certified firms that provides such inspection services, or by an organization that the Commissioner of the Department of Small Business Services determines to be qualified to produce such report, or, in Industrial Business Incentive Area 2, by a special inspection agency that is registered with the City as established in Section 28-101.5 of the Administrative Code. Such organization or agency selected by the owner to prepare such report shall have a professional engineer or a registered architect, licensed under the laws of the State of New York, certify the report. Such report shall be in a form provided by the Director of the Department of City Planning, and shall include all of the information required pursuant to the provisions of paragraph (b) of this Section, and additional information as set forth in this paragraph (c):

(1) a description of each establishment including the North American Industry Classification System (NAICS) code and number of employees;

(2) the total amount of #required industrial use# #floor area# that is vacant, as applicable;

(3) the average annual rent for the portions of the #building#, in the aggregate, required to be occupied by #required industrial uses#. However, prior to 36 months from the date of execution of a lease by the first #required industrial use# tenant in the building, no such figure shall be required to be included in any report due pursuant to this paragraph (c). For all calendar years following the year in which the first average annual rent figure is required to be submitted as part of an annual report, the average annual rent figure reported shall be for the annual average rent for the calendar year two years prior to the year in which the report is due; and

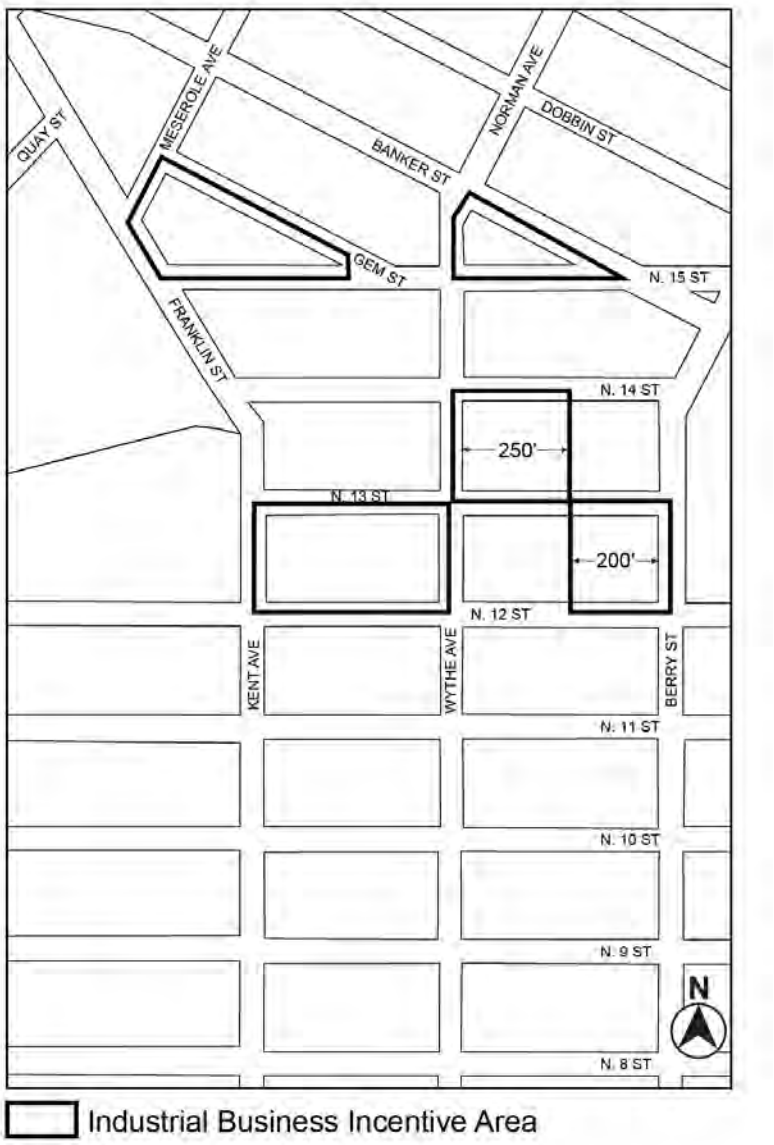
(4) the number of new leases executed during the calendar year, categorized by lease duration, in five year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local City Council member shall be included in such transmission.

74-948 - Maps of Industrial Business Incentive Areas

LAST AMENDED
3/26/2026

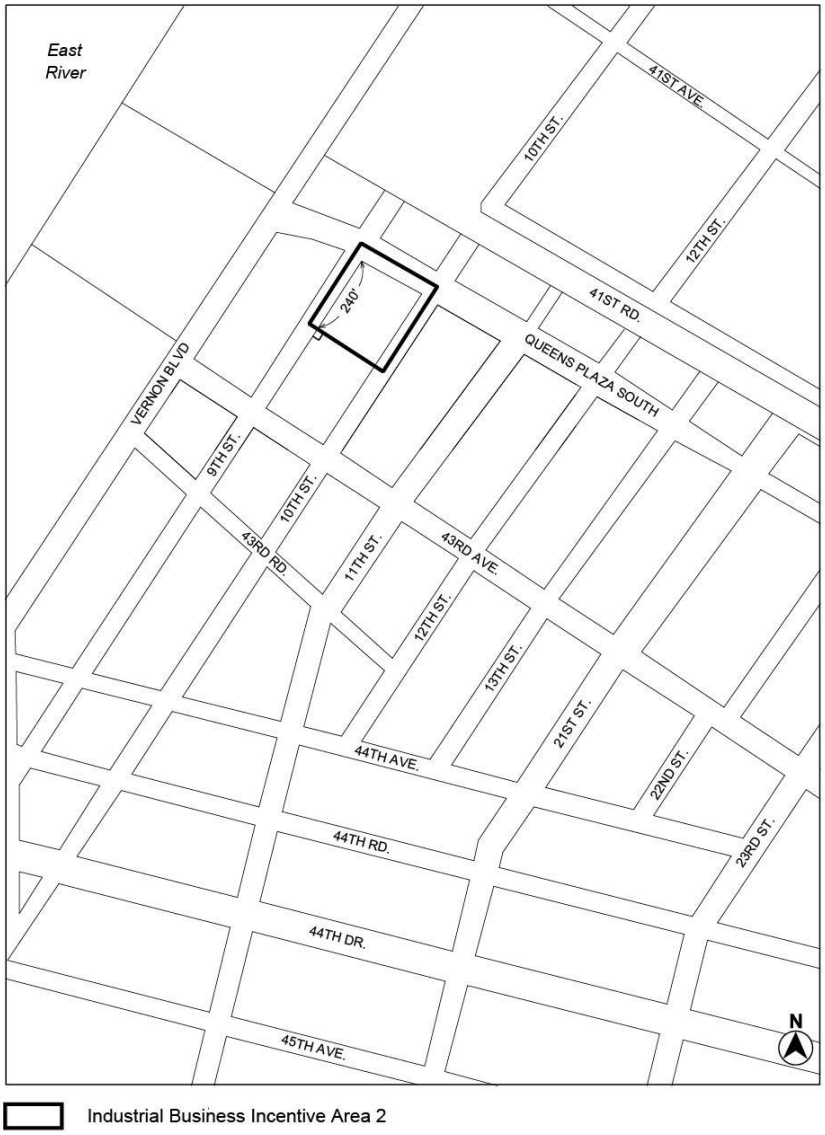
Map 1: Brooklyn



Portion of Community District 1,

Borough of Brooklyn

Map 2: Queens



Portion of Community District 2,

Borough of Queens

74-95 - Bulk Modifications for Irregular Sites

LAST AMENDED

12/5/2024

For #developments# or #enlargements# of #buildings# containing #residences# on #zoning lots# with irregular site conditions, the City Planning Commission may permit modifications to the applicable #bulk# regulations, other than #floor area ratio#, provided that the following findings are met:

(a) there are physical conditions, including, but not limited to, irregular lot size or shape, topographical features, the presence of an existing #building# or proximity to transportation infrastructure, that creates practical difficulties in complying with the applicable #residential# #bulk# regulations and would adversely affect the configuration of #residences# or the #building# site plan;

(b) the practical difficulties of #developing# on the #zoning lot# have not been created by the owner or by a predecessor in title;

(c) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and

(d) the requested modification is necessary to relieve such practical difficulties.

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

74-96 - Lapse of Authorization or Special Permit

LAST AMENDED
12/5/2024

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in

Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Authorizations and Certifications by the City Planning Commission

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Chapter 5 - Authorizations and Certifications by the City Planning Commission

75-10 - USE AUTHORIZATIONS

LAST AMENDED
6/6/2024

75-20 - BULK AUTHORIZATIONS

LAST AMENDED
6/6/2024

75-21 - Bulk Modifications in Certain Commercial and Manufacturing Districts

LAST AMENDED
6/6/2024

For #developments# or #enlargement# of #buildings# in C4, C5, C6, C8, M1, M2, or M3 Districts, as well as M1 Districts paired with #Residence Districts#, the City Planning Commission may authorize modifications to the applicable #bulk# regulations, other than #floor area ratio#, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

As a condition for the authorization, the proposed #development# or #enlargement# shall:

(1) be allocated exclusively to non-#residential uses#; and

(2) comply with the applicable #bulk# regulations of a C7 District. In order to apply such #bulk# regulations:

(i) where the maximum permitted #floor area ratio# for #commercial# or #manufacturing# #uses#, as applicable, is less than 2.0, the provisions for a C7-1 District shall be applied;

(ii) where the maximum permitted #floor area ratio# for #commercial# or #manufacturing# #uses#, as applicable, is greater than or equal to 2.0 but less than 3.0, the provisions for a C7-2 District shall be applied; and

(iii) in all other instances, one shall determine the particular C7 District with the same maximum permitted #floor area ratio# as that of the highest #floor area ratio# permitted for a #use# in the proposed #development# or #enlargement# pursuant to the district regulations. Where there is no C7 District with the same maximum permitted #floor area ratio#, the C7 District with the closest #floor area ratio# above that of the applicable district shall be selected.

(b) Findings

In order to grant the authorization, the Commission shall find that such #bulk# modifications:

(1) will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area; and

(2) will not unduly obstruct access of light and air to surrounding #streets# and properties.

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

75-22 - Height Modifications for Certain Sites

LAST AMENDED
12/5/2024

For #zoning lots# in R3-2 Districts, as well as R4 and R5 Districts without a letter or number suffix, the City Planning Commission may authorize modifications to the applicable height and setback regulations for #residences#, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions and limitations

The height modifications shall not apply to #buildings# utilizing the optional provisions for #predominantly built-up areas# set forth in Section 23-71, inclusive.

(b) Findings

The Commission shall find that:

(1) where the height modification is proposed for a #zoning lot# containing #qualifying senior housing#, the additional #floor area# permitted for the #use# is accommodated in an efficient manner;

(2) where the height modification is proposed for other #residences#, by concentrating permitted #floor area# in a #building# or #buildings# of greater height, the preservation

of an existing #building#, topography, vegetation, or view corridors having environmental, historic or aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area#;

(3) such modification is the least modification required to achieve the purpose for which it is granted;

(4) the proposed modification does not impair the essential character of the surrounding area; and

(5) the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing #buildings# on the #zoning lot#.

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

75-23 - Bulk Modifications for Non-complying Buildings

LAST AMENDED
12/5/2024

For #buildings# existing on December 31, 1990, the City Planning Commission may authorize an #enlargement#, #extension#, #conversion#, change of #use# or other alteration to a #building# that includes or will include #residences# that would create a new #non-compliance# or increase the degree of an existing #non-compliance#, with the applicable #bulk# regulations, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

The following conditions shall be met:

(1) Where maximum #building# height limitations apply, the proposed height modifications shall not result in an increase that exceeds 25 percent of the height permitted by the applicable district regulations, or the height of the existing #building#, whichever is greater; and

(2) Where #floor area ratio# modifications are proposed, no increase in #residential# #floor area# shall exceed the maximum #floor area# permitted by the applicable district regulations by more than 20 percent.

(b) Findings

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

(1) the configuration of the existing #building#, proximity to other #buildings#, or other site conditions create practical difficulties that would adversely affect the configuration of #residences# or the #building# site plan;

(2) for #enlargements#, where applicable:

(i) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;

(ii) the proposed scale and placement relates harmoniously with the surrounding area; and

(3) the requested modification is the least amount necessary to relieve such practical difficulties.

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

75-24 - Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites

LAST AMENDED
12/5/2024

In all districts, for #developments# or #enlargements#, the City Planning Commission may authorize #bulk# modifications, other than #floor area ratio#, to be made in conjunction with a transfer of development rights from landmark #buildings or other structures# certified pursuant to Section 75-42 (Transfer of Development Rights From Landmarks), provided the Commission determines that the conditions and limitations set forth in paragraph (a) and the findings set forth in paragraph (b) of this Section are met:

(a) Conditions and limitations

Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations.

(b) Findings

The Commission shall find that:

(1) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;

(2) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and

(3) the requested modification is the least amount necessary to reasonably accommodate such transferred development rights.

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

75-30 - PARKING AUTHORIZATIONS

LAST AMENDED
12/5/2024

75-31 - Authorization to Remove Required Parking

LAST AMENDED
12/5/2024

In the #Inner Transit Zone#, the City Planning Commission may authorize the reduction or removal of #accessory# off-street parking spaces required pursuant to Section 25-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES) provided the Commission finds that such reduction or removal:

(a) will not impede access to existing #accessory# off-street parking spaces on adjoining #zoning lots#; and

(b) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area;

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

75-40 - CERTIFICATIONS

LAST AMENDED
12/5/2024

75-41 - Railroad Right-of-Ways

LAST AMENDED
12/5/2024

75-411 - Developments on or over railroad rights-of-way

LAST AMENDED
12/5/2024

No #development# or #enlargement# may occur on or over a #railroad right-of-way# unless the Chairperson of the City Planning Commission certifies to the Department of Buildings that:

(a) a site plan has been submitted showing:

(1) the total #lot area#, including any #railroad right-of-way# or platform over a #railroad right-of-way#; and

(2) that the #zoning lot# has direct access to one or more #streets#;

(b) the affected railroad entity or entities have indicated in writing that the proposed #development# or #enlargement# will not interfere with current or future railroad operations.

Certification by the Chairperson shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Section.

75-412 - Developments on lots under one and a half acres that include railroad right-of-ways

LAST AMENDED
12/5/2024

A #railroad right-of-way# that would otherwise be considered a #block# boundary may not be included in the #lot area# of a #zoning lot# less than one and a half acres unless the Chairperson of the City Planning Commission certifies to the Department of Buildings that:

(a) a site plan has been submitted showing:

(1) the total #lot area#, including any #railroad right-of-way# or platform over a #railroad right-of-way#; and

(2) that the #zoning lot# has direct access to one or more #streets#;

(b) the affected railroad entity or entities have indicated in writing that the proposed #development# or #enlargement# will not interfere with current or future railroad operations.

Certification by the Chairperson shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Section.

75-42 - Transfer of Development Rights From Landmarks

LAST AMENDED
12/5/2024

75-421 - Definitions

LAST AMENDED
12/5/2024

For purposes of this Section, inclusive, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Granting lot

For the purposes of this Section, inclusive, a “granting lot” shall mean a #zoning lot# or #split lot# that contains a #landmark building or other structure#.

Landmark building or other structure

For the purposes of this Section, inclusive, a “landmark building or other structure” shall include any structure designated as a landmark by the Landmarks Preservation Commission pursuant to the New York City Charter and Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section, inclusive, from those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges.

Receiving lot

For the purposes of this Section, inclusive, a “receiving lot” shall mean a #zoning lot# or #split lot# to which development rights of a #granting lot# are transferred.

Split lot

For the purposes of this Section, inclusive, a “split lot” is each portion of a #zoning lot# that is divided by district boundaries.

Surrounding area

For the purposes of this Section, inclusive, the “surrounding area” shall mean all #zoning lots# on the #block# on which the #landmark building or other structure# is located, as well as all #zoning lots#

across a #street# or #street# intersection from the #block#. It shall also mean, in #Commercial Districts# where the maximum #floor area ratio# for #commercial uses# is 15.0 or greater, #zoning lots# that, except for the intervention of #streets# or #street# intersections, form a series extending to the #zoning lot# occupied by the #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10).

75-422 - Certification to transfer development rights from landmarks

LAST AMENDED
12/5/2024

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #granting lots# to #receiving lots# within the #surrounding area#, provided that the provisions of this Section are met.

(a) The transfer of development rights shall be subject to the following conditions:

(1) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the maximum #floor area# allowed by the applicable district regulations, less the total #floor area# of all existing #buildings# on the #granting lot#, and any previously transferred #floor area#. Such maximum #floor area# shall not include any additional #floor area# allowed for #publicly accessible open areas# or any other form of bonus whether as of right or by discretionary action;

(2) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall in no event exceed the maximum

#floor area# allowable on such #zoning lot# by more than 20 percent. Such #floor area# increase may be applied to any individual #use#, provided that the total of all #floor area ratios# does not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#. However, in #Commercial Districts# or #Manufacturing Districts# where the maximum #floor area ratio# for non-#residential uses# is 15.0 or greater, such 20 percent limit shall be increased to 30 percent. Transfers over 30 percent in such districts shall only be permitted pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites);

(3) Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or other structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer; and

(4) Prior to the issuance of a building permit, as set forth in paragraph (c) of this Section, the owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York. Proof of recordation shall be submitted to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting lot# and the #receiving lot# that are a party to such transfer.

(b) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and the #receiving lot#. The following items shall be submitted to the Chairperson as part of an application for certification:

(1) site plans and zoning calculations for the #granting lot# and #receiving lot# showing the additional #floor area# associated with the transfer, and any such other information as may be required by the Chairperson;

(2) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#; and

(3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#.

(c) The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only once the instrument of transfer and notice of restrictions required by paragraph (a) of this Section have been executed and recorded with proof of recordation provided to the Chairperson.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to the provisions of this Section. #Bulk# modifications may be permitted in conjunction with a transfer of development rights pursuant to this Section through either Section 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites) or Section 74-79 (Transfer of Development Rights From Landmark Sites), as applicable.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Location of District Boundaries

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Chapter 6 - Location of District Boundaries

76-00 - MEASUREMENT OF DISTANCES

LAST AMENDED
12/15/1961

76-01 - Method of Measurement

LAST AMENDED
12/15/1961

Except as otherwise specifically provided, all prescribed distances shall be measured in a straight line, not necessarily coinciding with a #street line#.

76-10 - DISTRICT BOUNDARIES ON THE ZONING MAPS

LAST AMENDED
12/15/1961

76-11 - General Provisions

LAST AMENDED
12/15/1961

The district boundaries on the #zoning maps# shall be interpreted in accordance with the provisions set forth in Sections 76-12 (Area Enclosed by District Boundary Line), 76-13 (Location of Boundary Line) and 76-14 (Additional Rules of Construction).

76-12 - Area Enclosed by District Boundary Line

LAST AMENDED
12/15/1961

An area enclosed by a district boundary line shall be in the district designated therein.

76-13 - Location of Boundary Line

LAST AMENDED
12/15/1961

The precise location of a boundary line is to be interpreted in accordance with the provisions set forth in this Section.

76-131 - Boundary line parallel to the short dimension of block

LAST AMENDED
12/15/1961

In cases where a boundary line extends parallel to the short dimension of the #block# and no dimensions are shown, such boundary line shall be considered to be located:

(a) in the case of C1-1, C4-1, C4-2 or C4-4 Districts, 200 feet from the nearest #street# within the district;

(b) in the case of C1-2, C1-3, C2-1, C2-2, C2-3, C4-3 or C7 Districts, 150 feet from the nearest #street# within the district; and

(c) in the case of all other districts, 100 feet from the nearest #street# within the district.

76-132 - Boundary line parallel to the long dimension of block between parallel streets

LAST AMENDED
12/15/1961

In case of parallel #streets#, where a boundary line extends parallel to the long dimension of the #block# and no dimension is shown, such boundary line shall be considered to coincide with the center line of the #block#.

76-133 - Boundary line parallel to the long dimension of block between streets which are not parallel

LAST AMENDED
12/15/1961

In case of #streets# which are not parallel, where a boundary line extends parallel to the long dimension of the #block# and no dimension is shown, such boundary line shall be considered as the bisector of the angle formed by prolonging the #street lines# to an intersection.

76-14 - Additional Rules of Construction

LAST AMENDED
12/15/1961

76-141 - When distance from street line shown

LAST AMENDED
2/26/1967

In cases where the boundary line is shown by a dimension as being located a specific distance from a #street line#, this distance shall be considered to be measured from the nearest #street line# of the #street# from which dimensioned.

In cases where a #Limited Height District# boundary line appears to be identical or approximately identical with the boundary line of another district whose location is shown by a dimension, the boundary line of the #Limited Height District# shall be considered to be identical with the boundary line of the other district.

76-142 - Boundary line within street

LAST AMENDED
6/11/1974

In cases where the boundary line is given a position within a #street#, it shall be considered to be in the center of the #street#.

In cases where a C1 or C2 District is mapped within a #Residence District# and such C1 or C2 District abuts a #street line#, the boundary line along such abutting portion shall be deemed to be located in the center of the abutting #street#.

76-143 - Boundary line oblique to streets

LAST AMENDED
12/15/1961

In cases where a boundary line is shown having a position oblique to the #streets# bounding the #block# in which it is located, it shall (unless otherwise fixed) be considered to be the bisector of the angle formed by the intersection of lines 100 feet from and parallel to each of said bounding #streets#, this distance being measured at right angles to said #street lines#.

76-144 - Boundary line adjoining railroad right-of-way

LAST AMENDED
12/5/2024

In cases where a boundary line is shown as adjoining a #railroad right-of-way#, it shall (unless otherwise fixed) be considered to coincide with the boundary line of the #railroad right-of-way#.

76-145 - Boundary line coinciding with parks, cemeteries or navigable waters

LAST AMENDED
12/15/1961

In cases of parks, cemeteries, or navigable waters, the boundary line shall (unless otherwise fixed) be considered to coincide with the boundary line of the park or the cemetery or the pierhead line, except that in cases where no pierhead line has been established, the shore line shall control.

76-146 - Islands

LAST AMENDED
12/15/1961

Any island, or portion thereof, outside of the shore or pierhead lines, that is not a #public park# shall, unless otherwise designated or determined by the City Planning Commission, be considered to be in an R3-2 District.

76-147 - Park boundary line

LAST AMENDED
12/15/1961

The boundary line of a #public park# shall be considered a district boundary line.

76-148 - Scenic View District boundary line

LAST AMENDED
10/24/1974

The boundary lines of #Special Scenic View Districts# are set forth in Section 102-60 (SPECIAL SCENIC VIEW DISTRICTS SPECIFIED).

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Special Provisions for Zoning Lots Divided by District Boundaries

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 7 - Special Provisions for Zoning Lots Divided by District Boundaries

77-00 - GENERAL PROVISIONS

LAST AMENDED
8/14/1987

77-01 - Applicability of This Chapter

LAST AMENDED
12/15/1961

Whenever any #zoning lot# is located in two or more districts in which different #uses# are permitted, or in which different #use#, #bulk#, #accessory# off-street parking and loading, or other regulations apply, the provisions of this Chapter shall apply.

77-02 - Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution

LAST AMENDED
12/5/2024

Whenever a #zoning lot# is divided by a boundary between two or more districts and such #zoning lot# did not exist on December 15, 1961, or any applicable subsequent amendment thereto, each portion of such #zoning lot# shall be regulated by all the provisions applicable to the district in which such portion of the #zoning lot# is located. However, the provisions of Section 77-22 (Floor Area

Ratio) shall apply to #zoning lots# created at any time where different #bulk# regulations apply to different portions of such #zoning lot#.

77-03 - Zoning Lots Existing Prior to Effective Date or Amendment of Resolution

LAST AMENDED
12/15/1961

Whenever a #zoning lot# is divided by a boundary between two or more districts and such #zoning lot# existed on December 15, 1961, or any applicable subsequent amendment thereto, the provisions of this Resolution may be applied to such #zoning lot# as set forth in subsequent Sections of this Chapter. Except as specifically provided in this Chapter, each portion of such #zoning lot# shall be regulated by all the provisions applicable to the district in which such portion of the #zoning lot# is located.

77-10 - USE REGULATIONS

LAST AMENDED
12/15/1961

77-11 - Conditions for Application of Use Regulations to Entire Zoning Lot

LAST AMENDED
6/29/1989

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts in which different #uses# are permitted, the #use# regulations applicable to the district in which more than 50 percent of the #lot area# of the #zoning lot# is located may apply to the entire #zoning lot#, provided that the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

Whenever the #use# regulations are so applied, the district boundary may be assumed to be relocated accordingly, and the #bulk#, off-street parking and loading, and all other regulations applying to such expanded district shall apply to the entire #zoning lot#. However, when the #zoning lot# is divided by a district boundary between a district limited to #single-# or #two-family residences# and a district permitting multiple dwellings, the #use# and #bulk# regulations of an R3-2 District shall apply in the R1, R2, R3A, R3X or R3-1 portion, and the #use# and #bulk# regulations of an R4 District shall apply in the R2X, R4A, R4-1 or R4B portion.

Except as specifically provided by the provisions of a special purpose district, the provisions of this Section shall apply to #zoning lots# which are divided by a special purpose district boundary line.

77-12 - Application of Use Regulations Under All Other Conditions

LAST AMENDED
6/25/1964

Whenever a #zoning lot# is divided by a boundary between districts in which different #uses# are permitted and the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot) do not apply, the applicable #use# regulations for each district shall apply to that portion of the #zoning lot# located within such district, except as provided in Section 73-42

(Enlargement of Uses Across District Boundaries) or 73-52 (Modifications for Zoning Lots Divided by District Boundaries).

The regulations governing #use# are set forth in Article II, Chapter 2; Article III, Chapter 2; and Article IV, Chapter 2.

77-20 - BULK REGULATIONS

LAST AMENDED
12/15/1961

77-21 - General Provisions

LAST AMENDED
9/27/1962

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts with different #bulk# regulations, and the provisions of Sections 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot) or 77-211 (Conditions for application of bulk regulations to entire zoning lot) do not apply, the #bulk# regulations may apply as set forth in Sections 77-22 to 77-29, inclusive, relating to Bulk Regulations.

77-211 - Conditions for application of bulk regulations to entire zoning lot

LAST AMENDED
12/5/1990

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between:

(a) two #Residence Districts# limited to #single-# or #single-# and #two-family residences#; or

(b) two #Commercial Districts# or two #Manufacturing Districts# in which the same #uses# are permitted but different #bulk# regulations apply;

the #bulk# regulations applicable to the district in which more than 50 percent of the #lot area# of the #zoning lot# is located may apply to the entire #zoning lot#, provided that the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

Whenever the #bulk# regulations are so applied, the district boundary may be assumed to be relocated accordingly, and the off-street parking and loading and all other regulations applying to such expanded district shall apply to the entire #zoning lot#.

Except as specifically provided by the provisions of a Special Purpose District, the provisions of this Section shall apply to #zoning lots# that are divided by a Special Purpose District boundary line.

77-22 - Floor Area Ratio

LAST AMENDED
12/5/2024

The maximum #floor area ratio# permitted on each portion of such #zoning lot# for the applicable type of #building# or #buildings# on such #zoning lot# shall be determined under the applicable regulations of this Resolution.

Each such #floor area ratio# shall be multiplied by the percentage of the #zoning lot# to which such #floor area ratio# applies. The sum of the products thus obtained shall be the adjusted maximum #floor area ratio# applicable to such #zoning lot#.

The #floor area# resulting from application of the adjusted maximum #floor area ratio# may be located anywhere on the #zoning lot#, subject to all other regulations of this Resolution, and provided that the #floor area ratio# for any portion of the #zoning lot# within one district shall not exceed the maximum #floor area ratio#, specified for that district, or the adjusted maximum #floor area ratio# for the #zoning lot#, whichever is greater, except that the portion of the #zoning lot# fronting on and within 100 feet of a #wide street# and permitting the greater maximum permitted #residential# #floor area ratio# may exceed the maximum permitted #residential# #floor area ratio# for the portion of the #zoning lot# by up to 20 percent.

In applying the provisions of this Section, the following conditions shall apply:

(a) the #floor area# bonus permitted for #publicly accessible open areas# or #arcades#, under the applicable regulations of this Resolution, shall apply only to such #publicly accessible open areas#, #arcades# or portions thereof, as are located in a district in which such bonus is granted; and

(b) when a #zoning lot# contains a #sky exposure plane building# which does not have a specified maximum #floor area ratio#, for the purpose of computing the adjusted maximum #floor area ratio#, the #floor area ratio# of such #zoning lot# shall be deemed to be that which can be achieved at the minimum required #open space ratio# for such #zoning lot#.

77-23 - Open Space Ratio

LAST AMENDED
2/2/2011

The #open space# required for such #zoning lot# shall be computed separately for each portion of the #zoning lot# under the applicable regulations of the underlying districts. The total #open space# provided on the #zoning lot# shall not be less than the sum of such required #open space# so computed.

For portions of the #zoning lot# located in districts that have required #open space ratios#, the required #open space# for each such portion is computed by multiplying the #lot area# of that portion, by the maximum #floor area ratio# permitted for the applicable type of #building# or #buildings#, by the minimum #open space ratio# required at that #floor area ratio#, divided by 100.

For portions of the #zoning lot# located in other districts that do not have required #open space ratios# but do have required #open space#, the required #open space# for each such portion is computed by multiplying the #lot area# of that portion, by the minimum percentage of #open space# required, divided by 100.

For portions of the #zoning lot# located in districts that do not have a required #open space ratio# or required #open space#, no #open space# shall be required but any required #yards#, or #publicly accessible open area# provided, for which a #floor area# or #lot area# bonus is taken, shall be in addition to the amount of #open space# required on the remaining portion of the #zoning lot#. No open area may be counted twice in fulfilling these requirements.

The required #open space# may be located anywhere on the #zoning lot# subject to all other regulations of this Resolution and provided that the #open space ratio# for any portion of the #zoning lot# within one district shall not be less than 60 percent of the required #open space ratio# for that district.

77-24 - Lot Coverage

LAST AMENDED

The maximum percent of #lot coverage# permitted on each portion of a #zoning lot# shall be determined under the applicable regulations of Article II, Chapters 3 and 4.

Each such maximum percent of #lot coverage# shall be multiplied by the #lot area# of the portion of the #zoning lot# to which such percent of #lot coverage# applies. The sum of the areas of #lot coverage# thus obtained shall be the maximum area of #lot coverage# for the #zoning lot#. Such maximum area of #lot coverage#, divided by the #lot area# of the #zoning lot#, shall be the adjusted maximum percent of #lot coverage# for the #zoning lot#.

A #building# whose #lot coverage# does not exceed the adjusted maximum percentage of #lot coverage# may be located anywhere on such #zoning lot# or portion of such #zoning lot#, subject to all other regulations of this Resolution, and provided that the percentage of #lot coverage# for any portion of the #zoning lot# within one district shall not exceed the maximum percentage of #lot coverage# specified for that district, or the adjusted maximum percentage of #lot coverage# for the #zoning lot#, whichever is greater.

If a #zoning lot# divided by a boundary between two or more districts is partly a #corner lot# and partly an #interior lot# or #through lot#, separate adjusted maximum percentages of #lot coverage# shall be computed for such #corner lot# and for such #interior lot# or #through lot# and applied separately to such #corner lot# and to such #interior lot# or #through lot#, as though each were a separate #zoning lot#. The provisions of this paragraph shall not apply to #zoning lots# located on #waterfront blocks#.

If a #zoning lot# is partly in a district in which there is no maximum permitted percentage of #lot coverage# for the #use#, the provisions of this Section shall apply to such portions of the #zoning lot# as are in a district with a maximum #lot coverage# requirement.

Wherever a #zoning lot# is divided by a district boundary in which one portion of the #zoning lot# is located in a district having a #lot coverage# requirement and the other portion is located in a district having an #open space ratio# requirement, the required #open space# for the portion having the

#open space ratio# requirement shall be computed in accordance with Section 77-23 (Open Space Ratio). The inverse of such required #open space# shall be the maximum #lot coverage# permitted on that portion of the #zoning lot#, and may be located anywhere on the #zoning lot# subject to all other regulations of this Resolution.

77-25 - Density Requirements

LAST AMENDED
12/5/2024

Whenever a #zoning lot# is divided by a boundary between districts with different density requirements, the maximum number of #dwelling units# or #rooming units# permitted on the #zoning lot# shall equal the sum of the maximum number of #dwelling units# or #rooming units# permitted for each portion of the #zoning lot# in accordance with the applicable district regulations. Such #dwelling units# or #rooming units# may be located wherever a #building# is permitted on the #zoning lot#. However, wherever portions of a #zoning lot# are limited to #single-# or #two-family residences# pursuant to Section 22-12 (Use Group II – Residences), inclusive, no more than one or two #dwelling units# may be provided, as applicable.

77-26 - Minimum Lot Area and Lot Width Requirements for Residences

LAST AMENDED
2/2/2011

The minimum #lot area# and #lot width# regulation applying to the district with the more restrictive regulations shall apply to the entire #zoning lot#.

77-27 - Yard Regulations

LAST AMENDED
2/2/2011

Each portion of the #zoning lot# shall be governed by the #yard# regulations specified for the district in which it is located.

77-28 - Height and Setback Regulations

LAST AMENDED
12/5/2024

For #zoning lots# divided by district boundaries in which all applicable height and setback regulations include the use of #sky exposure planes#, the height and setback regulations of each #street# frontage of the #zoning lot# shall be determined by multiplying the quantitative requirements set forth in the regulations of the Chapters, which are applicable to each portion of such #street# frontage, by the percentage of such #street# frontage to which such regulations apply. The sum of the products obtained shall be the controlling requirements for the #zoning lot#.

In determining the percentage of such #street# frontage, the percentage shall be based on the total frontage of the #zoning lot# along such #street#.

However, if any portion of such #zoning lot# is located within a #Limited Height District#, the provisions of Sections 23-443, 24-591 or 33-491 (Limited Height Districts) shall apply to any portion of a #building# utilizing #sky exposure plane# provisions.

For all other #zoning lots#, each portion of such #zoning lot# shall be regulated by the height and setback provisions applicable to the district in which such portion of the #zoning lot# is located.

For the purposes of defining a #building# envelope pursuant to Section 23-421, apex points may be located on a zoning district boundary which divides a #building#.

Furthermore, if any portion of a #zoning lot# is located in an R2X, R3, R4, R4-1 or R4A District, the height and setback regulations specified for such district may apply to the entire #zoning lot# provided that such district comprises more than 50 percent of such #zoning lot#, and the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

77-29 - Tower Regulations

LAST AMENDED
12/5/2024

If 50 percent or more of a #zoning lot# is located within a district to which the provisions of Sections 23-435, 23-737, 24-54, 33-45 or 43-45 (Tower Regulations) apply, and the remaining portion of the #zoning lot# is within a district to which such provisions do not apply, a tower, which, in the aggregate, occupies not more than the percentage of the #lot area# permitted for the particular district in which the tower is permitted, may be applied to the #lot area# of the entire #zoning lot#. Such tower may penetrate any applicable established #sky exposure plane#, or maximum base height, as applicable, provided that such tower shall comply with the applicable setback requirements or restrictions on aggregate area that may be occupied.

If 50 percent or more of a #zoning lot# is located in a district in which the provisions of Sections 33-455 (Alternate regulations for towers on lots bounded by two or more streets), 33-456 (Alternate

setback regulations on lots bounded by two or more streets) or 33-457 (Tower setbacks on narrow blocks) apply, and the remaining portion of the #zoning lot# is within a district in which such provisions do not apply, any #building# or any tower that occupies not more than the applicable percent of the #lot area# of a #zoning lot# as set forth in Section 33-455 or 33-456 and which complies with the applicable setback requirements as set forth in Sections 33-455, 33-456 or 33-457, may penetrate any applicable established #sky exposure plane#.

Subject to the requirements set forth hereinbefore and those specified in Sections 77-22 (Floor Area Ratio) and 77-23 (Open Space Ratio), such tower may be located anywhere on such #zoning lot#.

77-30 - OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
12/15/1961

77-31 - General Provisions

LAST AMENDED
12/15/1961

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts with different off-street parking or loading regulations, and the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot) do not apply, the off-street parking and loading regulations may apply as set forth in this Chapter.

77-32 - Districts of Same General Use Class

LAST AMENDED
12/15/1961

When such boundary is between two #Residence Districts# or two #Commercial Districts# or two #Manufacturing Districts#, the provisions of this Section shall apply.

77-321 - Provisions governing off-street parking for residences

LAST AMENDED
2/2/2011

The percentage requirements for #accessory# off-street parking for #residences# applicable to each portion of the #zoning lot# shall be multiplied by the percentage of the total #lot area# of the #zoning lot# to which each such requirement applies. The sum of the products obtained shall be the percentage requirement applicable to #residences# on such #zoning lot#. Such off-street parking spaces may be located anywhere on the #zoning lot# without regard to district boundaries, provided that such spaces shall conform to all the other applicable provisions of this Resolution.

77-322 - Provisions governing off-street parking for non-residential uses

LAST AMENDED
2/2/2011

For non-#residential uses#, the requirements for #accessory# off-street parking or loading of that district in which more than 50 percent of the total area of the #zoning lot# is located, shall apply to the

entire #zoning lot#. The parking spaces or loading berths may be located anywhere on the #zoning lot# without regard to district boundaries, provided that such spaces or berths shall conform to all other applicable regulations of this Resolution.

77-33 - Districts of Different General Use Class

LAST AMENDED
12/15/1961

When such boundary is between a #Residence District# and a #Commercial District#, or between a #Commercial District# and a #Manufacturing District#, or between a #Residence District# and a #Manufacturing District#, the provisions of this Section shall apply.

77-331 - Use permitted in both districts

LAST AMENDED
12/15/1961

For any #use# which is permitted in both such districts, the applicable requirements for #accessory# off-street parking and loading of that district in which more than 50 percent of the #zoning lot# is located shall apply to the entire #zoning lot#. The parking spaces or loading berths may be located anywhere on the #zoning lot# without regard to district boundaries, provided that such spaces or berths shall conform to all other applicable regulations of this Resolution.

77-332 - Use not permitted in both districts

For any #use# which is permitted in one such district but not in the other, the applicable district requirements for #accessory# off-street parking and loading shall be satisfied entirely within the district within which such #use# is permitted, provided, however, that:

(a) the required parking spaces for #residential# or #community facility# #uses#, or the loading berths for #community facility# #uses#, may be located on that portion of the #zoning lot# which is in a C8 or #Manufacturing District#;

(b) the required parking spaces or loading berths for any #commercial# #use# may be located on that portion of the #zoning lot# which is in a #Manufacturing District#;

(c) the required parking spaces or loading berths for #manufacturing# #uses# may be located on that portion of the #zoning lot# which is in a C8 District; and

provided, further, that such spaces or berths shall conform to all other applicable regulations of this Resolution.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 8 - Special Regulations Applying to Large-Scale Residential Developments

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 8 - Special Regulations Applying to Large-Scale Residential Developments

78-00 - GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

LAST AMENDED
8/18/1977

78-01 - General Purposes

LAST AMENDED
8/24/1967

The regulations set forth in this Chapter are designed to deal with certain types of problems which arise only in connection with large-scale residential developments and to promote and facilitate better site planning and community planning through modified application of the district regulations in such developments.

For large-scale residential developments involving several zoning lots but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and bulk controls. For such developments, the regulations of this Chapter are designed to allow greater flexibility for the purpose of securing better site planning for development of vacant land and to provide incentives toward that end while safeguarding the present or future use and development of surrounding areas and, specifically, to achieve more efficient use of increasingly scarce land within the framework of the overall bulk controls, to enable open space in large-scale residential developments to be arranged in such a way as best to serve active and passive recreation needs of the residents, to protect and preserve scenic assets and natural features such as trees, streams and topographic features, to foster a more stable community by providing for a

population of balanced family sizes, to encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings, and thus to promote and protect public health, safety and general welfare.

78-02 - Definitions

LAST AMENDED
2/2/2011

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

Floor area

For the purposes of this Chapter, in R3, R4 or R5 Districts, #floor area# shall be as defined in Section 12-10, except that:

(a) #floor area# shall not include up to 200 square feet of floor space located in any #story# used for required #accessory# off-street parking spaces within individual garages; and

(b) within the definition of #floor area# in Section 12-10, listed under "#floor area# includes," paragraph (i)(3) shall not apply, and listed under "#floor area# of a #building# shall not include," paragraph (6)(ii), shall not apply.

78-03 - Applicability of This Chapter

LAST AMENDED
2/27/2020

#Large-scale residential developments# are governed by all the #use#, #bulk#, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter and apply only to such #large-scale residential developments#.

Any #large-scale residential development# having a total of at least 500 #dwelling units# shall be subject to the provisions of Section 78-11 (General Provisions), relating to Provision of Public Facilities in Connection with Large-Scale Residential Developments.

#Large-scale residential developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

78-04 - Powers of the City Planning Commission

LAST AMENDED
8/24/1967

78-041 - Authorization by Commission

LAST AMENDED
8/24/1967

For any #large-scale residential development# for which proposed modifications of the applicable district regulations are limited to those which may be granted in accordance with the provisions of Sections 78-21 to 78-23, inclusive, relating to Use Regulations, Sections 78-311 and 78-313 relating to Bulk Regulations, Section 78-41 (Location of Accessory Parking Spaces), or Sections 78-51 to 78-53, inclusive, relating to Subdivision of Large-Scale Residential Developments, the City Planning Commission may grant such modifications in accordance with the provisions of such specified

Sections and may prescribe appropriate conditions and safeguards thereon.

78-042 - Special permits

LAST AMENDED
12/18/1969

For #large-scale residential developments# for which proposed modifications of the applicable district regulations include those which may be granted only in accordance with the provisions of Sections 78-312 to 78-33, inclusive, relating to Bulk Regulations, or Section 78-42 (Parking Regulations for Commercial and Community Facility Uses), the City Planning Commission may grant special permits for such modifications in accordance with the applicable provisions of such specified Sections and other sections of this Chapter and may prescribe appropriate conditions and safeguards thereon.

78-043 - Requirements for findings

LAST AMENDED
2/2/2011

The requirements for findings as set forth in this Chapter shall constitute a condition precedent to the grant of any such modification by special permit or otherwise. The decision or determination of the City Planning Commission shall set forth each required finding in each grant of modifications for a #large-scale residential development#. Each finding shall be supported by substantial evidence or data considered by the Commission in reaching its final decision.

78-044 - Contractual agreements

LAST AMENDED
8/24/1967

The City of New York may enter into contractual agreements with the applicant as may be required to assure compliance with the terms and conditions of the modifications granted under the provisions of this Chapter.

78-05 - Requirements for Applications

LAST AMENDED
2/2/2011

An application to the City Planning Commission for an authorization or special permit respecting any #large-scale residential development# shall include a site plan and related schedules showing the location and proposed #use# of all #buildings or other structures# on the site, the location of existing natural features such as important trees or clusters of trees, streams or rock formations, and all information necessary to indicate the authorizations requested and their justification.

The Commission shall require, where relevant, a time schedule for carrying out the proposed #large-scale residential development#, a financial plan, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

78-06 - Ownership

(a) Except as otherwise provided in this Section, any #large-scale residential development# for which application is made for an authorization or special permit or modification thereto, in accordance with the provisions of this Chapter, shall be on a tract of land that at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. Except as otherwise provided in this Section, no authorization or special permit or modification thereto, shall be granted for such #large-scale residential development# unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 for all #zoning lots# comprising the #large-scale residential development#) of, or executed a binding sales contract for, all of the property comprising such tract.

(b) Notwithstanding the provisions of paragraph (a) of this Section, the following actions shall be permitted:

(1) When a #large-scale residential development# is part or all of a designated urban renewal project, the City's urban renewal agency, or a person authorized by such agency, may make application for and may be granted authorizations or special permits under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth in paragraph (a) of this Section. All parcels comprising such #large-scale residential development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

(2) In the event that the urban renewal plan has expired, the owner(s) of a vacant parcel(s) within such #large-scale residential development#, if located in a former urban renewal area listed in this paragraph, (b)(2), may make application for and may be granted modifications of authorizations or special permits previously granted under

the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5) of this Section.

Borough	Community District	Former Urban Renewal Area (URA)
Manhattan	7	West Side URA

(3) The owner(s) of a developed parcel(s) within a #large-scale residential development# located in a former urban renewal area listed in paragraph (b)(2), where at least 50 percent of such parcel(s) is located within a C1-9 or C2-8 District, may make application for, and may be granted, modifications of authorizations or special permits previously granted under the provisions of this Chapter, in order to utilize available #floor area# for #commercial# or #community facility# #uses#, subject to the conditions of paragraph (b)(5) of this Section and provided further that:

(i) no #residential use# existing prior to July 23, 2008, located above the level of the ground floor may be changed to a non-#residential use#;

(ii) the #enlarged# portion of the #building# shall be restricted to #community facility# #uses# and #commercial# #uses# listed in Use Group VI, provided that any ground floor #community facility# #use#, and any bank or loan office shall occupy not more than 25 feet of the #wide street# frontage, measured to a depth of 30 feet from the #wide# #street line#, and no #community facility# #use# shall be permitted above the level of the second #story# ceiling;

(iii) any #enlargement# fronting upon Columbus or Amsterdam Avenue shall contain a number of establishments, such that the entire #block# front on Columbus or Amsterdam Avenue shall contain no fewer than three establishments, each with a separate entrance on Columbus or Amsterdam Avenue. The Columbus or Amsterdam Avenue frontage of any one such establishment shall not exceed 100 feet;

(iv) the ground floor #street wall# of an #enlargement# located within C1-9 or C2-8 Districts shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area;

(v) required #open space# with appropriate circulation, seating, lighting and plantings shall be accessible and usable by all residents of the #large-scale residential development#;

(vi) a plan, including elevations, shall be submitted showing the proposed #building(s)# and modification, and #open space#; and

(vii) the #enlargement# enhances the streetscape and the design promotes a harmonious relationship with the existing #buildings# and contiguous #blocks# within the #large-scale residential development#.

In addition, any significant adverse impacts resulting from a #development# or #enlargement# pursuant to such modifications, considered in combination with #developments# or #enlargements# within the former urban renewal area listed in paragraph (b)(2), previously the subject of modifications under this paragraph, (b)(3), shall have been avoided or minimized to the maximum extent practicable by incorporating as conditions to the modification those mitigative measures that have

been identified as practicable.

The provisions of paragraphs (b)(3)(ii) and (b)(3)(iii) shall not apply to #enlargements# of #community facility# #uses# and bank or loan offices existing prior to July 23, 2008, provided that such #enlargement# does not increase existing #street# frontage on Columbus or Amsterdam Avenues by more than 10 feet.

An application filed pursuant to this paragraph, (b)(3), shall be referred to the affected Community Board, and the City Planning Commission shall not grant any modification of an authorization or special permit pursuant thereto prior to 45 days after such referral.

(4) For any #large-scale residential development# located in the Community District(s) listed in this paragraph, (b)(4), the owner(s) of a vacant parcel(s) may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5).

Borough	Community District
Queens	7

(5) Modifications of authorizations or special permits previously granted under the provisions of this Chapter, as permitted in paragraphs (b)(2), (b)(3) and (b)(4) of this Section, shall not:

(i) result in the distribution of #floor area# from any #zoning lot# not coextensive with or included within such parcel(s); or

(ii) increase the total allowable #floor area# on any #zoning lot# included within such parcel(s) beyond that amount permitted by the applicable district regulations.

Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large-scale residential development#, provided that such modification would not create a #non-compliance# within the #large-scale residential development#.

(6) When a #large-scale residential development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, other than the City's urban renewal agency, or its agent, having the power of condemnation, authorizations or special permits may be applied for and may be granted under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth elsewhere in this Section.

(7) In the event that the urban renewal plan has expired, the owner(s) of a parcel(s) of land previously used as open space for a term of years that has expired within such #large scale residential development#, if located in a former urban renewal area listed in this paragraph, (b)(7), may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter, where such modifications do not seek the distribution of #floor area# from any #zoning lot# not included within such parcel(s), for a #development# that includes a #building# and public open space permitted by the applicable district regulations. Such modifications shall result in a site plan that includes a #building# and public open space that are appropriately located and oriented with respect to other uses in the surrounding area.

Borough	Community District	Former Urban Renewal Area (URA)
Manhattan	8	Ruppert Brewery URA

78-07 - Lapse of Authorization or Special Permit

LAST AMENDED
7/18/1995

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.

78-10 - PROVISION OF PUBLIC FACILITIES IN CONNECTION WITH LARGE-SCALE RESIDENTIAL DEVELOPMENT

LAST AMENDED
8/24/1967

78-11 - General Provisions

LAST AMENDED
8/24/1967

The following regulations apply to all #large-scale residential developments# with a total of at least 500 #dwelling units#, except duly authorized urban renewal projects, as a condition precedent to the issuance of a building permit.

78-111 - Public facilities report

LAST AMENDED
2/2/2011

Within one month after a request from the Chairperson of the City Planning Commission, the Department of City Planning shall make a report, based upon information from the Department of Education and other appropriate City Departments, on the anticipated effect of the proposed #large-scale residential development# on the existing capacity of public #schools# or other public facilities serving the area in which the proposed #large-scale residential development# is to be located.

78-112 - If no additional public facilities needed

LAST AMENDED
2/2/2011

If the Department of City Planning reports that the proposed #large-scale residential development# will not require any significant addition to the public facilities serving the neighborhood, then the

requirements of this Section shall be considered to be satisfied.

78-113 - If additional public facilities needed

LAST AMENDED
2/2/2011

If the Department of City Planning reports that the proposed #large-scale residential development# can be expected to create a need for one or more new public facilities in the neighborhood, the City Planning Commission may, in its discretion, recommend that a site for one or more such facilities should be reserved within the site of such proposed #large-scale residential development#. If the Commission does so recommend, the issuance of a building permit shall be withheld for a period not to exceed three months. In such a case, the requirements of this Section shall be considered to be satisfied:

(a) if, within a period of less than three months, the developer and the appropriate City officials have agreed on the reservation of such a site or sites, or official proceedings have been initiated to authorize acquisition of such a site or sites, or if necessary to amend the capital budget to include the project as a prerequisite to site acquisition; or

(b) in any event, at the expiration of the above-mentioned period of three months.

78-20 - USE REGULATIONS

LAST AMENDED
8/24/1967

78-21 - Permitted Uses

LAST AMENDED
1/22/1970

A #large-scale residential development# may include within its area any #residential uses#, #commercial# #uses# or #community facility# #uses# permitted in the district or districts in which it is located. The #commercial# #uses# in these #Commercial Districts# shall be restricted to #uses# permitted in C1, C2 or C4 Districts.

78-22 - Accessory Uses in Large-Scale Residential Developments

LAST AMENDED
6/6/2024

A #large-scale residential development# in a #Residence District# may contain as #accessory# #uses#, any #commercial# #uses# listed in Use Group VI which in the aggregate occupy not more than two percent of the total #floor area# in the #large-scale residential development#, and of which no single establishment occupies more than 15,000 square feet of #floor area#, provided that upon a review of the site plan, the City Planning Commission finds that such #commercial# #uses#:

(a) will be primarily for the use of the residents of the #large-scale residential development# and will provide more convenient shopping for such residents;

(b) are so located as to minimize interference with #residential# or recreational areas within the #large-scale residential development# and to avoid creation of traffic congestion or other objectionable influences affecting #residences# outside the #large-scale residential development#;

(c) comply with all the applicable #bulk# and off-street parking and loading regulations for such #accessory# #commercial# #uses#, as set forth in Article II, Chapters 3 and 5; and

(d) conform to those provisions of the following Sections which are applicable to #commercial# # uses# in C1 Districts:

Section 32-41 (Enclosure Within Buildings)

Section 32-42 (Location Within Buildings)

Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.

78-23 - Other Accessory Uses

LAST AMENDED
4/30/1981

78-231 - Accessory swimming pools

LAST AMENDED
2/2/2011

Swimming pools may be authorized by the City Planning Commission as #accessory# #uses# even though not located on the same #zoning lots# as the principal #uses# to which they are related, provided that:

(a) any such swimming pool is located in a common #open space# area and as a part of such area meets all the requirements set forth in Section 78-52 (Common Open Space);

(b) the use of such swimming pool is restricted to the residents of the #large-scale residential development# or portion thereof served by such common #open space#, and their guests;

(c) the edge of such swimming pool is located not less than 50 feet from any #lot line# on the periphery of the #large-scale residential development#, and is suitably screened from other areas on the same or adjacent #zoning lots#; and

(d) such swimming pool complies in all other respects with the definition of #accessory# #use# as set forth in Section 12-10 (DEFINITIONS).

78-232 - Accessory sewage disposal plants

LAST AMENDED
4/30/1981

In Staten Island, sewage disposal plants to serve not more than 50 #dwelling units# may be authorized by the City Planning Commission as #accessory# #uses# to be located anywhere within a #large-scale residential development# without regard for #zoning lot lines#, provided the Commission finds that:

(a) the sewage disposal plant is located not closer than 100 feet from any #residential use#;

(b) the #large-scale residential development# is arranged so as to best serve the active and passive recreation needs of the #residential development#, protect and serve scenic assets and natural features and provide suitable variations in the siting of #buildings#;

(c) the sewage disposal plant is adequately landscaped and buffered from all #residential uses# on the same or adjacent #zoning lots#; and

(d) the proposal promotes and protects the public health, safety and general welfare.

78-24 - Special Permits

LAST AMENDED
2/2/2011

78-241 - Location of commercial uses

LAST AMENDED
6/6/2024

For any #large-scale residential development#, the City Planning Commission, by special permit, may allow #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location Within Buildings) when terracing is required because of unusual topographic conditions in a #large-scale residential development# having a minimum area of 20 acres.

78-30 - BULK REGULATIONS

LAST AMENDED
8/24/1967

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

LAST AMENDED
2/2/2011

(a) General provisions

For the purposes of this Section, the term "periphery" shall mean any #street line# bounding a #large-scale residential development# or any #lot line# abutting a #zoning lot# that is not part of the #large-scale residential development#. The term "wholly within" shall therefore mean any area of the #large-scale residential development# which is not within the area designated as "periphery." However, in R3-2 Districts, R4 Districts except R4-1, R4A and R4B Districts, or R5 Districts except R5B Districts, the "periphery" shall also include all portions of a #large-scale residential development# within 100 feet of a peripheral #street line# or within 30 feet of any other peripheral #lot line#, except for portions directly opposite:

(1) an area of at least 1.5 acres in a #Residence District# that is either vacant or #land with minor improvements#; or

(2) a #large-scale residential development# #developed# pursuant to the provisions of paragraph (b) of this Section; or

(3) a #Commercial# or a #Manufacturing District#.

All #buildings or other structures# in the periphery of a #large-scale residential development# shall comply with the height and setback regulations of Article II, Chapter 3, except as otherwise provided in this Section.

Special provisions applying to #large-scale residential developments# in R3, R4 or R5 Districts are set forth in paragraphs (b) and (c) of this Section. The provisions of paragraph (b) shall apply to any #large-scale residential development# in R3-2 Districts, R4 Districts except R4-1, R4A and R4B Districts, or R5 Districts except R5B Districts. The provisions of paragraph (c) shall apply only to #large-scale residential developments# in all R3, R4 or R5 Districts that utilize the bonus provisions of Section 78-32 through 78-35, inclusive.

(b) Alternate height and setback regulations for certain districts

In R3-2 Districts, R4 Districts except R4-1, R4A and R4B Districts, or R5 Districts except R5B Districts, #buildings or other structures#, or portions thereof, "wholly within" a #large-scale residential development# may use the alternate height and setback regulations set forth in paragraphs (b)(1) through (b)(3) of this Section.

(1) In R3-2 Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used.

(2) In R4 Districts, no portion of any #building or other structure#, including the apex of a roof, shall penetrate a plane 35 feet in height above the #base plane#.

(3) In R5 Districts, no portion of any #building or other structure#, including the apex of a pitched roof, shall penetrate a plane 40 feet in height above the #base plane#.

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

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

District	#Open Space Ratio#	#Floor Area Ratio#
R3	150	.50*
R4	80	.75*

R5	40	1.25

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

(d) Authorizations may be granted for #buildings# to be located, #bulk# and #open space# distributed, and height and setback modified, in accordance with the provisions of this Section.

(e) In R9 through R12 Districts, and in C1 or C2 Districts mapped within, or with a #residential equivalent# of, such districts, #floor area# bonuses for #public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

(f) Alternate window to #lot line# regulations for a #zoning lot# directly adjoining a #public park#

In R7-1 and R8 Districts within a #large-scale residential development# in Community District 6 in the Borough of the Bronx, the required minimum distance between a #legally required window# and a #lot line#, as set forth in Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), inclusive, shall not apply where a #legally required window# is fronting upon a #public park# with an area of at least one-half acre.

78-311 - Authorizations by the City Planning Commission

LAST AMENDED
2/2/2011

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

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

(b) the total #open space# required by the applicable district regulations for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning # #lot lines#, except that where subdivision is authorized in accordance with the provisions of Section 78-51 (General Provisions), the Commission, in authorizing such distribution may allow reductions in the minimum required #open space# on individual #zoning lots# only where adequate provision is made for common #open space# to serve such lots.

If the required #open space# on the roof of a #community facility building# has an equivalent access arrangement acceptable to the Commission, it may authorize modification of requirements set forth in paragraph (b) of the #open space# definition in Section 12-10;

(c) for #zoning lots# adequately served by common #open space#, the minimum required #lot area# as set forth in Section 23-10 (LOT AREA AND LOT WIDTH REGULATIONS) to be reduced, provided that any #residence# for which the minimum required #lot area# is so reduced shall be separated from all other #buildings# on the same or adjacent #zoning lots# by a distance consistent with the provisions of Section 23-371 (Standard minimum distance between buildings), or in cases where at least one of the #buildings# is a one-family or two-family #detached# or #semi-detached# house, rowhouse, or series of rowhouses, by a lesser

distance to be determined by the Commission;

(d) the location of #buildings# without regard for #yard# regulations which would otherwise apply along portions of #streets# or #lot lines# "wholly within" the #large-scale residential development# provided that any #building# for which required #rear# or #side yards# are reduced shall be separated from all other #buildings# with which it does not share a party wall, on the same or adjacent #zoning lots#, by a distance consistent with the provisions of Section 23-371 or, in cases where at least one of the #buildings# is a single-family or two-family #detached# or #semi-detached# house, rowhouse or series of rowhouses, by a lesser distance to be determined by the Commission, where the location of the #buildings# will not be detrimental to the privacy of the occupants of the #buildings# on the #block#;

(e) the location of #buildings# without regard for the height and setback regulations which would otherwise apply along portions of #streets# "wholly within" the #large-scale residential development# or along #side# or #rear lot lines# #abutting# other #zoning lots# within the #large-scale residential development#, provided that any #building# for which required rear or side setbacks are reduced shall be separated from all other #buildings# with which it does not share a party wall, on the same or adjacent #zoning lots#, by a distance consistent with the provisions of Section 23-371;

(f) the location of primary business entrances, #show windows# or #signs# along frontages which are adjacent only to other #zoning lots# within the #large-scale residential development#, without regard to restrictions applicable near #Residence District# boundaries, for the purpose of achieving better site planning and community planning;

(g) special directional #signs# and their location and design within a #large-scale residential development# comprising an area of at least five acres provided that their construction would result in better pedestrian and vehicular circulation. The Commission shall in each case give due consideration to the effect of such #signs# on the surrounding residential area and may impose appropriate conditions and safeguards;

(h) the location of #buildings# on a single #zoning lot# without regard for spacing between #buildings#, provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case by more than 15 percent of that required by Section 23-371.

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

When subdivision is authorized in accordance with the provisions of Section 78-51 and satisfactory provision is made for common #open space#, the Commission may consider such common #open space# in determining to what extent, if any, modifications of the #yard# regulations are justified.

For any #large-scale residential development#, the City Planning Commission may, upon application, authorize in R3, R4 and R5 Districts, modifications of the height and setback regulations set forth in Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts) and paragraph (b) of Section 78-31 for #buildings# "wholly within" the #large-scale residential development# for the purposes of introducing variety or preserving natural features or view corridors.

78-312 - Special permits by the City Planning Commission

LAST AMENDED
2/2/2011

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

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

(b) the total #open space# required by the applicable district regulations or by Sections 78-32 or 78-33 for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning# #lot lines# except that where subdivision is authorized in accordance with the provisions of Section 78-51 (General Provisions), the Commission, in authorizing such distribution may allow reductions in the minimum required #open space# on individual #zoning lots# only where adequate provision is made for common #open space# to serve such lots;

(c) minor variations in required #front# or #rear yards# on the periphery of such #large-scale residential development# for the purpose of introducing variety or preserving natural features;

(d) in R1 and R2 Districts, and in R6 through R12 Districts, minor variations in the front height and setback regulations on the periphery of such #large-scale residential development# for the purpose of introducing variety, preserving natural features, or providing for improved access of light and air, but within the general purpose and intent of the height and setback regulations. In R3, R4 or R5 Districts, the Commission may modify the height and setback regulations set forth in Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts) and paragraph (b) of Section 78-31, on the periphery of such #large-scale residential development#, for the purposes of introducing variety, providing a transition in neighborhood scale between the #large-scale residential development# and surrounding #buildings#, preserving natural features or view corridors, or improving the access of light and air;

(e) variations in the location of primary business entrances, #show windows#, and #signs# along frontages adjacent to #zoning lots# outside the #large-scale residential development#, without regard to restrictions applicable near #Residence District# boundaries, for the purpose of

achieving better site planning and community planning. However, in no event shall the Commission allow such primary business entrances, #show windows# or #signs# to be located within 10 feet of the #Residence District# boundary; and

(f) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-371 (Standard minimum distance between buildings) and may authorize modifications of the spacing required by paragraphs (c), (d), (e) and (h) of Section 78-311 (Authorizations by the City Planning Commission).

78-313 - Findings

LAST AMENDED
10/25/1993

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

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

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

(c) that such distribution or location will not unduly increase the #bulk# of #buildings#, density of population, or intensity of #use# in any #block#, to the detriment of the occupants of

#buildings# in the #block# or nearby #blocks#;

(d) that such distribution or location will not affect adversely any other #zoning lots# outside the #large-scale residential development# by restricting access to light and air or by creating traffic congestion;

(e) where portions of the total required #open space# are pooled in common #open space# areas or common parking areas, that such common areas will, by location, size, shape and other physical characteristics, and by their relationship to surrounding development and the circulation system, permit realization of the full community service of advantages for which such pooled areas are designed;

(f) where one or more #zoning lots# in the #large-scale residential development# do not #abut# mapped #streets#, that suitable private access to mapped #streets# will be provided conforming to standards which will ensure adequate circulation and make adequate provision for public services; and

(g) the modification of height and setback will not impair the essential character of the surrounding area and will not have adverse effects upon the access to light, air and privacy of adjacent properties.

78-32 - Bonus for Good Site Plan

LAST AMENDED
2/2/2011

In R1-2, R2 or R3-1 Districts, including #Commercial Districts# mapped within such #Residence Districts#, for any #large-scale residential development#, the City Planning Commission, by special permit, may allow the #open space ratio# otherwise required for the #large-scale residential development# as a whole and for individual #zoning lots# therein to be reduced by not more than 10

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

78-33 - Bonus for Common Open Space

LAST AMENDED
2/2/2011

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

(a) at least one acre or 20 percent of the total #open space#, whichever is more, is provided in common areas meeting the requirements of Section 78-52 (Common Open Space) and not used for off-street parking;

(b) the #large-scale residential development# qualifies for a bonus in accordance with the provisions of Section 78-32; and

(c) the Commission makes the findings required in Section 78-32 and in paragraph (e) of Section 78-313 (Findings).

Such authorizations shall be instead of, rather than in addition to, those which would be allowable under the provisions of Section 78-32.

78-34 - Special Permit Provisions for Certain Large-scale Developments

LAST AMENDED
6/6/2024

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

(a) throughout the #large-scale residential development# the site plan provides a significantly better arrangement of the #buildings# in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private #open spaces# and preservation of important natural features to a greater degree than would be possible or practical for a development composed of similar types built in strict compliance with the applicable district regulations;

(b) the public facilities and utilities in the area are adequate to meet the needs of the #large-scale residential development# or that needed additional facilities will be provided as a part of the #large-scale residential development# by the developer or owner;

(c) the #large-scale residential development# complies with the provisions of Section 78-351 (Common open space and good site plan); and

(d) a #large-scale residential development# having an area of four acres or more complies with the provisions of Section 78-352 (Bonus for community facility space).

If the Commission determines that a proposed #large-scale residential development# containing not more than 250 #dwelling units# does not require #community facility# space, finding (d) shall be waived and the provisions of Section 78-352 made inapplicable. In making its determination, the Commission shall give due consideration to a recommendation from the Community Board within which the proposed #large-scale residential development# is located.

If a site for a fire or police station is provided within the Community District in which a #large-scale residential development# is to be located, which site has been donated in fee to the City, selected as a site pursuant to Section 218 (Site Selection) of the New York City Charter and, if applicable, approved under the provisions of Section 74-141 (Fire or police stations), the Commission may waive finding (d), provided that the #community facility# requirements contained in Section 78-352 are determined to be unnecessary.

Any #large-scale residential development# which qualifies for a bonus in accordance with this Section and the applicable provisions of Section 78-35 shall be eligible for any modifications permitted under Sections 78-311 (Authorizations by the City Planning Commission) or 78-312 (Special permits by the City Planning Commission) provided the findings of Section 78-313 (Findings) are satisfied.

78-35 - Special Bonus Provisions

LAST AMENDED
3/8/1973

78-351 - Common open space and good site plan

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

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

District	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3-2	.60	125.0
R4	1.00	66.5

The maximum number of #dwelling units# shall equal the total #residential# #floor area# permitted divided by the applicable factor in Section 23-50 (DENSITY REGULATIONS).

In R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, at least 25 percent of the total required #open space# is to be provided in common areas that meet the requirements of Section 78-52. No portion of

such common #open space# is to be used for driveways or off-street parking. All findings required in paragraph (c) of Section 78-313 are to be satisfied.

78-352 - Bonus for community facility space

LAST AMENDED
2/2/2011

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

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

District	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3-2	.70	102.0

R4	1.15	54.7
R5	1.45	37.7

The maximum number of #dwelling units# shall equal the total #residential# #floor area# permitted divided by the applicable factor in Section 23-50 (DENSITY REGULATIONS).

(b) There shall be at least 15 square feet of #community facility# floor space for each #dwelling unit# within the #large-scale residential development# and/or a substantial park area located adjacent to or within a reasonable distance from the #large-scale residential development#. Such space shall be used for #schools# where the need is certified by the Board of Education and where the Board agrees to lease such space at no cost. Otherwise such space shall be allocated for one or more #uses# as specified in this Section where the need for such space has been certified by the City Planning Commission and a City Department agrees to lease such space at no cost. If such certification and agreement are not obtained in either case, the Commission shall approve any private #community facility# proposed to be rented or maintained by the developer, or the homeowners' association or other entity owning the common elements of the #large-scale residential development#. In no case shall the size of an individual #use# be less than the amount set forth in this Section.

#Community Facility#	Size (in square feet)
Day care center	3,000
Ambulatory care center	10,000

Library	7,500
Senior citizen center	3,750
Community center	2,000
Indoor recreation center	2,000

In the case of a program for improvement and/or maintenance for parks which is eligible for a bonus pursuant to this Section, comparable improvements and maintenance costs for an equivalent amount of the required #community facility# space shall be incurred.

(c) In no event shall the total #floor area# for any #development# constructed pursuant to the Provisions Section exceed the maximum #floor area ratio# for #community facility# #uses# permitted by the applicable district regulations.

78-353 - Bonus for enclosed parking

LAST AMENDED
12/6/2023

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

in this Section provided that at least two-thirds of the required off-street parking is enclosed.

District	Increase in #Floor Area Ratio#	Decrease in #Open Space Ratio#
R4	.25	14.5
R5	.25	10.0

For any #large-scale residential developments# comprising #buildings# of not more than four #stories# receiving a bonus under this Section, the Commission may modify where appropriate the requirements of Section 23-734 (Permitted obstructions in open space).

78-40 - OFF-STREET PARKING REGULATIONS

LAST AMENDED
8/24/1967

78-41 - Location of Accessory Parking Spaces

LAST AMENDED
2/2/2011

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

#accessory# off-street parking spaces or bicycle parking spaces to be located anywhere within the #large-scale residential development# without regard for #zoning# #lot lines#, provided that in each case the Commission shall make the following special findings:

(a) that such off-street parking spaces or bicycle parking spaces will be conveniently located in relation to the #use# or #uses# to which such spaces are #accessory#;

(b) that such location of the off-street parking spaces or bicycle parking spaces will permit better site planning and will thus benefit both the owners, occupants, employees, customers, residents or visitors of the #large-scale residential development# and the City as a whole; and

(c) that such location of the off-street parking spaces or bicycle parking spaces will not increase the number of spaces in any single #block# or the traffic drawn through any one or more of the nearby local #streets# in such measure as to affect adversely other #zoning lots# outside the #large-scale residential development# or traffic conditions in the surrounding area.

Whenever required off-street parking spaces or bicycle parking spaces are authorized to be located without regard for #zoning# #lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# or #use# shall be kept available for such #building# or #use# throughout its life. Whenever any #zoning lot# within such a #large-scale residential development# is subdivided into two or more #zoning lots#, such subdivision shall be subject to the provisions of Section 78-51 (General Provisions).

78-42 - Parking Regulations for Commercial and Community Facility Uses

LAST AMENDED
2/2/2011

For #large-scale residential developments# in R3-2 Districts, R4 through R12 Districts, and #Commercial Districts# mapped within, or with a #residential equivalent# of, such districts, the City

Planning Commission may, by special permit, waive the requirements for off-street parking spaces #accessory# to any #commercial# or #community facility# #use# included in such #large-scale residential development# and intended primarily for the use of its residents.

78-43 - Modification for Open Space Requirements in Large-scale Developments

LAST AMENDED
2/2/2011

For all #large-scale residential developments# in R5, R6, R7, R8 or R9 Districts, or in #Commercial Districts# in which #residences# are governed by the #bulk# regulations of such #Residence Districts#, the City Planning Commission may modify the requirement for #open space# as set forth in the definition of #open space# in Section 12-10 (DEFINITIONS) by allowing parking space on the roofs of parking garages not #abutting# another #building# and not more than 23 feet in height above #curb level#, to count as #open space# and by not requiring connections from such roofs to ground level by exterior passageways or ramps, provided that the following findings are made:

(a) that the total area occupied by driveways, private streets, or open #accessory# off-street parking spaces in all areas claimed as common or private #open space# throughout the #large-scale residential development# shall not exceed 40 percent of the total required #open space# for the #large-scale residential development#; and

(b) that such arrangement and use of #open space# results in better site planning and community planning.

78-44 - Modification of Curb Cut Regulations

LAST AMENDED

2/2/2011

The City Planning Commission may, upon application, authorize modification of the requirements set forth in Section 25-631 (Location and width of curb cuts in certain districts), provided the Commission finds that the proposed location and width of curb cuts:

(a) results in a more efficient traffic circulation system;

(b) permits better site planning; and

(c) does not unduly increase the amount of traffic on nearby local #streets# so as to adversely affect #zoning lots# outside the #large-scale residential development#.

78-50 - SUBDIVISION OF LARGE-SCALE RESIDENTIAL DEVELOPMENTS

LAST AMENDED
8/24/1967

78-51 - General Provisions

LAST AMENDED
2/2/2011

A #large-scale residential development# may be subdivided before, during or after #development# into two or more #zoning lots# which may be in different ownerships, provided that either:

(a) all resulting #zoning lots# and all #buildings# thereon comply with all the applicable regulations of this Resolution;

(b) such subdivision conforms to a subdivision plan which was included as part of the application for authorizations or special permits under the provisions of this Chapter and whose execution has been authorized in the grant of such authorizations or special permits; or

(c) such subdivision is made necessary by forced sale or foreclosure of a portion of such #large-scale residential development#, but can be accommodated to any authorization or special permit granted pursuant to the provisions of this Chapter.

All #zoning lots# resulting from such subdivisions shall be subject to all the applicable regulations of this Resolution or, in the case of a #large-scale residential development# for which any modifications were granted in accordance with the provisions of this Chapter, shall be subject to the terms, conditions and limitations of the #large-scale residential development# plan as approved.

In any subdivision of a #large-scale residential development# for which such modifications were granted, covenants running with the land which shall permit of public or private enforcement, reflecting the terms, conditions and limitations of the #large-scale residential development# plan, as approved, shall be incorporated in the deed to each parcel conveyed.

Such subdivision may result in commonly or separately owned common #open space# or common parking areas, as set forth in Sections 78-52 (Common Open Space) or 78-53 (Common Parking Areas).

78-52 - Common Open Space

LAST AMENDED
2/2/2011

An area designated on the site plan of a #large-scale residential development# as "common #open space#" and on the subdivision plan as an area to be held in separate ownership for the use and benefit

of residents occupying specified #zoning lots# shown on such subdivision plan may be approved as part of such subdivision plan, provided that it meets the following requirements:

(a) it shall be conveniently accessible to all residents of #zoning lots# for which it is intended to satisfy the #open space# requirements;

(b) it shall be made available in its improved state as set forth on the site plan in accordance with an approved time schedule;

(c) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance;

(d) provisions to ensure its continuing availability shall be included in the covenants to be incorporated in the deed to each parcel to be served by such common #open space#;

(e) it shall be entirely at natural grade level or at the principal level of pedestrian circulation in adjacent areas;

(f) it may contain only such obstructions as are specifically permitted under the provisions of Section 23-734 (Permitted obstructions in open space) or minor #accessory# structures, and the total area occupied by driveways, private streets or open #accessory# off-street parking spaces in all areas claimed as common or private #open space# throughout the #large-scale residential development#, shall not exceed 50 percent of the total required #open space# for the #large-scale residential development#; and

(g) such #open space# shall include both active and passive recreation space providing a range of recreational facilities and activities appropriate to the occupants of the #large-scale residential development#. Such space shall be physically and visually accessible to the occupants and shall be screened from unsuitable areas. Passive recreation space shall be landscaped and shall be located in areas other than access and egress spaces. Active recreation facilities, such as play equipment, court game facilities, or ball fields, shall be designed to provide the maximum

possible area appropriate to the size of the #large-scale residential development#.

The approval of a subdivision plan which includes common #open space# shall be conditioned upon a finding that these requirements are met.

78-53 - Common Parking Areas

LAST AMENDED
2/2/2011

An area designated on the site plan of a #large-scale residential development# as "common off-street parking area" and on the subdivision plan as an area to be held in separate ownership for use by the occupants or visitors of specified #zoning lots# shown on such subdivision plan may be approved as part of such subdivision plan, provided that it shall meet the following requirements:

(a) it shall be made available in its improved state as set forth in the site plan in accordance with an approved time schedule;

(b) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance; and

(c) provisions to ensure its continuing availability shall be included in the covenants to be served by such common off-street parking area.

The approval of a subdivision plan which includes common off-street parking areas shall be conditioned upon a finding that these requirements are met.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 9 - Special Regulations Applying to Large-Scale Community Facility Developments

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Chapter 9 - Special Regulations Applying to Large-Scale Community Facility Developments

79-00 - DEFINITIONS

LAST AMENDED
11/19/1987

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

79-10 - GENERAL PROVISIONS

LAST AMENDED
8/24/1967

79-11 - Applicability of This Chapter

LAST AMENDED
2/2/2011

#Large-scale community facility developments# are governed by all the #use#, #bulk#, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter. Such special provisions are designed to deal with problems which arise only in connection with #large-scale community facility developments# and

apply only to such #large-scale community facility developments# as set forth herein.

#Large-scale community facility developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

79-12 - Permitted Uses

LAST AMENDED
1/25/1968

A #large-scale community facility development# may include within its area any #community facility# #uses#, #residential uses# or #commercial# #uses# permitted in the district or districts in which it is located.

79-20 - BULK REGULATIONS

LAST AMENDED
8/24/1967

79-21 - General Provisions

LAST AMENDED
2/2/2011

When a #large-scale community facility development# includes two or more #zoning lots# which are contiguous or would be contiguous but for their separation by a #street#, the City Planning

Commission may, in appropriate cases, upon application, authorize the permitted #floor area#, #lot coverage#, #dwelling units# or #rooming units#, or the required #open space# for all #zoning lots# within the #large-scale community facility development#, to be distributed without regard for #zoning# #lot lines#, may modify the minimum required distance between #buildings# as set forth in Section 23-371 (Standard minimum distance between buildings), provided such reduction does not exceed 15 percent of that required by such provisions, may authorize the location of #buildings# without regard for #front yard# or height and setback regulation which would otherwise apply along portions of #streets# wholly within the #large-scale community facility development# and, further, may authorize the location of #community facility buildings# without regard to #side# or #rear yard# regulations which would otherwise apply along portions of #lot lines# #abutting# other #zoning lots# within the #large-scale community facility development#.

As a condition of granting such authorizations, in each case the Commission shall make the following special findings:

(a) that such distribution or location will permit better site planning and will thus benefit both the residents, occupants or users of the #large-scale community facility development# and the City as a whole;

(b) that such distribution or location will not unduly increase the #bulk# of #buildings# in any #block#, to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks#; and

(c) that such distribution or location will not affect adversely any other #zoning lots# outside the #large-scale community facility development# by restricting access to light and air or by creating traffic congestion.

In R9 through R12 Districts, and in C1 or C2 Districts mapped within, or with a #residential equivalent# of such districts, #floor area# bonuses for #public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

In R9 through R12 Districts, and in C1 or C2 Districts mapped within, or with a #residential equivalent# of such districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations prior to February 9, 1994, shall be eliminated or reduced in size except by special permit, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

79-30 - PARKING REGULATIONS

LAST AMENDED
8/24/1967

79-31 - Location of Parking Spaces

LAST AMENDED
2/2/2011

When a #large-scale community facility development# includes two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted or required #accessory# off-street parking spaces or bicycle parking spaces to be located anywhere within the #large-scale community facility development# without regard for #zoning# #lot lines#, provided that in each case the Commission shall make the following special findings:

(a) that such off-street parking spaces or bicycle parking spaces will be conveniently located in relation to the #use# or #uses# to which such spaces are #accessory#;

(b) that such location of the off-street parking spaces or bicycle parking spaces will permit better site planning and will thus benefit both the owners, occupants, employees, customers,

residents or visitors of the #large-scale community facility development# and the City as a whole; and

(c) that such location of the off-street parking spaces or bicycle parking spaces will not increase the number of spaces in any single #block# or the traffic drawn through any one or more of the nearby local #streets# in such measure as to affect adversely other #zoning lots# outside the #large-scale community facility development# or traffic conditions in the surrounding area.

Whenever required off-street parking spaces or bicycle parking spaces are authorized to be located without regard for #zoning# #lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# or #use# shall be kept available for such #building# or #use# throughout its life.

79-32 - Location of Loading Berths

LAST AMENDED
2/2/2011

When a #large-scale community facility development# includes two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted required #accessory# loading berths to be located anywhere within the #large-scale community facility development# without regard for #zoning# #lot lines#, provided that in each case the Commission shall make the following special findings:

(a) that such loading berths will be appropriately located in relation to the #use# or #uses# to which such berths are #accessory# so as to permit better site planning and will thus benefit the owners, occupants, employees, residents or visitors to the #large-scale community facility development# and the City as a whole;

(b) that such loading berths will be accessible to all the #uses# in the #large-scale community facility development# without the need to cross any #wide street# at grade;

(c) that the location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# within or surrounding such #large-scale community facility development#; and

(d) that the loading berths comply with all other applicable district regulations.

79-40 - SPECIAL PERMIT PROVISIONS

LAST AMENDED
7/19/1973

79-401 - Special permit for development over streets

LAST AMENDED
2/2/2011

In a #large-scale community facility development# containing #schools#, hospitals or functionally related facilities in R6 or R7-1 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, when the air space above a #narrow street# or portion thereof is closed and demapped, the City Planning Commission may, by special permit, allow the demapped air space to be considered as part of the adjoining #zoning lots# constituting a single #zoning lot#, and may allow within such demapped air space the #development# or #enlargement# of a #building# which is a necessary expansion of an existing #school#, hospital or functionally related facility located on adjoining #zoning lots#. As a condition for granting a permit for such #building#, or portion thereof, within the

demapped air space, the Commission shall find:

(a) that there is a Master Plan for institutional development which demonstrates that the #building# over the #street# is necessary to avoid or minimize demolition of existing facilities, or #buildings designed for residential use#, and expansion on existing #zoning lots# owned by the #community facility# is not feasible to meet its expansion needs;

(b) that the location of such #building#, or portion thereof, will not impair the existing residential character of the area;

(c) that such #building#, or portion thereof, utilizes only unused #floor area# from adjoining #zoning lots# and no #floor area# credit is received from the demapped air space, and such #building# complies with the off-street parking and loading requirements of the underlying district or districts;

(d) that such #building#, or portion thereof, is contained entirely within the buildable area of the air space plane as defined in this Section, conforms with the height and setback regulations set forth in this Section, is no more than 200 feet in length and is the only such #building# on a #block# front;

(e) that such #building#, or portion thereof, links the #zoning lots# across the #street#, in the same ownership, with adequate clearance above the #street# bed, and there is no intrusion on the existing #street#, including column supports;

(f) that all #street# frontages of the #zoning lots# under such #building#, or portion thereof, are provided with fenestration or natural light along at least 75 percent of such frontages, and such #street# frontages when #developed# with #uses# other than open area, contain only #uses# requiring human occupancy such as amusement, education, dining, shopping and other similar #uses# permitted by the underlying district regulations; that the main entrance for principal pedestrian access to the #development# is located along the #street# frontages under such #building# and that no storage rooms, mechanical equipment rooms, parking and

loading facilities or curb cuts are located along such #street# frontage unless authorized by the Commission;

(g) that a satisfactory lighting and ventilation plan consistent with current environmental standards is provided for the #development#; and

(h) that an additional amount of #open space# for public use at #street# level, linked with the pedestrian circulation system of the area, equivalent to the #street# area covered by such #building#, is provided within 1,000 feet of the #building# and such #open space# maintained as usable public area in the ownership of the applicant.

#Curb levels# of the pre-existing #zoning lots# shall not be affected by the closing and demapping of air space over such #street#.

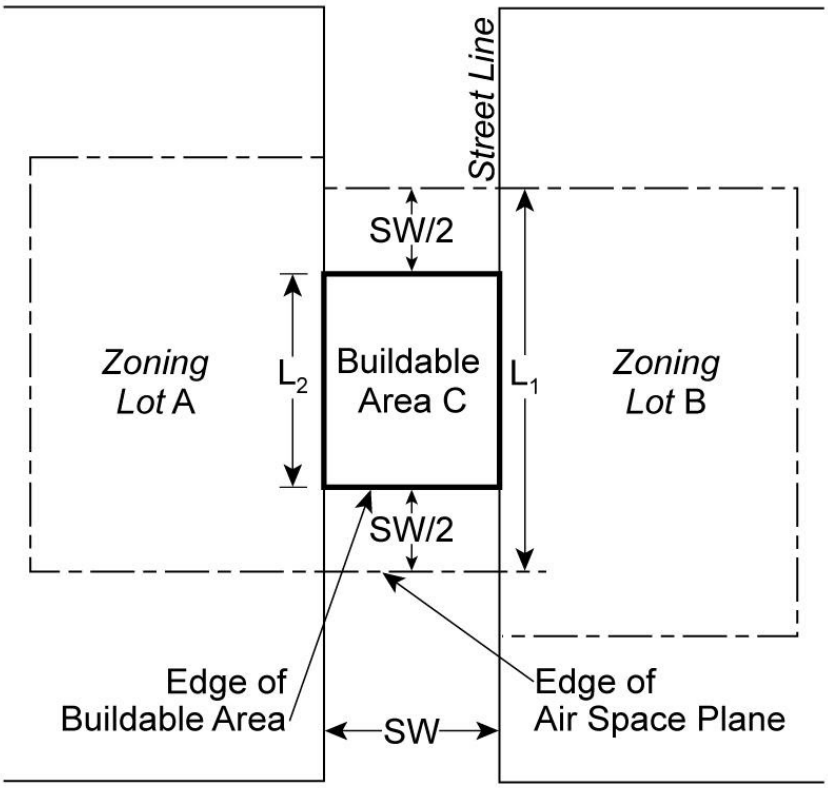
The Commission may impose additional conditions and safeguards to improve the quality of the development and minimize adverse effects on the character of the surrounding area.

For the purposes of paragraph (d) of this Section:

Air space plane is a plane above a #narrow street# located at the same elevation as the lower limiting plane of a volume of #street# eliminated, discontinued and closed by the Board of Estimate, or its successors. The length "L1" of such air space plane is the length of the common lot frontage of two #zoning lots# opposite and across the #street# in the same ownership and its width is the width of the #narrow street# "SW" (See illustration of Required Setback for the Buildable Area).

The buildable area "C" is the lower limiting plane of the volume of #street# eliminated, discontinued and closed by the Board of Estimate, or its successors, except that in no case shall the edge of the buildable area be closer to the edge of the air space plane by a distance equal to one half the #street# width "SW/2" (See illustration of Required Setback for the Buildable

Area).



SW - Width of a *narrow street*

SW/2 - Minimum required setback for the buildable area from the edge of air space plane

L_1 - Length of common lot frontage of two *zoning lots* across a *narrow street*

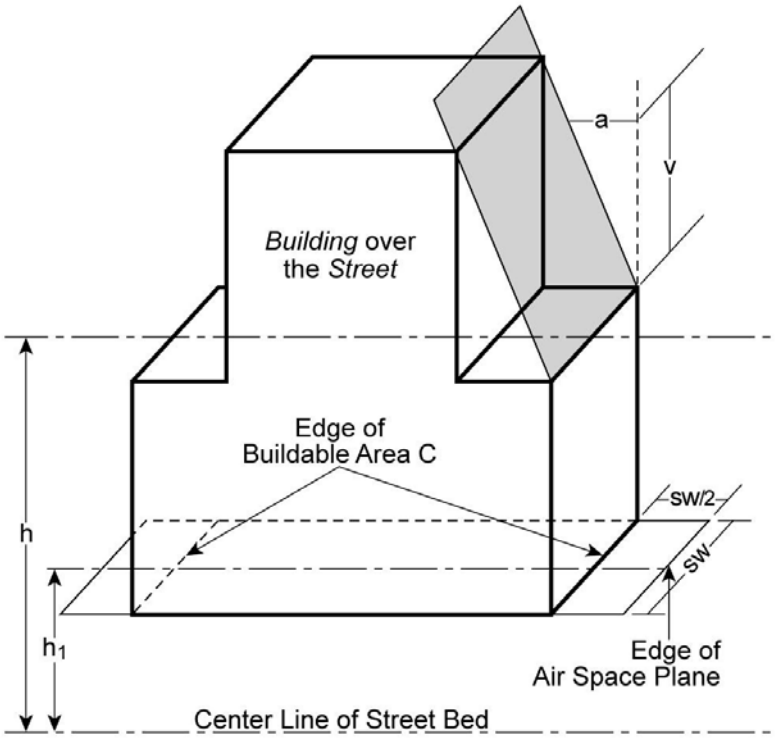
L_2 - Permissible length of the buildable area for a *building* over the *street*

REQUIRED SETBACK FOR THE BUILDABLE AREA

The #building# over the #street# shall comply with the height and setback regulations of this Section and the buildable area shall be completely covered by such #building#, except that such #building# may be set back from the edge of the buildable area which traverses the #street# provided that such setback area is open and obstructed from the lowest level of the #street# to the sky.

The #development# or #enlargement# of such #building# on the buildable area of the air space plane shall comply with the following #sky exposure plane# regulations (See illustration of Required Sky Exposure Plane):

Height above #street# bed (in feet)	#Sky Exposure Plane# Slope over buildable area (expressed as a ratio of vertical distance to horizontal distance)		District
	Vertical Distance	Horizontal Distance	
60	2.7	to 1	R6 R7-1 C1 C2



a - Horizontal distance

v - Vertical distance

h - Height of *sky exposure plane* above center line of street bed

h_1 - Required clearance above center line of street bed for a *building* over the *street*

$h–h_1$ - (h minus h_1) Maximum permissible height of vertical wall of a *building* over the *street* along the edge of a buildable area

SW - Width of a *narrow street*

SW/2 - Minimum required setback for the buildable area from the edge of air space plane

Sky exposure plane

REQUIRED SKY EXPOSURE PLANE

The height of the vertical wall or any other portion of a #building# over the #street#, shall not penetrate the #sky exposure plane#.

The #sky exposure plane# shall be measured from a point above the edge of the buildable area which traverses the #street#.

79-402 - Special permit for development of bridges over streets

LAST AMENDED
2/2/2011

In a #large-scale community facility development# containing hospitals or functionally related facilities in Manhattan Community Board 12, when the air space above a #wide street#, or portion thereof, is closed and demapped, the City Planning Commission may, by special permit, allow the #development# in such demapped air space of an enclosed bridge or bridges to connect #buildings# within the #large-scale community facility development#. As a condition for granting a permit for #development# of such bridges, the Commission shall find that:

(a) such bridge or bridges are essential to internal circulation of the medical function of the health care facility;

(b) such bridge or bridges shall not rest upon columns or other supports which intrude upon the #street#;

(c) the width of each such bridge shall not exceed 20 feet;

(d) such bridge within the demapped air space utilizes only #floor area# derived from the adjoining #zoning lots# and that no #floor area# credit is generated from the demapped air space;

(e) illumination of at least five foot candles is provided at the #curb level# of such bridge or bridges;

(f) such bridge in demapped air space over a #wide street# adjoins #zoning lots# wholly within the #large-scale community facility development#;

(g) the minimum horizontal distance between the nearest edges of two such bridges traversing the same #street# shall be two times the width of the #street#;

(h) the maximum exterior height of each such bridge shall not exceed 12 feet;

(i) the benefit gained from the bridge or bridges resulting from the #bulk# design or placement of such bridge or bridges outweighs any adverse impact on neighborhood character and any restriction of access to light and air to surrounding public spaces and #streets#; and

(j) a landscaped open area for public use at #street# level, linked with the pedestrian circulation system, which is at least equivalent to the #street# area covered by the bridge is provided in one location within the #large-scale community facility development# and such open area is maintained with planting and seating facilities by the owner of the #large-scale community facility development# or the owner's designee.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize the effect of the bridges, including but not limited to clearance above the #street# and surfacing materials of the bridge.

79-41 - Special Permit for Change of Community Facility Use

LAST AMENDED
10/10/1974

For #large-scale community facility developments# previously approved by the City Planning Commission, the Commission may, by special permit, allow a change of #community facility# #use# to a #residential use# subject to the applicable district regulations.

For the purpose of this special permit, such change of #use# shall be deemed not to alter the status and previous authorizations relating to the #large-scale community facility development#.

As a condition precedent to the grant of such special permit, the Commission shall find:

(a) that such #community facility# #use# does not provide essential services to the community at large; and

(b) that such #community facility# #use# has been actively operated as a #community facility# # use# for a period not less than five years following Commission approval of the #large-scale community facility development# or was actively operated as a #community facility# #use# prior to Commission approval of the #large-scale community facility development#.

79-42 - Special Permit for Non-profit Hospital Staff Dwelling Buildings

LAST AMENDED
6/6/2024

For #non-profit hospital staff dwellings# in #large-scale community facility developments# in Manhattan Community Board 8, the City Planning Commission, may by special permit, allow:

(a) Temporary occupancy of #dwelling units# by outpatients of the non-profit or voluntary hospital or by families visiting hospitalized patients provided the following findings are made:

(1) that the density and transient nature of the population housed in such #dwelling units# will not impair the essential character, future use or development of the surrounding area; or impair the security of the hospital staff residing in the #building#;

(2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and

(3) that the number of such #dwelling units# so occupied is less than 50 percent of the total number of #dwelling units# in the #building#.

(b) Ambulatory diagnostic or treatment health care facilities listed in Use Group III(B) on the third floor of such #buildings# in C1 Districts, provided the following findings are made:

(1) that such facilities are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;

(2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(3) that such #use# will not impair the essential character, future use or development of the surrounding area;

(4) that such #use# will not produce any adverse effects which interfere with the appropriate use of land in the districts or in any adjacent district; and

(5) that separate access to the outside is provided.

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

79-43 - Special Permit for Limited Bulk Modifications for Certain Large-scale Community Facility Developments

LAST AMENDED
9/26/2024

For #large-scale community facility developments# located within the boundaries of Community Districts 8 and 12 in the Borough of Manhattan, that contain #community facility uses# specified in Section 73-64 (Modification for Community Facility Uses), the City Planning Commission may, by special permit, allow modifications to the following provisions set forth in paragraph (a) of this

Section, provided that the findings in paragraph (b) are met.

(a) The Commission may allow modifications:

(1) to regulations relating to height and setback on the periphery of the #large-scale community facility development#, #courts# and distance between windows and walls or #lot lines# not otherwise allowed in Section 79-21 (General Provisions); and

(2) additionally, in R9 and R10 Districts, located within Community District 8:

(i) to #lot coverage#; and

(ii) to #sign# regulations.

(b) In order to grant such special permit, the Commission shall find that such modification:

(1) is required in order to enable the #large-scale community facility development# to provide an essential service to the community;

(2) will provide a more satisfactory physical relationship to the existing #buildings# which form the #large-scale community facility development#, and provide a more efficient and integrated site plan;

(3) will better complement the existing character of the neighborhood;

(4) will not unduly increase the #bulk# of #buildings# in any #block# to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks#; will not adversely affect any other #zoning lots# or #streets# outside the #large-scale community facility development# by unduly restricting access to light and air; and

(5) in R9 and R10 Districts located within Community District 8:

(i) with regard to #lot coverage#, will result in a better site plan and a better relationship among #buildings# and open areas; and

(ii) with regard to #sign# modifications:

(a) a signage plan has been submitted showing the location, size, height, and illumination of all #signs# on the #zoning lot#;

(b) the modifications are consistent with the amount and location of the #large-scale community facility development# that the Commission finds appropriate on the #zoning lot#; and

(c) #illuminated signs#, if provided:

(a) utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby #residences#; and

(b) do not alter the essential character of the adjacent area.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale community facility development# and to minimize adverse effects on the character of the surrounding area.

79-44 - Lapse of Authorization or Special Permit

LAST AMENDED

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article VIII - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 9/21/2026

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Special Midtown District (MiD)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Special Midtown District (MiD)

81-00 - GENERAL PURPOSES

LAST AMENDED
8/9/2017

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

(a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;

(b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;

(c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;

(d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;

(e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;

(f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;

(g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;

(h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;

(i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;

(j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;

(k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;

(l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;

(m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;

(n) to protect and strengthen the economic vitality and competitiveness of the East Midtown Subdistrict by facilitating the development of its exceptional and sustainable buildings and enabling improvements to the pedestrian and mass transit circulation network;

(o) to ensure that development within the East Midtown Subdistrict occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;

(p) to protect and strengthen the role of landmark buildings as important features of the East Midtown Subdistrict;

(q) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;

(r) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;

(s) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and

(t) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

81-01 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301, 81-261, 81-271 or 81-613 (Definitions).

81-02 - General Provisions

LAST AMENDED
8/9/2017

81-021 - Applicability of underlying district regulations

LAST AMENDED
10/7/2021

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

The regulations of the districts set forth below are applicable in the following Midtown districts unless modified by this Chapter:

Midtown Districts	Districts Whose Regulations Apply
C5P C5-2.5	C5-2
C6-4.5	C6-4
C6-5.5	C6-5

C6-6.5	C6-6
C6-7T	C6-7

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

81-022 - Applicability of Special Transit Land Use District regulations

LAST AMENDED
10/7/2021

Except as otherwise provided in paragraphs (a), (b) or (c) of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as designated on the #zoning map# by the letters "MiD-TA", the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

(a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:

(1) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section

81-46 (Off-street Relocation or Renovation of a Subway Stair); or

(2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a #mass transit station# improvement in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

(b) Where the requirements of Article IX, Chapter 5, are not waived, modifications of the underlying district #bulk# regulations as set forth in this Chapter shall prevail over any inconsistent #bulk# regulations in Article IX, Chapter 5.

(c) In the East Midtown Subdistrict, the provisions of paragraph (c) of Section 81-673 (Mass transit access) shall supersede the provisions of Sections 95-031 (Selection of transit easement) and 95-052 (Special access facilities for persons with disabilities).

81-023 - Applicability of Special Clinton District regulations

LAST AMENDED
8/6/1998

Wherever the #Special Midtown District# includes an area which also lies within the #Special Clinton District#, the regulations of the #Special Clinton District# as set forth in Article IX, Chapter 6, shall also apply. In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations).

The portion of the #Special Clinton District# within the #Special Midtown District# includes the area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street. The area is designated on the #zoning maps# by the letters CL-MiD.

81-024 - Integration clauses

LAST AMENDED
10/31/2001

(a) The underlying zoning districts shall be deemed to be integral parts of the #Special Midtown District#. If the underlying zoning district of any #zoning lot# shall be amended or shall be nullified by any court of competent jurisdiction, such amendment or adjudication shall be construed to amend the #Special Midtown District# to remove such #zoning lot# from the #Special Midtown District# whereupon the regulations of the prior underlying district shall apply.

(b) The #bulk# regulations contained in Sections 81-20 through 81-28, inclusive, shall be deemed to be an integral unit and no modification thereof shall be permitted, except in accordance with the provisions of Section 200 of the New York City Charter. If any sentence, clause, paragraph or part of Sections 81-20 through 81-28, inclusive, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not be confined in its operation to the sentence, clause, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, but shall also be construed to invalidate and prohibit the application of the remainder of Sections 81-20 through 81-28, inclusive. However, any such judgment shall not act to invalidate any other sentence, paragraph, clause, section or chapter of the Zoning Resolution.

81-03 - District Plan

LAST AMENDED
8/9/2017

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

The District Plan includes the following maps:

Map 1 Special Midtown District and Subdistricts

Map 2 East Midtown Subdistrict and Subareas

Map 3 Retail and Street Wall Continuity

Map 4 Subway Station and Rail Mass Transit Facility Improvement Areas

The maps are located in Appendix A of this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

81-04 - Subdistricts and Subareas

LAST AMENDED
8/9/2017

In order to carry out the purposes and provisions of this Chapter, five special Subdistricts are established within the #Special Midtown District#. In each of these Subdistricts certain special regulations apply which do not apply in the remainder of the #Special Midtown District#. The Subdistricts are outlined on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter.

The Subdistricts, together with the Sections of this Chapter specially applying to each, are as follows:

Subdistricts	Sections Having Special Application
Penn Center Subdistrict	81-50
East Midtown Subdistrict	81-60
Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

The Subdistricts are also subject to all other regulations of the #Special Midtown District# and, where applicable pursuant to Section 81-023, the #Special Clinton District# and the underlying districts, except as otherwise specifically provided in the Subdistrict regulations themselves.

Within the East Midtown Subdistrict, certain special regulations apply to Subareas that do not apply within the remainder of the Subdistrict. These Subareas are established, as follows:

Grand Central Transit Improvement Zone Subarea

Northern Subarea

Other Transit Improvement Zone Subarea

Park Avenue Subarea

Southern Subarea

Vanderbilt Corridor Subarea

The entirety of the Vanderbilt Corridor Subarea and the Grand Central Transit Improvement Zone Subarea as well as the portions of the Other Transit Improvement Zone Subarea south of East 47th Street, are hereinafter referred to as the Grand Central Core Area.

These Subareas, as well as the boundary of the Grand Central Core Area, are shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter.

81-05 - Applicability of Certain Amendments

LAST AMENDED
4/28/1988

For #developments#, #enlargements# or other alterations within the #Special Midtown District#, any building permits issued by the Department of Buildings prior to April 28, 1988, shall continue in effect through May 12, 1988. Thereafter any #non-conformance# or #non-compliance# with the Zoning Resolution as so amended shall be subject to the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment).

81-06 - Applicability of Article VII Provisions

LAST AMENDED
8/26/1992

81-061 - Applicability of Article VII

LAST AMENDED
6/6/2024

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals for #non-complying# #buildings# shall not be applicable:

Section 73-621 (Enlargement, change of use, or extension within buildings containing residential uses)

Section 73-63 (Enlargement of Non-residential Buildings)

Section 73-64 (Modifications for Community Facility Uses)

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-146 (Public transit or railroad electric substations) shall be applicable subject to the provisions of the #Special Midtown District#.

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

81-062 - Applicability of Article VII, Chapter 4

LAST AMENDED
12/5/2024

Within the #Special Midtown District#, the following provisions regarding special permits by the City Planning Commission shall not be applicable:

Section 74-72 (Bulk Modification)

Section 74-74 (General Large-scale Development)

Section 74-75 (Educational Construction Fund Projects)

Section 74-81 (Through Block Arcades)

Section 74-821 (Court houses)

Section 74-831 (Developments in certain Commercial Districts)

Section 74-85 (Covered Pedestrian Space)

Section 74-91 (Modification of Public Plazas)

Within the #Special Midtown District#, the following special permit by the City Planning Commission shall only be applicable as modified below:

Section 74-71 (Landmark Preservation) shall be applicable subject to the height and setback modifications of Sections 81-068, 81-254, 81-266 and 81-277.

81-063 - Applicability of Article VII, Chapter 5

LAST AMENDED
12/5/2024

Within the #Special Midtown District#, the following certification by the Chair of the City Planning Commission or authorization by the Commission shall only be applicable as modified below:

Section 75-24 (Bulk Modifications Associated with a Transfer of Development Rights from Landmarks)

Section 75-42 (Transfer of Development Rights from Landmarks) shall be applicable within the #Special Midtown District#, except in the East Midtown Subdistrict and Theater Subdistrict. Such provisions shall be subject to modifications of Section 81-212.

81-064 - Regulations for developments or enlargements on lots divided by district boundaries, within or partially within the Theater Subdistrict

LAST AMENDED
12/5/2024

Within the Theater Subdistrict of the #Special Midtown District#, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), are modified in part by the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or

subdistrict core boundaries).

81-065 - Inapplicability of provisions for height and setback modifications in large-scale residential developments

LAST AMENDED
12/5/2024

Within the #Special Midtown District#, the provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments), permitting the City Planning Commission to authorize the location of #buildings# without regard for height and setback regulations shall be inapplicable.

81-066 - Inapplicability of provisions for height and setback modifications in large-scale community facility developments

LAST AMENDED
12/5/2024

Within the #Special Midtown District#, the provisions of Article VII, Chapter 9 (Special Regulations Applying to Large-scale Community Facility Developments), permitting the City Planning Commission to authorize the location of #buildings# without regard for height and setback regulations shall be inapplicable.

81-067 - Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7

(a) The City Planning Commission, by special permit, for #zoning lots# where the #lot area# is at least 60,000 square feet or that occupy an entire #block#, may permit modification of the mandatory district plan elements of Section 81-40 or the provisions of Article VII, Chapter 7, that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements. However, no exception to the #street wall# or retail continuity requirements shall be permitted on Fifth Avenue or within 50 feet of Fifth Avenue within the #Special Midtown District#.

The modifications shall be subject to the following findings:

(1) that the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations, result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;

(2) that a substantial majority of the #zoning lot# is either vacant at the time of certification for review, pursuant to Section 197-c of the New York City Charter, or contains #buildings# that will be integrally related to #developments#, both physically and programmatically;

(3) that the design, scale and location of the new #buildings# or #enlarged# #buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;

(4) that such modifications will not unduly obstruct the access of light and air to surrounding properties;

(5) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas on the #zoning lot#;

(6) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements.

(b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict, which have been granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

(1) the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;

(2) the design, scale and location of the new #buildings# or #enlarged# #buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;

(3) such modifications will not unduly obstruct the access of light and air to surrounding properties;

(4) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;

(5) such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements;

(6) the improvements to the below-grade pedestrian circulation network provided by the #development# or #enlargement# significantly increase public accessibility to and from subway stations and/or rail mass transit facilities in and around Pennsylvania Station; and

(7) the modifications of height and setback regulations:

(i) are necessary due to the constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site; and

(ii) will provide an appropriate distribution of #bulk# on the #zoning lot# with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations. In considering whether such distribution of #bulk# is appropriate, the Commission shall consider a complete daylight evaluation for the proposed design.

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

81-068 - Modification of provisions for minimum base height and street wall location in Historic Districts

LAST AMENDED
12/5/2024

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-671 (Special street wall requirements) pertaining to the East Midtown Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-43 (Height and Setback Requirements in R6 Through R12 Districts) and 35-63 (Height and Setback Requirements in Commercial Districts With R6 Through R12 Equivalency).

81-10 - USE REGULATIONS

LAST AMENDED
8/9/2017

81-11 - Modifications of Use Regulations in Subdistricts

LAST AMENDED
8/9/2017

The #use# regulations of the underlying districts are modified in:

(a) the East Midtown Subdistrict in accordance with the provisions of Section 81-62 (Special Use Provisions), inclusive;

(b) the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations); and

(c) the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

81-12 - Special Retail Continuity Requirements

LAST AMENDED
5/13/1982

Special requirements for allocation of frontage to retail and service #uses# along designated #streets# are set forth in Section 81-42 (Retail Continuity Along Designated Streets).

81-13 - Special Permit Use Modifications

LAST AMENDED
6/6/2024

No special permits shall be issued by the Board of Standards and Appeals for #automotive service stations# pursuant to Section 73-163, for any #zoning lots# with frontage on any of the #streets#

designated in Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets).

No other special permit #use# within the #Special Midtown District# shall be granted by the Board of Standards and Appeals pursuant to Section 73-10 (SPECIAL PERMIT USES) or by the City Planning Commission pursuant to Section 74-10 through 74-20, inclusive, without a finding that such special permit #use# will be consistent with the purposes and provisions of this Chapter.

81-14 - Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict

LAST AMENDED
4/28/1988

81-141 - Special sign regulations

LAST AMENDED
6/23/2005

(a) For all existing and new #uses# in the Fifth Avenue Subdistrict, #signs# shall not be permitted on the exterior of any #building# below a level of 10 feet above #curb level#. The aggregate #surface area# of all #signs# in ground floor windows is restricted to not more than one-third of the window area.

Any #sign# that does not comply with the provisions of this paragraph, (a), shall be terminated, except that a #sign# which the Chairperson of the City Planning Commission certifies is an integral part of the #building#, shall not be required to terminate.

(b) In a C5-3 District within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the requirements of Section 32-655 (Height of signs in all other Commercial Districts), to allow a single non-#illuminated sign# per #building#, other than an #advertising sign#, to be located at a height between 25 and 50 feet above #curb level#, provided that the permitted #sign# shall:

(1) be limited to one name and/or address of the #building# or the name of an establishment located therein, consisting only of individual letters and/or numbers not exceeding 18 inches in height;

(2) not be within a frame, a border, or any kind of background other than the #building# facade;

(3) not project more than three inches from the facade of the #building#; and

(4) not exceed 25 square feet in aggregate #surface area#.

(c) On any #zoning lot# occupied by a landmark designated by the Landmarks Preservation Commission which lies partially or wholly within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the applicable #sign# regulations of Section 32-60 to permit #illuminated signs# on the open area of the #zoning lot#, provided that such #signs# shall:

(1) be a re-creation of historic #signs# and that the Landmarks Preservation Commission has issued a Certificate of Appropriateness or other permit for such #signs#;

(2) not exceed a #surface area# of 12 square feet per #sign#; and

(3) not project across a #street line#.

81-142 - Special frontage regulations

LAST AMENDED
2/2/2011

(a) Transparency requirement

On #wide street# frontages in underlying C5 Districts, at least 50 percent of a #building's# #street wall# surface shall be glazed and transparent at the ground floor level, and not more than 50 percent of such transparent surface shall be painted. For the purpose of the glazing requirements, the #building's# #street wall# surface at the ground floor level shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less.

(b) Banners or pennants

The display of banners or pennants from the exterior of any #building# in an underlying C5 District is prohibited.

81-20 - BULK REGULATIONS

LAST AMENDED
8/9/2017

81-21 - Floor Area Ratio Regulations

LAST AMENDED
8/9/2017

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of Section 81-21, inclusive, or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building). However, the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), shall not apply to #non-residential buildings# or #mixed buildings# in the East Midtown Subdistrict, where the special #floor area# provisions of Sections 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), 81-64 (Special Floor Area Provisions for Qualifying Sites) or 81-65 (Special Floor Area Provisions for Non-qualifying Sites) shall apply.

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

LAST AMENDED
8/14/2025

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

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

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

	Maximum #Floor Area Ratio# (FAR)				
Means for Achieving Permitted FAR Levels on a #Zoning Lot#	C5P	C6-4 C6-5	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0
B. Maximum As-of-Right #Floor Area# Allowances: #Public plazas# - Section 81-23	—	1.0[1,2]	1.0[1,3]	—	1.0[2]
C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0[1,2,6]	13.0[1,3]	14.0	16.0
D. Maximum District-wide #Floor Area# Allowances: #Mass Transit Station# - Section 66-51	1.6[5]	2.0[5]	2.4	2.8	3.0

E. Maximum Total FAR with District-wide and As-of-Right Incentives	9.6	12.0	14.4	16.8	18.0
F. Maximum #Floor Area# Allowances in Penn Center Subdistrict: #Mass Transit Station# Improvement - Section 81-541	—	2.0	—	—	3.0
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives	—	12.0	—	—	18.0
H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:					
Development rights (FAR) of a "granting site" - Section 81-744	—	10.0	12.0	14.0	15.0

Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" - Section 81-744(a)	—	2.0	2.4	2.8	3.0
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict	—	12.0	14.4	16.8	18.0
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor - Section 81-744(b)	—	2.4	—	—	—
K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations	—	14.4	14.4	16.8	18.0
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict: Rehabilitation of "listed theaters" Section 81-745	—	4.4	2.4	2.8	3.0

M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives	9.6	14.4[7]	14.4	16.8	18.0
N. Maximum FAR of Lots Involving Landmarks:					
Maximum FAR of a lot containing non-bonusable landmark - Section 74-711 or as-of-right	8.0	10.0	12.0	14.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes - Section 75-42	8.0	10.0	13.0[4]	14.0	16.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on a #receiving lot# - Section 75-42	1.6	2.0	2.4	No Limit	No Limit

O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of Right Incentives	9.6	14.4[7]	14.4	No Limit	No Limit

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

[2] Not available within the Eighth Avenue Corridor

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

[4] 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core

[5] For #zoning lots# with #qualifying affordable housing# or #qualifying senior housing#, the permitted #floor area# bonus shall be calculated in accordance with Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)

[6] 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public spaces)

[7] For #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, such maximum #floor area ratio# shall only be permitted with the provision of #qualifying affordable housing# or #qualifying senior housing#.

81-212 - Special provisions for transfer of development rights from landmark sites

LAST AMENDED
12/5/2024

In the #Special Midtown District#, a transfer of development rights from #granting lots# to #receiving lots# within the #surrounding area#, as defined in Section 75-421 (Definitions), shall be permitted in accordance with the provisions of this Section.

(a) For the purposes of applying the term #surrounding area#, as set forth in Section 75-421 (Definitions), the provisions pertaining to #Commercial Districts# where the maximum #floor area ratio# for #commercial uses# is 15.0 shall also apply to #zoning lots# in C6-5.5, C6-6.5 or C6-7T Districts.

(b) Except in the East Midtown Subdistrict and Theater Subdistrict, the transfer of development rights shall be permitted in accordance with the provisions of Section 75-42 (Transfer of Development Rights from Landmarks). However, the provisions of paragraph (a) of Section 75-422 (Certification to transfer development rights from landmarks) shall be subject to the restrictions set forth in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) for the development rights (FAR) of a landmark #granting lot#, as defined in Section 75-421, for transfer purposes. Wherever there is an inconsistency between any provision in Section 75-42 and the table in Section 81-211, the table in Section 81-211 shall apply.

(c) Within the East Midtown Subdistrict and Theater Subdistrict, the transfer of development rights may be granted in accordance with the provisions of Section 81-213 (Special provisions for transfer of development rights from landmark sites in certain areas).

81-213 - Special provisions for transfer of development rights from landmark sites in certain areas

LAST AMENDED
12/5/2024

Within the East Midtown and Theater Subdistricts, the City Planning Commission may permit a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# to #zoning lots# within the #surrounding area#, as modified pursuant to paragraph (a) of Section 81-212 (Special provisions for transfer of development rights from landmark sites). The transfer of #floor area# from a #granting site# to a #receiving site# shall be subject to the conditions, application requirements and findings of paragraphs (a), (b) and (c) of this Section.

In addition to the provisions of this Section, the transfer of development rights pursuant to this special permit shall be made in accordance with the provisions of Sections 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites) and 81-747 (Transfer of development rights from landmarks).

For the purposes of this Section, defined terms additionally include those in Section 75-421 (Definitions).

(a) Conditions

The transfer of development rights shall be subject to the following conditions:

(1) The maximum amount of #floor area# that may be transferred from any #granting site# shall be the maximum #floor area# allowed by Sections 81-63, 81-65 or 81-747 less the total #floor area# of all existing #buildings on the #granting site#.

(2) For each #receiving site#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section may exceed the maximum #floor area# pursuant to Sections 81-63, 81-65 or 81-747.

(b) Requirements for application

An application to the City Planning Commission for a grant of a special permit to allow a transfer of development rights and construction based thereon shall be made by the owners of the respective #zoning lots# and shall include: a site plan of #granting site# and the #receiving site#, including plans for all #developments# or #enlargements# on the #receiving site#; a program for the continuing maintenance of the landmark; and such other information as may be required by the City Planning Commission. The application shall be accompanied by a report from the Landmarks Preservation Commission.

A separate application shall be filed for each independent "adjacent lot" to which development rights are being transferred under this Section.

(c) Findings

The Commission shall make the following findings:

(1) that the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole;

(2) that the program for continuing maintenance will result in the preservation of the landmark; and

(3) that in the case of landmark sites owned by the City, State or Federal Government, transfer of development rights shall be contingent upon provision by the applicant of a major improvement of the public pedestrian circulation or transportation system in the area.

The Commission shall give due consideration to the relationship between the landmark #building# and any #buildings# #developed# or #enlarged# on the adjacent lot regarding materials, design, scale and location of #bulk#.

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

(d) Transfer instruments and notice of restrictions

The owners of the landmark lot and the adjacent lot shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# on the lot occupied by the #granting site# and #receiving site# shall be filed by the owners of the respective lots in the place and county designated by law for the filing by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which, such transfer is made.

81-214 - Special provisions for transfer of development rights from listed theaters within the Special Clinton District

LAST AMENDED
12/5/2024

In C6-2 Districts within the #Special Clinton District#, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

81-22 - As-of-right Floor Area Bonuses

LAST AMENDED
12/5/2024

As-of-right #floor area# bonuses are not permitted in the #Special Midtown District#, except in accordance with

Section 81-23 (Floor Area Bonus for Public Plazas).

Any #floor area# bonus granted by certification for through #block# gallerias prior to August 6, 1998, shall remain in effect provided, however, that such certification shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been

completed within four years from the effective date of such certification.

81-23 - Floor Area Bonus for Public Plazas

LAST AMENDED
8/9/2017

Within the #Special Midtown District#, for each square foot of #public plaza# provided on a #zoning lot#, the basic maximum #floor area# permitted on that #zoning lot# under the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) may be increased by six square feet, provided that in no case shall such bonus #floor area# exceed a #floor area ratio# of 1.0.

This Section shall be applicable in all underlying districts throughout the #Special Midtown District#, except that there shall be no #floor area# bonus for a #public plaza# that is:

(a) on #zoning lots# in the C5P District within the Preservation Subdistrict;

(b) within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);

(c) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and

(d) on #zoning lots#, any portion of which is in the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, or on #qualifying sites#, as defined in Section 81-613, in any other subarea of the East Midtown Subdistrict.

All #public plazas# provided within the #Special Midtown District# shall comply with the requirements for #public plazas# set forth in Section 37-70, inclusive.

A major portion of a #public plaza# may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Pedestrian Circulation Space), provided that the overlapping portion of the #public plaza# also conforms to the design standards of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a #public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-715.

81-231 - Existing plazas or other public amenities

LAST AMENDED
3/26/2026

(a) Elimination or reduction in size of existing #publicly accessible open area# or other public amenities

No existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# or through #block# galleria for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

However, for through #block# gallerias, the provisions for open air cafes shall be modified

as follows:

(1) such cafes need not be open to the sky; and

(2) movable planters or barriers that separate such cafes from the remainder of the through #block# galleria are allowed, provided that such planters or barriers do not exceed a height of three feet, or a depth of 12 inches.

The planters or barriers shall be removed from the through #block# galleria when the open air cafe is not in active use.

(c) Nighttime closing of existing #publicly accessible open areas#

The Commission may, upon application, authorize the closing of an existing #publicly accessible open area# for which a #floor area# bonus has been received, during certain nighttime hours, pursuant to Section 37-727 (Hours of access).

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

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

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

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

81-232 - Special provisions for zoning lots divided by district boundaries

LAST AMENDED
10/17/2007

Where a #public plaza# is located on a #zoning lot# divided by a district boundary, the #floor area# bonus for such #public plaza# may be credited to either portion of the #zoning lot# regardless of the #public plaza's# location or the date when the #zoning lot# was created, provided that the amount of such bonus permitted on either portion of the #zoning lot# shall not exceed the maximum amount that would be permitted on such portion if it were a separate #zoning lot# and subject to all other applicable provisions of Article VII, Chapter 7.

81-24 - Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses

LAST AMENDED
7/26/2001

81-241 - Maximum floor area ratios for a residential building or the residential portion of a mixed building

LAST AMENDED
12/5/2024

For #residential buildings# or #residential# portions of #mixed buildings# in the #Special Midtown District#, the underlying #floor area# regulations shall apply except that in the C5-P District, the maximum #residential# #floor area ratio# shall be 8.0 for #zoning lots# containing standard #residences#, and 9.6 for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

81-242 - Regulations on minimum spacing between buildings

LAST AMENDED
12/5/2024

When a #building# containing #residential# #uses# is located on the same #zoning lot# as another #building#, the provisions of Section 23-371 (Distance between buildings) shall not apply.

81-25 - General Provisions Relating to Height and Setback of Buildings

LAST AMENDED
8/9/2017

For all #buildings# in the #Special Midtown District#, except as provided in Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT), the height and setback regulations of

the underlying districts are superseded by the provisions of this Section and by the two alternate sets of regulations controlling the height and setback of #buildings# as set forth in Sections 81-26 (Height and Setback Regulations--Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations--Daylight Evaluation), respectively. For the purposes of applying height and setback regulations, the term "#buildings#" shall include #buildings or other structures#, except if specifically stated otherwise.

For the purposes of Sections 81-25 through 81-27, inclusive, all #buildings# on a #zoning lot# shall be considered a single #building#. Existing portions of such #buildings# are referred to as an "existing #building#." A "new #building#" shall include #developments#, #enlargements# or alterations that increase the width or height of a #building# wall.

An applicant for plan approval by the Department of Buildings may elect to be governed by the provisions of either Section 81-26 or 81-27 in addition to the provisions of this Section.

This Section sets forth the provisions that are common to both sets of regulations.

81-251 - Purpose of height and setback regulations

LAST AMENDED
2/2/2011

The common purpose of these two sets of regulations is to offer maximum design flexibility while setting reasonable but firm standards to protect access of light and air to public #streets# and adjacent #buildings#.

This purpose is implemented by the two alternate sets of regulations, which are based on two distinct approaches. Both sets are concerned with daylight at #street# level.

The daylight compensation regulations require any #building# generally to be built within a sky exposure curve which relates required setbacks to #building# heights. Within limits, the #buildings# may encroach outside the curve but only if extra setbacks or recesses provided elsewhere on the same #street# frontage of the #zoning lot# compensate for the #encroachment#. In the regulations, the sky exposure curve for three #street# width categories is represented in each case by a table of required setbacks related to #building# heights.

The daylight evaluation regulations measure and evaluate portions of sky blocked by a #building# as viewed from specified #vantage points# in the #street#. The #building# is plotted on #daylight evaluation charts# representing the #zoning lot's# available daylight from specified #vantage points#, measured in daylight squares as defined in paragraph (b) of Section 81-272. Daylight blockage by the #building# is then measured to determine the #building's# score on each frontage and the average score for the #building# as a whole. The regulations specify the minimum passing scores for compliance.

81-252 - Permitted obstructions

LAST AMENDED
12/5/2024

Except as set forth in this Section, structures which under the provisions of Sections 33-42 or 43-42 (Permitted Obstructions) or 34-11 or 35-10 (GENERAL PROVISIONS), are permitted to penetrate a maximum height limit or a #sky exposure plane# shall not be permitted as exceptions to the height limitations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section 81-26 (Height and Setback Regulations—Daylight Compensation), nor shall they be excluded in determining daylight blockage pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation).

The following shall be permitted as exceptions to the height regulations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses#, set forth in Section 81-26, and shall be excluded in determining daylight blockage, pursuant to the provisions of Section 81-27:

(a) unenclosed balconies conforming to the provisions of Section 23-62 (Balconies); and

(b) #qualifying exterior wall thickness#. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.

81-253 - Special provisions for the East Midtown, Theater, Fifth Avenue, Penn Center and Preservation Subdistricts

LAST AMENDED
8/9/2017

The provisions of Sections 81-26 (Height and Setback Regulations-- Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations--Daylight Evaluation) are supplemented and modified by special provisions applying in the Fifth Avenue Subdistrict, as set forth in Sections 81-81 (General Provisions) and 81-83 (Special Street Wall Requirements) or in the Theater Subdistrict as set forth in Sections 81-71 (General Provisions) and 81-75 (Special Street Wall and Setback Requirements) or in the East Midtown Subdistrict as set forth in Sections 81-61 (General Provisions), 81-66 (Special Height and Setback Requirements), inclusive, or 81-671 (Special street wall requirements), or in the Penn Center Subdistrict as set forth in Section 81-532 (Special street wall requirements).

The provisions of Sections 81-26 and 81-27 are not applicable in the Preservation Subdistrict, where height and setback is regulated by the provisions of Section 81-90 (SPECIAL REGULATIONS FOR

PRESERVATION SUBDISTRICT).

81-254 - Modifications for height and setback

LAST AMENDED
12/5/2024

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)

Section 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites)

Section 81-067 (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)

Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea)

Section 81-633 (Special permit for Grand Central public realm improvements)

Section 81-685 (Special permit to modify qualifying site provisions)

81-26 - Height and Setback Regulations--Daylight Compensation

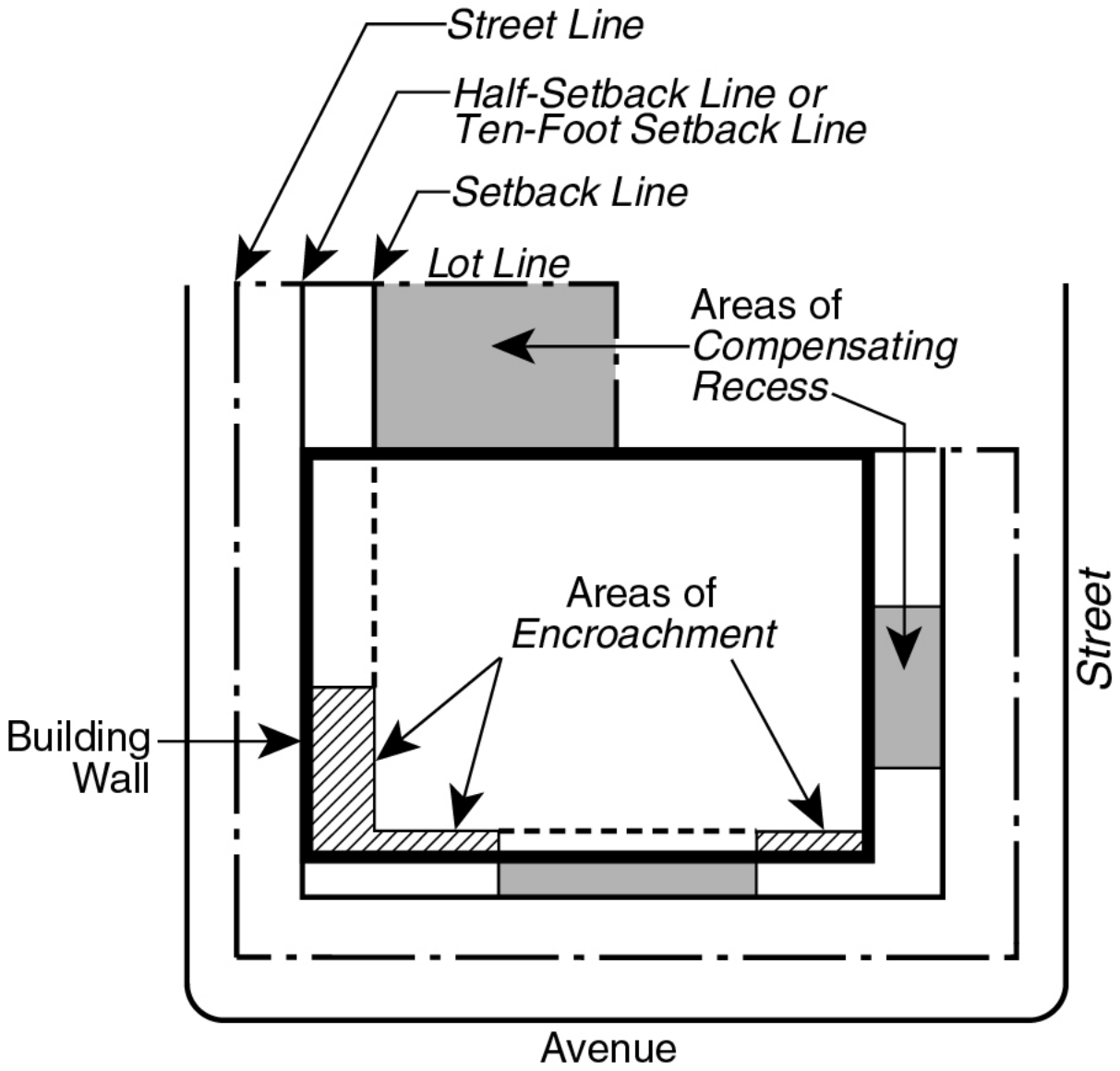
LAST AMENDED
5/13/1982

81-261 - Definitions

LAST AMENDED
2/2/2011

Compensating recess

A portion of a #zoning lot# which, at the #building# height selected for determining compliance with the provisions of Section 81-26 (Height and Setback Regulations--Daylight Compensation), lies in the #free zone# (Zone A on the #encroachment grid#), is not covered by any portion of a #building# and qualifies as compensating for #encroachments# beyond the #free zone# under the provisions of Section 81-264 (Encroachments and compensating recesses). (See illustration of #Compensating Recess# and #Encroachment#)



COMPENSATING RECESS AND ENCROACHMENT

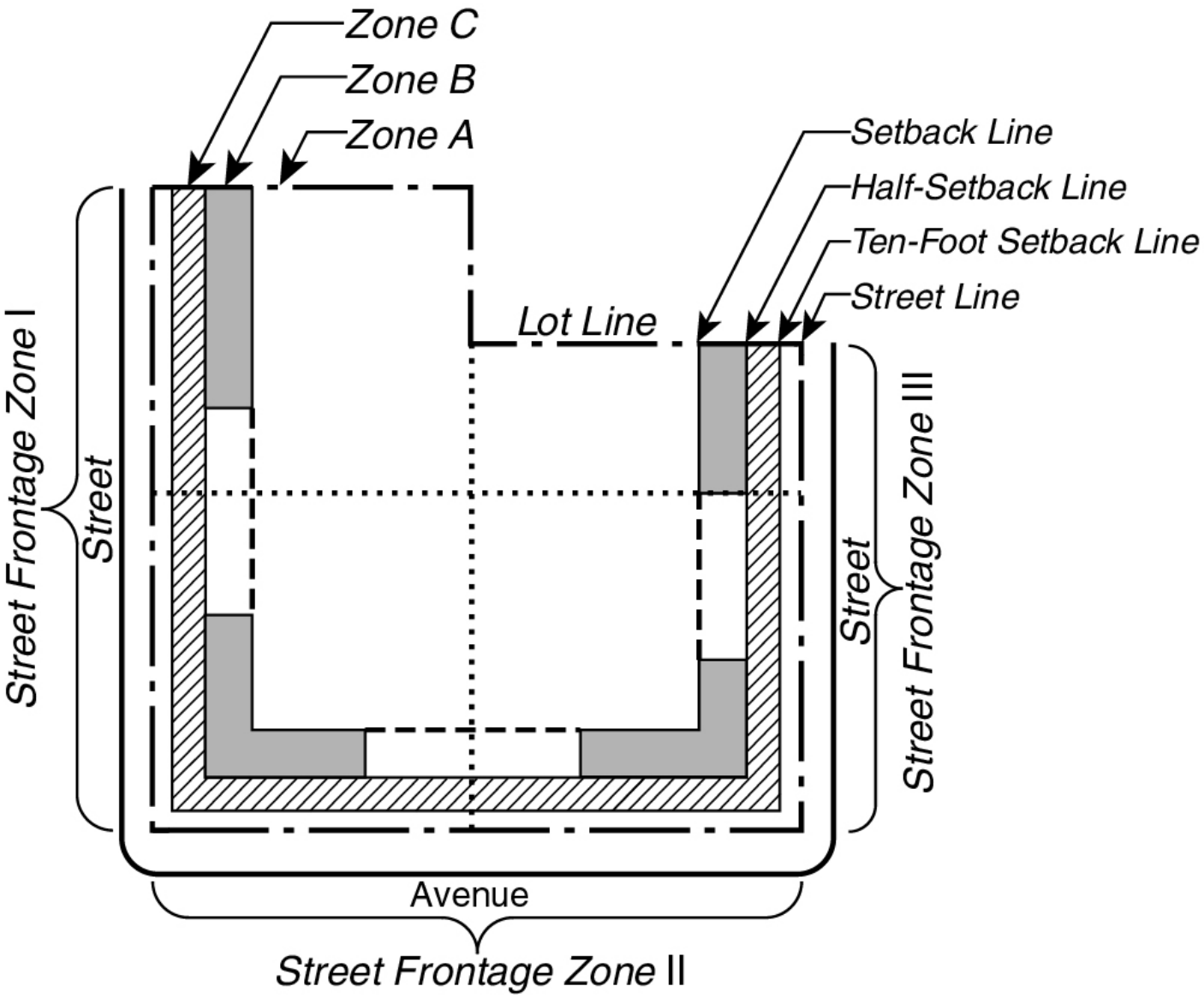
(81-261.1)

Encroachment

A projection beyond the #setback line#, the #free zone# or the #half-setback line# by any portion of a #building# that exceeds the maximum height permitted at the #street line#. (See illustration of #Compensating Recess# and #Encroachment#)

Encroachment grid

A plan drawing of the #zoning lot# at any given height above #curb level# selected to determine compliance with the provisions of Section 81-26 and showing, for that height, #street lines#, #setback lines#, #half-setback lines#, #Zone A# (the #free zone#), #Zone B# and #Zone C# (#encroachment zones#) and, where applicable, the #ten-foot setback line#. The #encroachment grid# serves as a device for measuring areas of #encroachment# beyond the #free zone# and areas of #compensating recess# within the #free zone#. (See illustration of #Encroachment Grid#)



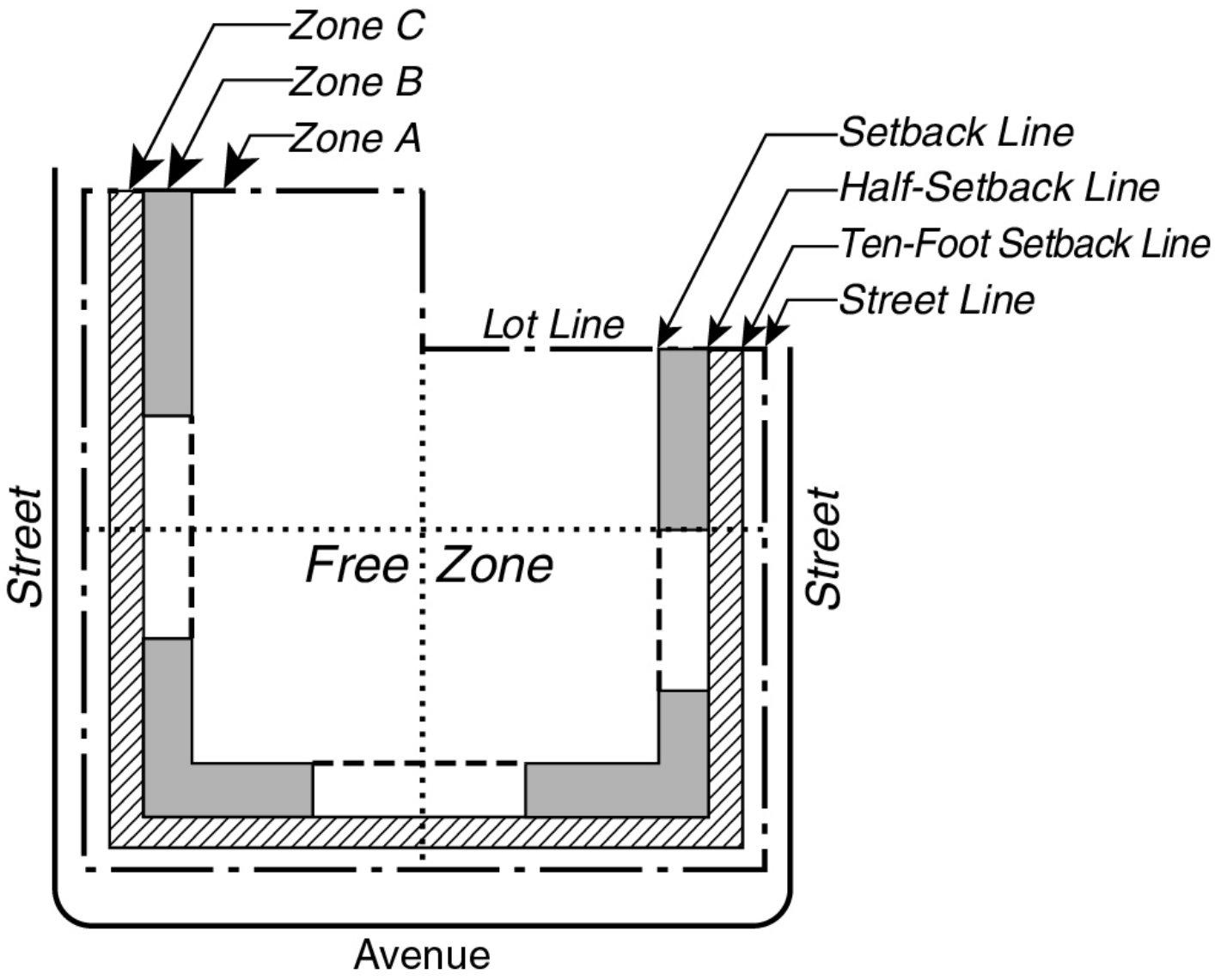
ENCROACHMENT GRID

(81-261.2)

Free zone

That portion of a #zoning lot#, at any given height, which may be covered by a #building# without coverage constituting an #encroachment# that requires daylight compensation.

In addition to the area that lies behind a #setback line# or #setback lines#, the #free zone# shall include areas between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#, and which qualify as #free zone# areas under the #middle one-third rule#. The #free zone# is referred to as #Zone A# on the #encroachment grid#.



FREE ZONE

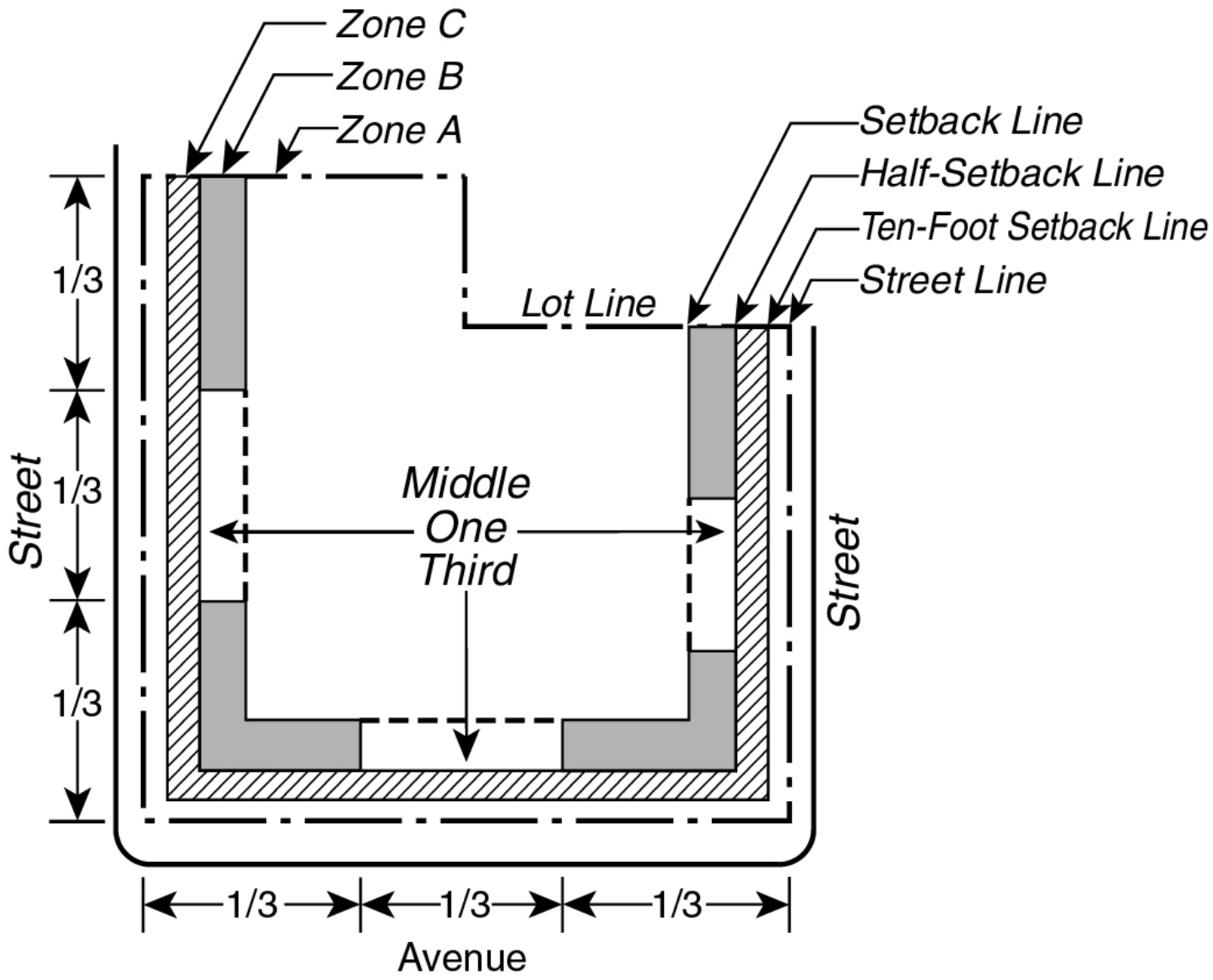
(81-261.3)

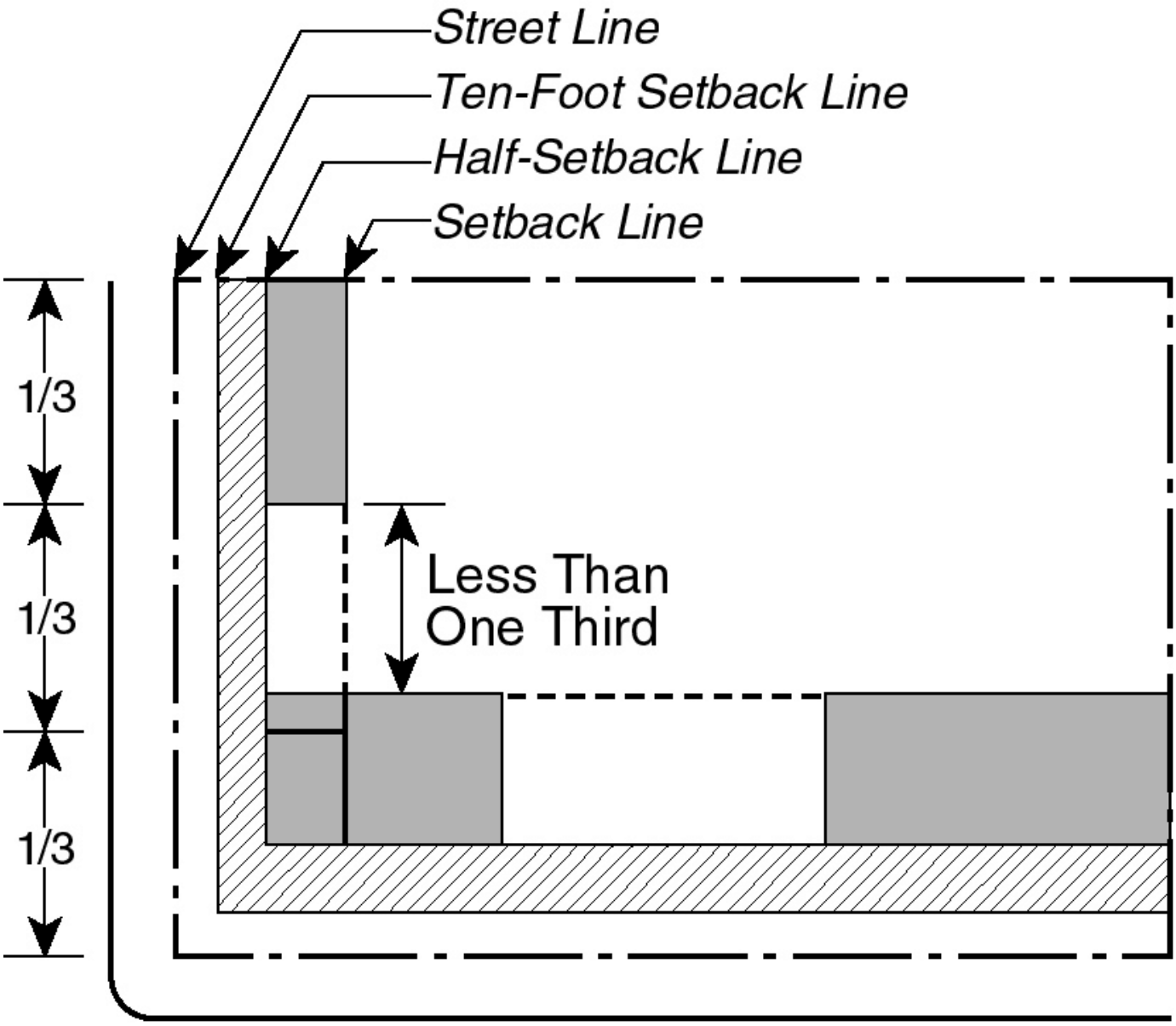
Half-setback line

A line drawn parallel to a #street line# and halfway between the #street line# and the #setback line#. (See illustration of #Setback Line# and #Half-Setback Line#)

Middle one-third rule

The rule under which, for the middle one-third of the #front lot line# length, the #free zone# includes area between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#. However, on a #corner lot# the #free zone# does not extend beyond the #setback line# along an intersecting #street#. (See illustrations of #Middle One-Third Rule#)





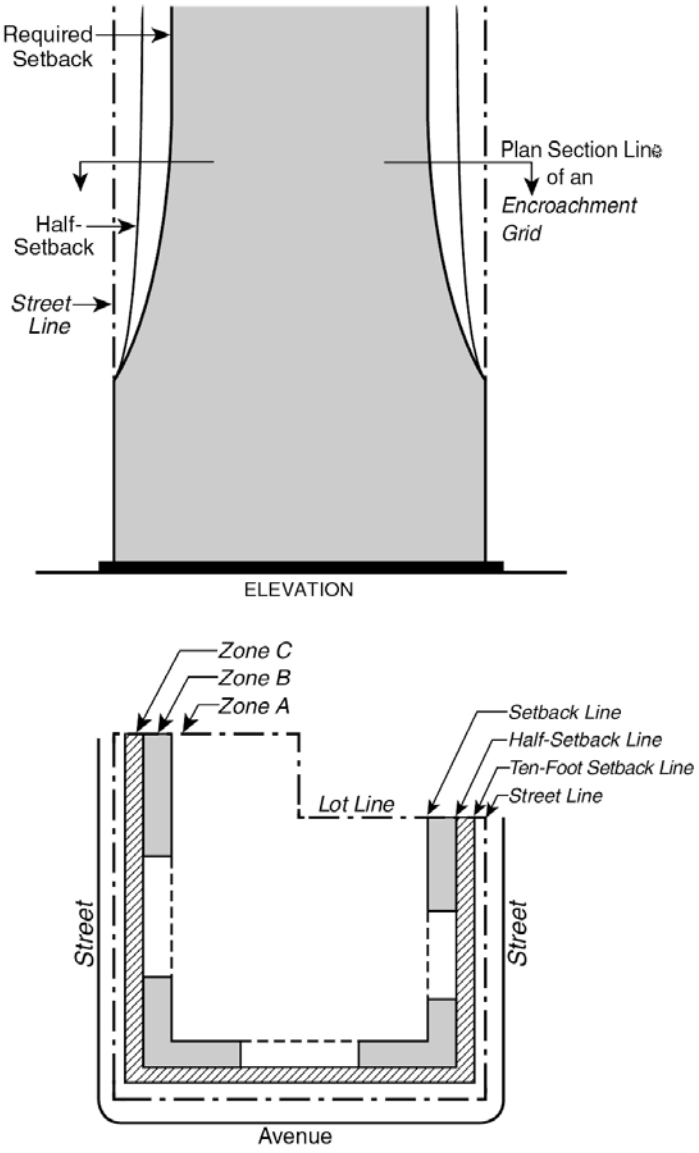
MIDDLE ONE-THIRD RULE

(81-261.4)

Setback line

A line drawn in plan parallel to a #street line# and showing for a given #building# height the minimum depth to which a #building# is required to be set back from the #street line# by the applicable depth to height chart in Section 81-263 (Standard setback requirements). Required

setbacks, established by the chart, increase with the #building's# height. (See illustration of #Setback Line# and #Half-Setback Line#)

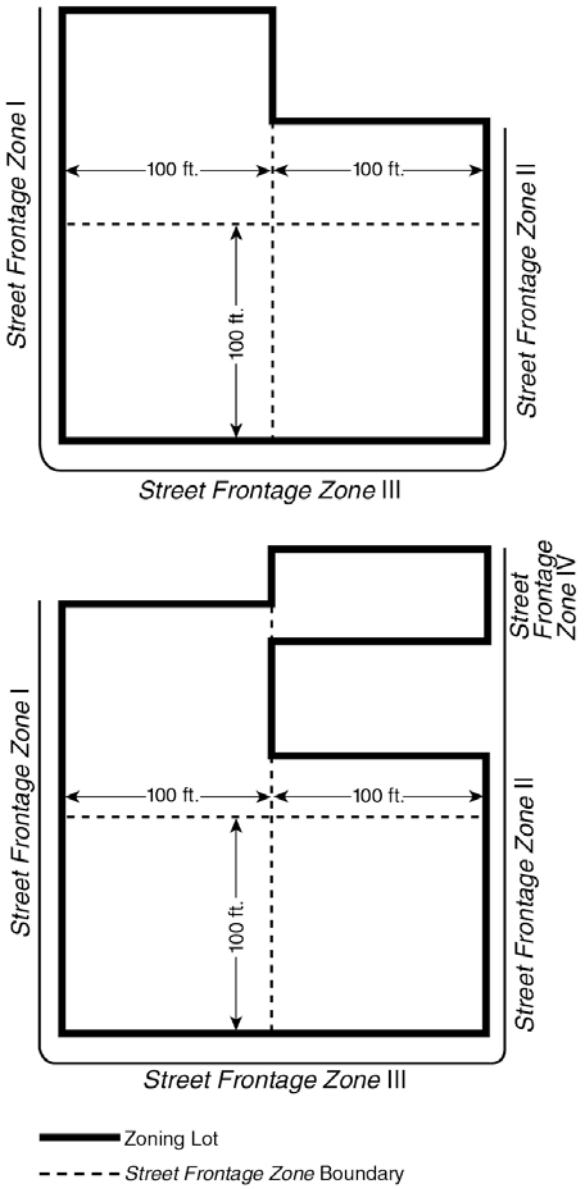


SETBACK LINE AND HALF-SETBACK LINE

(81-261.5)

Street frontage zone

A portion of a #zoning lot# which lies within an area bounded by a continuous #front lot line# and either the center line of the #block# or a line 100 feet distant from and parallel to that #front lot line#, whichever is closer to that #front lot line#. There shall be a #street frontage zone# for each #zoning lot# #street# frontage. (See illustration of #Street Frontage Zones#)

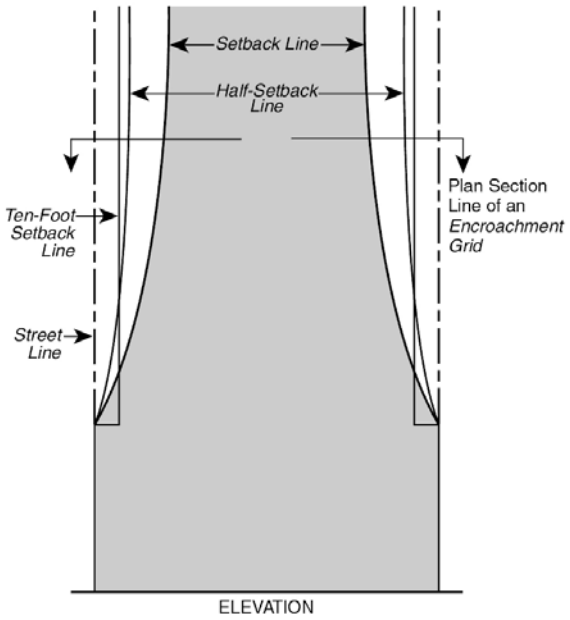


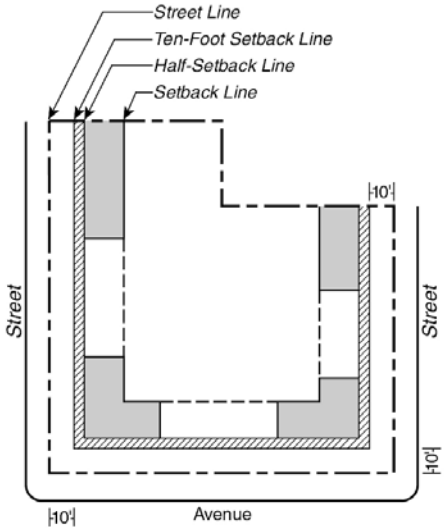
STREET FRONTAGE ZONES

(81-261.6)

Ten-foot setback line

A line which is parallel to the #street line# at a depth of 10 feet and represents the minimum distance any portion of a #building# exceeding the maximum height at the #street line# is required to be set back from the #street line#. A greater setback distance may be required by a #setback line# or a #half-setback line# depending upon the #building# height for which such #setback line# or #half-setback line# is established.





TEN-FOOT SETBACK LINE ON AN ENCROACHMENT GRID

(81-261.7)

Zone A, Zone B, Zone C

"Zone A," "Zone B" and "Zone C" are zones on an #encroachment grid# defined as follows:

(a) #Zone A# is the #free zone#.

(b) #Zone B#, an #encroachment# zone, is the zone, exclusive of any area in #Zone A# and any area closer to the #street line# than the #ten-foot setback line#, which lies between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#.

(c) #Zone C#, an #encroachment# zone and penalty zone, is the zone, exclusive of any area closer to the #street line# than the #ten-foot setback line#, which lies between the #half-setback line# and the #ten-foot setback line#.

81-262 - Maximum height of front wall at the street line

LAST AMENDED
5/13/1982

(a) General provisions

The front wall of a #building# at the #street line# shall not exceed the height limit applying along the #street# on which it fronts. Maximum front wall heights at the #street line# vary with the width of the #street# on which the wall fronts, as follows:

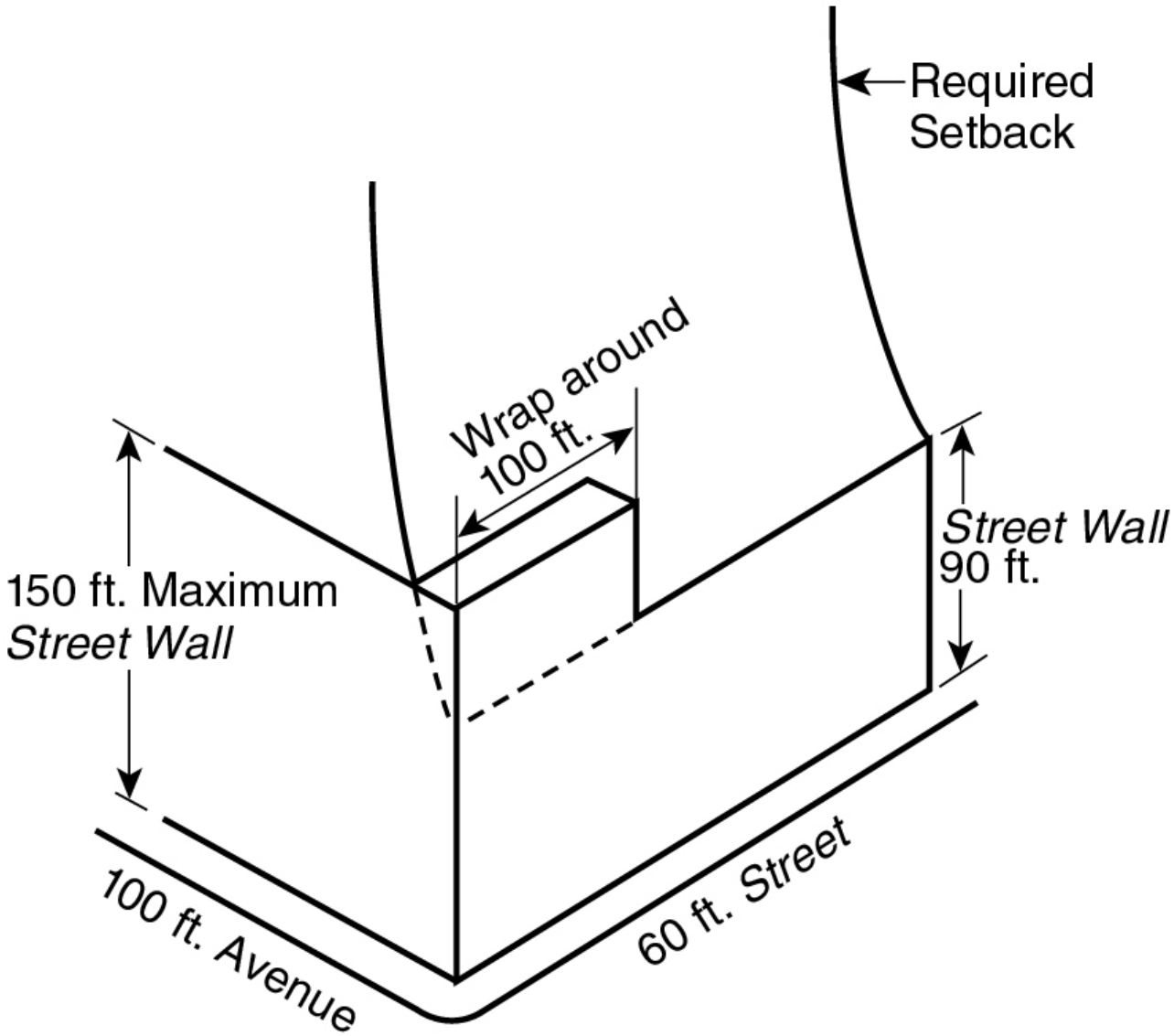
#Street# Width (in feet)	Maximum Front Wall Height at #Street Line# (in feet)
60 or less	90
75 or 80	120
100 or more	150

(b) Special provisions for #corner lots#

For a #corner lot# with frontage on #streets# of different widths, the maximum front wall height at the #street line# of the narrower #street# may be increased above that indicated in paragraph (a) in accordance with either one of the following rules:

Rule 1:

The maximum front wall height at the #street line# for the wider #street# may extend up to 100 feet from the corner along the #street line# of the narrower #street#; or



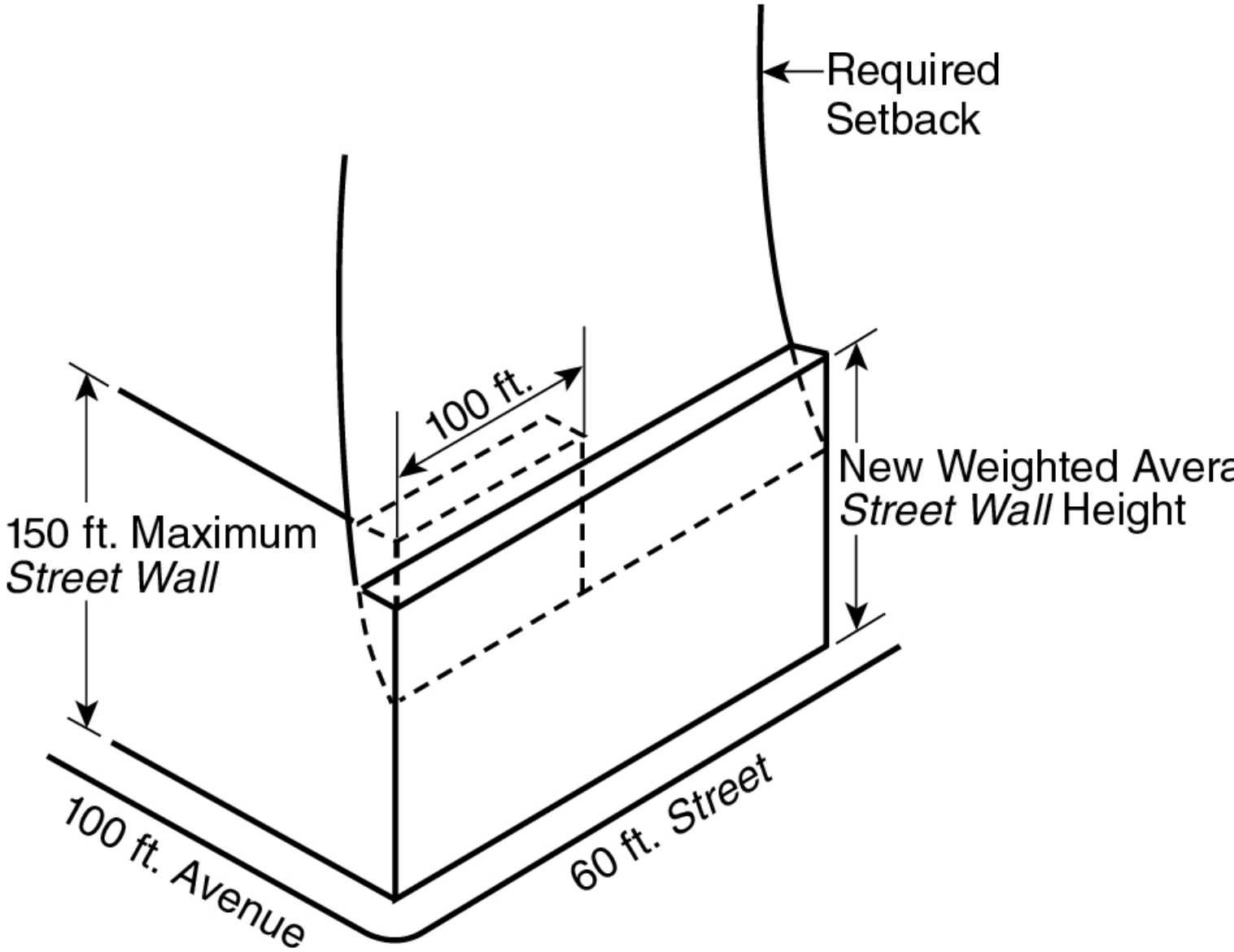
SPECIAL RULE 1 FOR CORNER LOTS

(81-262b.1)

Rule 2:

For any length of frontage from the corner along the narrower #street#, a maximum height for such length of frontage may apply, which shall be the weighted average of (1) the height permitted under Rule 1 for the first 100 feet from the corner, and (2) the standard height

limit for front walls on the narrower #street# for the remainder of the frontage. (See illustration of Special Rules for #Corner Lots#)



SPECIAL RULE 2 FOR CORNER LOTS

(81-262b.2)

81-263 - Standard setback requirements

LAST AMENDED
2/2/2011

#Buildings# shall comply with the regulations of this Section.

(a) Ten-foot setback requirement

Above the maximum height permitted at the #street line# pursuant to the provisions of Section 81-262, every portion of a #building# shall be set back at least 10 feet from the #street line#.

(b) General setback provisions; depth to height charts

Above the maximum height permitted at the #street line#, #buildings#, in addition to meeting the requirements of paragraph (a) of this Section, are required to be set back behind the applicable #setback line#, the depth of the #setback line# at any point depending upon the height of the wall at that point in accordance with the requirements of applicable Tables A, B or C of this Section presenting required setbacks from #streets# 60 feet or less, 75 or 80 feet, or 100 or more feet in width, respectively.

Table A

SETBACK REQUIREMENTS

ON #STREETS# 60 FEET OR LESS IN WIDTH

Depth of #Setback Line# from #Street Line# at

Stated Heights above #Curb Level#.

Height	Depth of #Setback Line#

90	0.00
100	2.00
110	4.00
120	6.00
130	8.00
140	10.00
150	12.00
160	13.75
170	15.25
180	16.75

190	18.50
200	20.00
210	21.25
220	22.50
230	24.00
240	25.25
250	26.50
260	27.50
270	28.75
280	30.00

290	30.75
300	31.75
310	32.75
320	33.75
330	34.75
340	35.50
350	36.25
360	37.25
370	38.00
380	38.75

390	39.50
400	40.25
410	41.00
420	41.75
430	42.25
440	43.00
450	43.50
460	44.25
470	44.75
480	45.50

490	46.00
500	46.50
510	47.00
520	47.50
530	48.00
540	48.50
550	49.00
560	49.50
570	50.00
580	50.50

590	51.00
600	51.50
610	52.00
620	52.25
630	52.75
640	53.00
650	53.50
660	53.75
670	54.25
680	54.50

690	55.00
700	55.25
710	55.75
Above 710	For every 10 feet the depth shall increase by one foot

Table B

SETBACK REQUIREMENTS

ON #STREETS# 75 OR 80 FEET WIDE

Depth of #Setback Line# from #Street Line# at

Stated Heights above #Curb Level#.

Height	Depth of #Setback Line#
120	0.00

130	1.50
140	3.50
150	5.50
160	7.50
170	9.25
180	11.00
190	12.75
200	14.25
210	15.75
220	17.25

230	18.75
240	20.00
250	21.25
260	22.50
270	23.75
280	24.75
290	26.00
300	27.00
310	28.00
320	29.00

330	30.00
340	31.00
350	32.00
360	32.75
370	33.75
380	34.50
390	35.50
400	36.25
410	37.00
420	37.75

430	38.25
440	39.00
450	39.75
460	40.50
470	41.00
480	41.75
490	42.50
500	43.00
510	43.50
520	44.00

530	44.75
540	45.25
550	45.75
560	46.25
570	46.75
580	47.25
590	47.75
600	48.25
610	48.75
620	49.00

630	49.50
640	50.00
650	50.50
660	50.75
670	51.25
680	51.75
690	52.00
700	52.50
710	53.00
Above 710	For every 10 feet the depth shall increase by one foot

Table C

SETBACK REQUIREMENTS

ON #STREETS# AT LEAST 100 FEET WIDE

Depth of #Setback Line# from #Street Line# at

Stated Heights above #Curb Level#.

Height	Depth of #Setback Line#
150	0.00
160	1.50
170	3.00
180	5.00
190	6.75
200	8.50

210	10.25
220	11.75
230	13.25
240	14.75
250	16.00
260	17.25
270	18.75
280	20.00
290	21.00
300	22.25

310	23.50
320	24.50
330	25.50
340	26.50
350	27.50
360	28.50
370	29.50
380	30.25
390	31.25
400	32.00

410	33.00
420	33.75
430	34.50
440	35.25
450	36.00
460	36.75
470	37.25
480	38.00
490	38.75
500	39.25

510	40.00
520	40.50
530	41.25
540	41.75
550	42.25
560	42.75
570	43.50
580	44.00
590	44.50
600	45.00

610	45.50
620	46.00
630	46.50
640	47.00
650	47.50
660	47.75
670	48.25
680	48.75
690	49.25
700	49.50

710	50.00
Above 710	For every 10 feet the depth shall increase by one foot

(c) Use of tables

To comply with the setback requirements of this Section, a #building# at any height shall be set back at least to the depth of the #setback line# indicated on the applicable table.

For heights between those shown on the table, the depth of the #setback line# shall be interpolated.

Required depths of #setback lines# shall be rounded off to the next highest half foot.

The setback requirements apply only to portions of #buildings# above the maximum height permitted at the #street line#, so that required setbacks on the narrower #street# frontage of a #corner lot# shall apply only to heights above the maximum front wall heights permitted by the #corner lot# provisions of paragraph (b) of Section 81-262 (Maximum height of front wall at the street line).

(d) #Middle one-third rule#

A #building# may penetrate beyond the #setback line# at any height if the penetration is confined to the middle third of the #front lot line# length and complies in all respects with the #middle one-third rule# as defined in Section 81-261 (Definitions).

81-264 - Encroachments and compensating recesses

LAST AMENDED
2/2/2011

In addition to complying with the setback requirements of Section 81-263 (Standard setback requirements), a #building# shall not at any height encroach beyond a #half-setback line# or a #ten-foot setback line#, except as provided below. For each #street frontage zone# and for all #street frontage zones#, taken together on a single #encroachment grid#, a #building# shall not, at any level, have an aggregate area of #encroachment# beyond the #setback line#, other than in any #free zones#, greater than the aggregate area of #compensating recess# at such level.

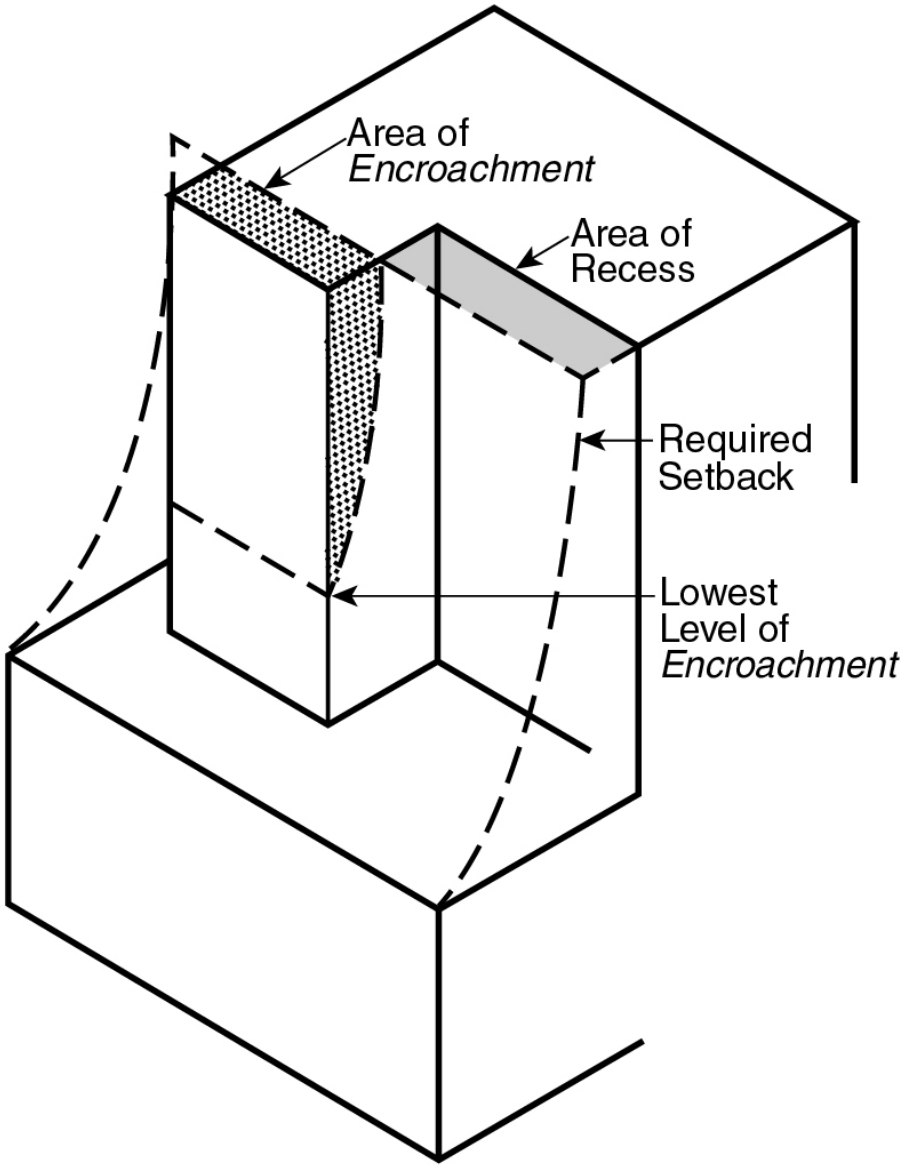
Except as provided below, an area of #compensating recess# in one #street frontage zone# shall not be used to compensate for #encroachment# in another #street frontage zone#. However, a #building# with a #street frontage zone# which lies along a north-south #wide street# and does not meet the above requirements because of excessive #encroachment# will be in compliance with the #street frontage zone# requirements of this Section if compensation is provided for such excessive #encroachment# by an overlapping #street frontage zone#.

The requirement that the aggregate area of #compensating recess# at least equal the aggregate area of #encroachment#, as set forth in this Section, shall also apply to any #building# which encroaches beyond a #half-setback line# and which is therefore subject to the provisions of Section 81-265 (Encroachment limitations by length and height rules). (See illustration of Encroachments and Compensating Recesses)

(a) Rules for measuring #encroachments# and recesses

Areas of #encroachment# and #compensating recess# shall be measured in plan on one or more #encroachment grids# showing for the #zoning lot#, at a given height level, the #street lines#, the #setback lines#, the #half-setback lines#, the #ten-foot setback lines#, #Zone A#,

#Zone B# and #Zone C# and the #street frontage zones#.



ENCROACHMENTS AND COMPENSATING RECESSES

(81-264a)

The scale of the #encroachment grid# shall be not more than 20 feet to the inch. All #buildings#, existing and proposed, shall be located accurately on the grid in plan at the height level selected to demonstrate compliance. For each #street frontage zone#, the areas of the #building's# #encroachment# in #Zone B# and #Zone C# and the #compensating recess# areas

not covered by any #building# in #Zone A# shall be measured on the #encroachment grid#.

(b) Limits of #encroachment#

Except as provided in paragraph (d) of this Section for existing #buildings# below specified heights, #encroachment# is limited as follows:

(1) For each #street frontage zone#, at every height above the maximum front wall height at the #street line#, the area within #Zone A# that is not covered by a #building# and qualifies as #compensating recess# area shall, in the aggregate, equal or exceed the aggregate area in #Zone B# and #Zone C# that is encroached upon by a #building# at such height.

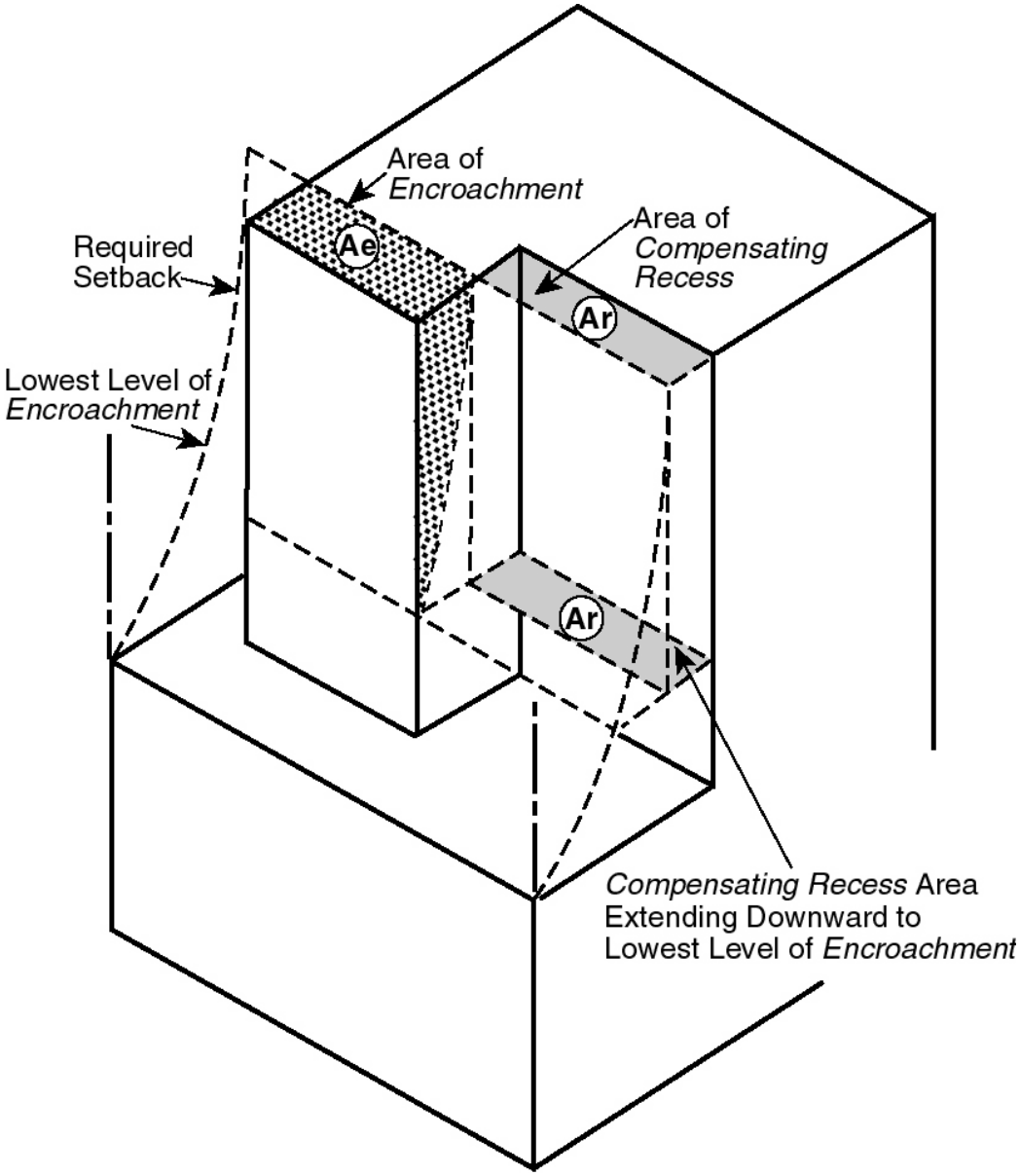
(2) No part of a #building# shall encroach into #Zone C# unless it complies with the provisions of Section 81-265.

(3) On #corner lots#, the projection of a #building# beyond the #setback line# or #half-setback line# on the narrower #street# shall not count as an #encroachment# except at heights above the maximum height permitted at the #street line# by the #corner lot# provisions in paragraph (b) of Section 81-262 (Maximum height of front wall at the street line).

(c) Limitations on #compensating recess#

#Compensating recess# areas are subject to the following limitations:

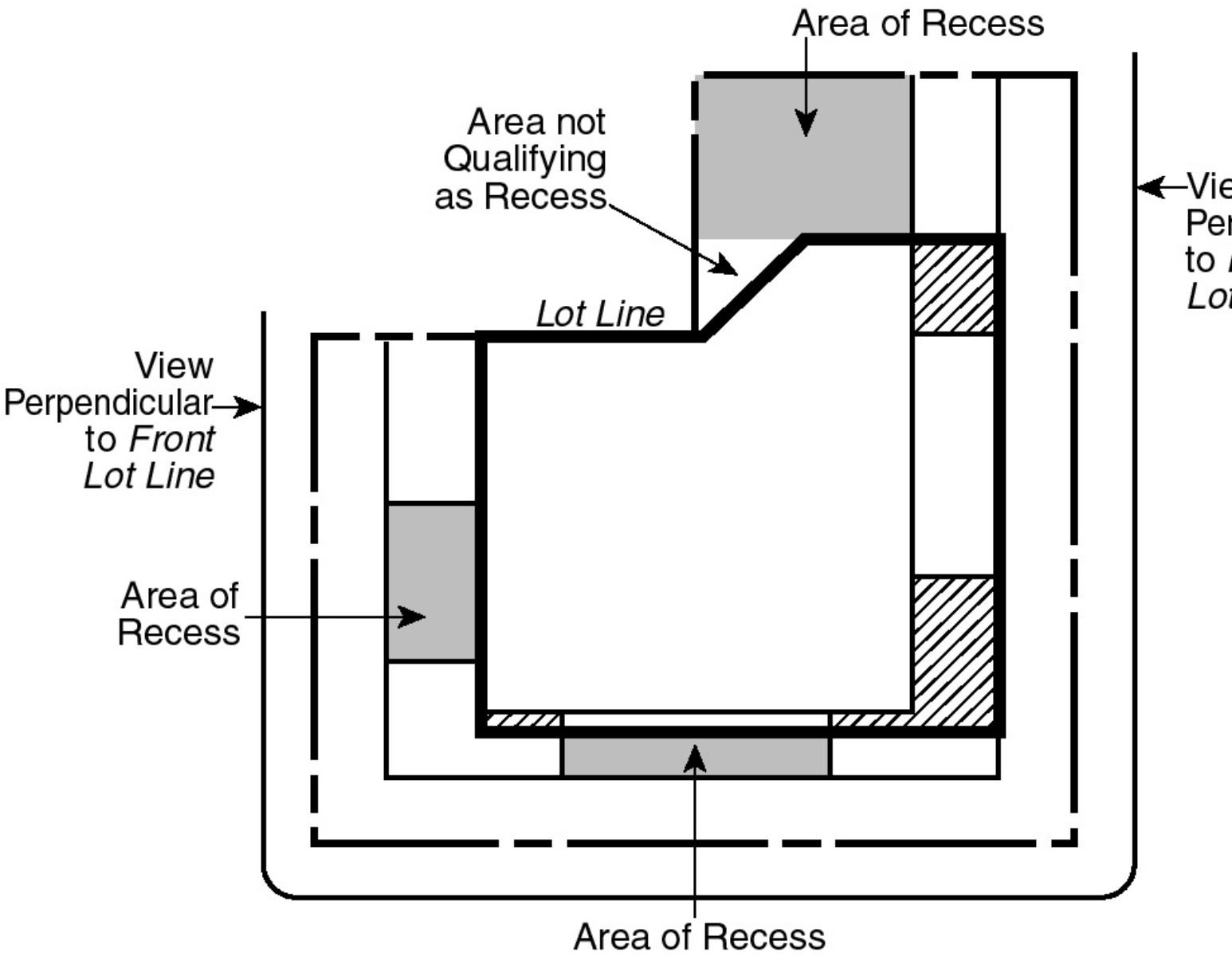
(1) Any required #compensating recess# area shall extend without diminution of dimensions downward at least to the lowest level at which any #encroachment# into #Zone B# or #Zone C# occurs and upward to the sky. (See illustration of Extension Downward of Compensating Recess Area)



EXTENSION DOWNWARD OF COMPENSATING RECESS AREA

(81-264c1)

(2) #Compensating recess# area shall be visible when viewed from at least one adjacent #street# along a line that intersects the #front lot line# of the #zoning lot# at right angles. (See illustration of Visibility of Compensating Recess Area)

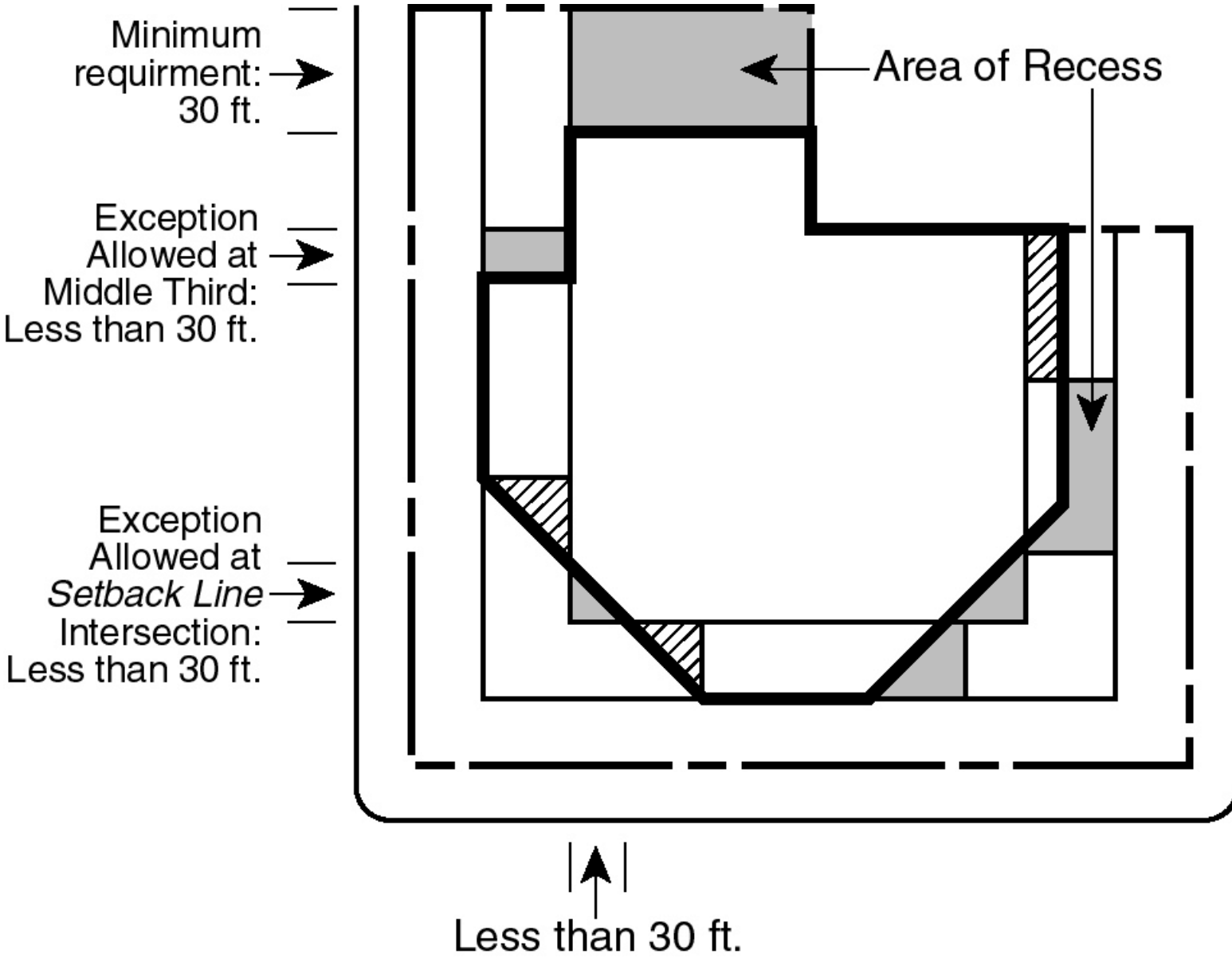


VISIBILITY OF COMPENSATING RECESS AREA

(81-264c2)

(3) The minimum length of a #compensating recess#, measured parallel to the #street line#, and behind the #setback line#, is 30 feet, except for any uncovered portion of an area that qualifies as #Zone A# under the #middle one-third rule# or an uncovered area located behind two intersecting #setback lines#. An uncovered area between the #setback line# and #half-setback line# that qualifies as #Zone A# under the #middle one-third rule# is not subject to the minimum length requirement. (See illustration of

Minimum Length of Compensating Recess)



MINIMUM LENGTH OF COMPENSATING RECESS

(81-264c3)

(4) #Compensating recess# area shall be within 100 feet of a #front lot line#.

(d) Existing #buildings# on the #zoning lot#

Where a #zoning lot# contains an existing #building# which exceeds a height limit, an

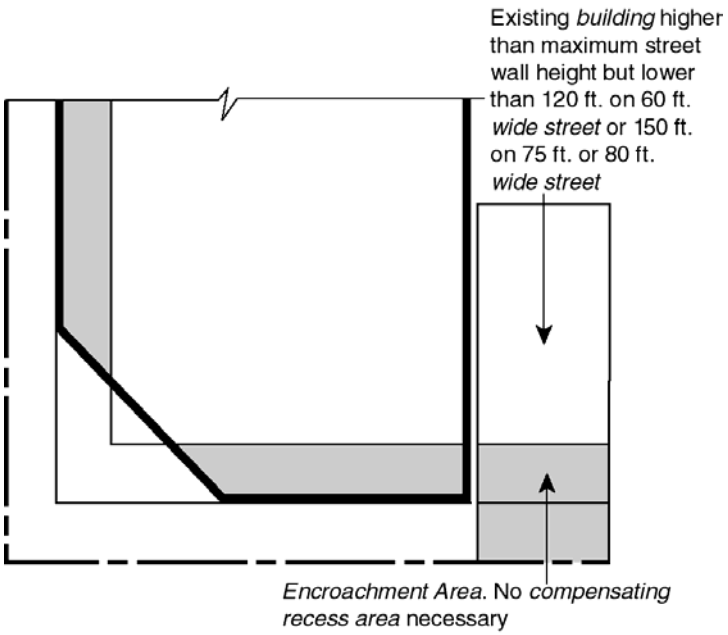
#enlargement# or #development# on such #zoning lot# shall comply with the following provisions:

(1) For each #street frontage zone#, if the existing #building# is not more than 120 feet in height at any point and encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 60 feet wide, or if the existing #building# is not more than 150 feet in height at any point and encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 75 or more feet in width, the new #building# or #enlargement# is not required to compensate for such #encroachment# by the provision of #compensating recess# areas. #Encroachment# by such an existing #building# into #Zone C# or beyond the #ten-foot setback line# will not subject the new #building# or #enlargement# to the provisions of Section 81-265 unless the new #building# or #enlargement# also encroaches into #Zone C#.

(2) For each #street frontage zone#, space above such existing #building# and within #Zone A# on the #encroachment grid# may count as #compensating recess# area for the new #building# or #enlargement# provided that such space is at or below the lowest level of any compensable #encroachment# by the new #building# or #enlargement#, that it is located within the same #street frontage zone# as that compensable #encroachment#, and that it qualifies in all respects under the provisions of paragraph (c) of this Section (Limitations on #compensating recess#).

(3) For each #street frontage zone#, if an existing #building# more than 120 feet in height at any point encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 60 feet wide, or if an existing #building# more than 150 feet in height at any point encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 75 or more feet in width, the #encroachment# of such #building# into #Zone B# or #Zone C# or beyond the #ten-foot setback line# at any height shall be subject to the requirements for

#compensating recess# areas set forth in paragraph (b)(1) of this Section, as if it were a new #building#. Where such an existing #building# encroaches into #Zone C# or beyond the #ten-foot setback line#, the provisions of paragraph (f)(2) in Section 81-265 shall apply in addition to the provisions of this Section. (See illustration of Existing Buildings on the Zoning Lot)



EXISTING BUILDINGS ON THE ZONING LOT

(81-264d3)

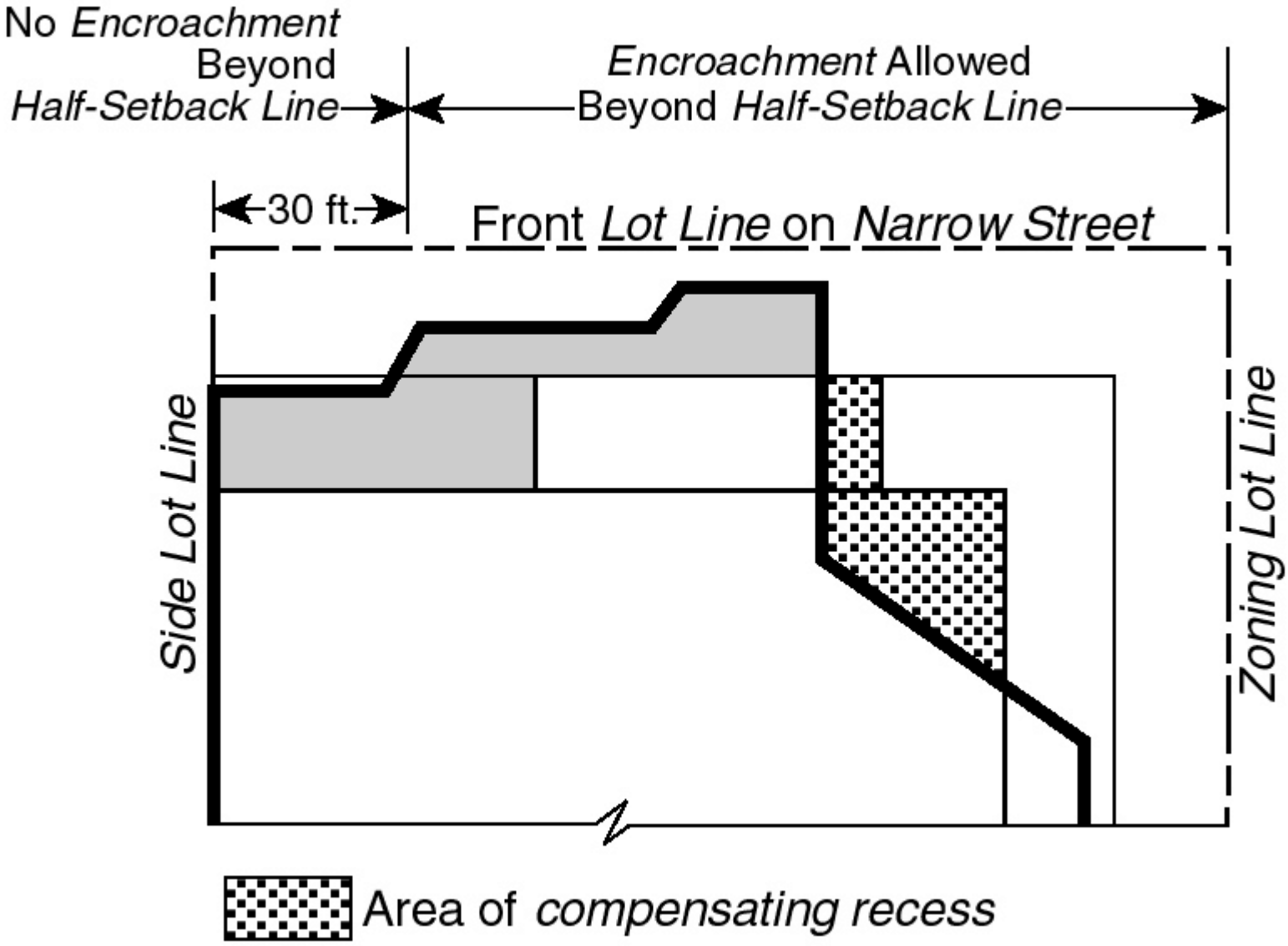
81-265 - Encroachment limitations by length and height rules

LAST AMENDED
4/28/1988

Above the maximum height of a front wall at the #street line# as set forth in Section 81-262, a #building# may only encroach beyond the #half-setback line# if it complies with the provisions of this Section and if the area of #compensating recess# equals or exceeds the area of #encroachment# in #Zone B# and #Zone C# in accordance with the provisions of Section 81-264 (Encroachments and compensating recesses).

(a) Special limitations

No #encroachment# beyond the #half-setback line# shall be within 30 feet of a #side lot line#. (See illustration of Prohibited and Allowed Encroachment Beyond Half-Setback Line)



PROHIBITED AND ALLOWED ENCROACHMENT BEYOND

HALF-SETBACK LINE

(81-265a)

(b) General provisions

The length, depth, height and area of #encroachments# along any #street# frontage all contribute to a #building's# impact on daylight access. In order to determine whether the

depth of a #building's# #encroachment# into #Zone C# is justified, the length of the #encroachment#, measured parallel to the #street line#, and its height above #curb level# must also be evaluated. The extent of #encroachment# also must be considered in relation to the extent of the area of #compensating recess# in the same #street frontage zone#. The purpose of the length and height rule is to ensure, in the case of #encroachments# beyond the #half-setback line#, that the closer a #building# comes to the #street line#, the less will be the length of its #encroachment#, its height or both. (See illustration of Elements Analyzed)

The elements comprising this analysis are represented by symbols and are as follows:

(1)

$$\frac{De}{D} = \frac{\text{depth of \#encroachment\#}}{\text{depth of \#setback line\#}}$$

De (depth of #encroachment#) means depth of #encroachment# beyond the #setback line#. Depth of #encroachment# is measured perpendicularly to the #setback line#.

D (depth of #setback line#) means depth of #setback line# from the #street line# or depth of #ten-foot setback line# from the #street line#, whichever depth is greater.

(2)

$$\frac{Le}{L} = \frac{\text{length of \#encroachment\#}}{\text{length of \#front lot line\#}}$$

Le (length of #encroachment#) means total length of #encroachment# outside the #half-setback line#. Length of #encroachment# is measured as the total length of the #encroachments'# projections on the #street line#.

L (length of #front lot line#) means the length of the #front lot line# along the particular #street#. However, the length of the #front lot line# for the purposes of this Section shall not exceed 300 feet, irrespective of the actual #lot line# length.

(3)

$$\frac{Le}{Lr} = \frac{\text{length of \#encroachment\#}}{\text{length of recess}}$$

Le (length of #encroachment#) as defined in paragraph (b)(2) of this Section.

Lr (length of recess) means total length of #setback line# not encroached upon by a #building#.

(4)

$$\frac{H}{L} = \frac{\text{height of \#encroachment\#}}{\text{length of \#front lot line\#}}$$

H (height of #encroachment#) means the height of the #encroachment# above #curb level#.

L (length of #front lot line#) as defined in paragraph (2) of this Section.

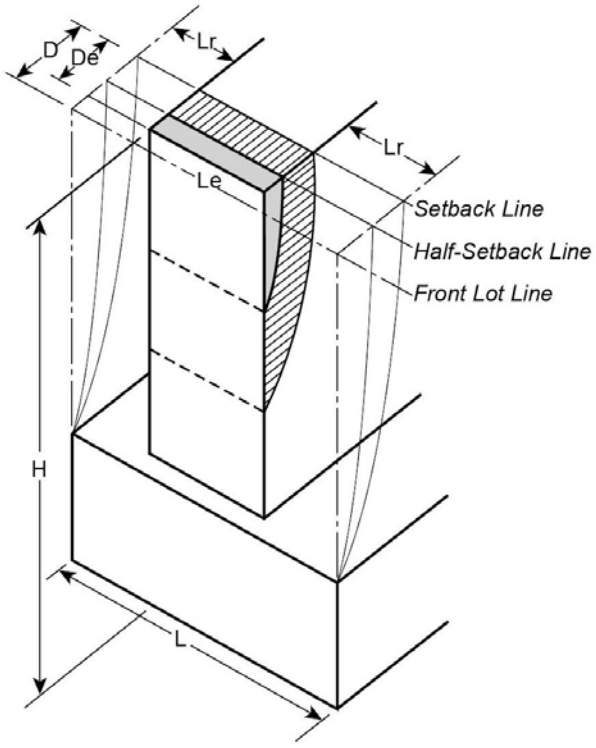
(5)

$$\frac{Ar}{Ae} = \frac{\text{area of \#compensating recess\#}}{\text{area of \#encroachment\#}}$$

Ar (area of #compensating recess#) means area of #compensating recess# in the particular #street frontage zone#. Area of #compensating recess# is calculated to a depth of 100 feet from the #street line#.

Ae (area of #encroachment#) means area of #encroachment# beyond the #setback line#. Area of #encroachment# is calculated to a depth of 100 feet from the #street line#.

Values for the elements in paragraphs (b)(1) through (b)(5) shall be found for each #street frontage zone# on which there is any #encroachment# beyond the #half-setback line#.



L – Length of *front lot line* along the particular *street*

Le – Length of *encroachment* outside *half-setback line* or *ten-foot setback line*

Lr – Total length of *setback line* not encroached by *building*

De – Depth of *encroachment*

D – Depth of *setback line*

H – Height of *encroachment* above *curb level*

ELEMENTS ANALYZED

(81-265b)

The elements, weighted according to the effects on daylight access, are represented in the formulas and charts that control the depth, length and height of #encroachments#, as set forth in paragraph (c) of this Section.

#Encroachments# of proposed #buildings# or #enlargements# beyond the #half-setback line#

are permitted only if in compliance at every point with the formulas in paragraph (c) of this Section. Aside from this general requirement, specified points at which the length, depth, height and area rules shall be applied are presented in paragraphs (d) and (e) of this Section.

(c) #Encroachment# limitations by Formulas 1 and 2

Where applicants elect to have their #buildings# regulated by the formulas, #buildings# shall comply with both Formula 1 and Formula 2 as set forth in this paragraph. Elements of the formulas and the symbols by which they are represented are as set forth in paragraph (b) of this Section.

nula 1: $$\text{Maximum } \frac{H}{L} = 5.5 - 4\left(\frac{De}{D}\right) - 2.5\left(\frac{Le}{L}\right)$$

Formula 2: $$\text{Minimum } Lr = \frac{L}{3.5}$$

The maximum height of #encroachment# (H) allowed by Formula 1 may be modified for certain conditions, as follows:

(1) For short frontages

For any frontage less than 200 feet in length, the maximum

$$\frac{H}{L}$$

found by applying Formula 1 may be increased by the following multiplier:

$$2 - \frac{L}{200}$$

(2) For large areas of #compensating recess#

To the extent that the aggregate area of #compensating recess# (Ar) exceeds the aggregate area of #encroachment# (Ae), the maximum

$$\left(\frac{H}{L}\right)$$

found by applying Formula 1 may be increased by the following multiplier:

$$1 + \frac{.067\ Ar}{}$$

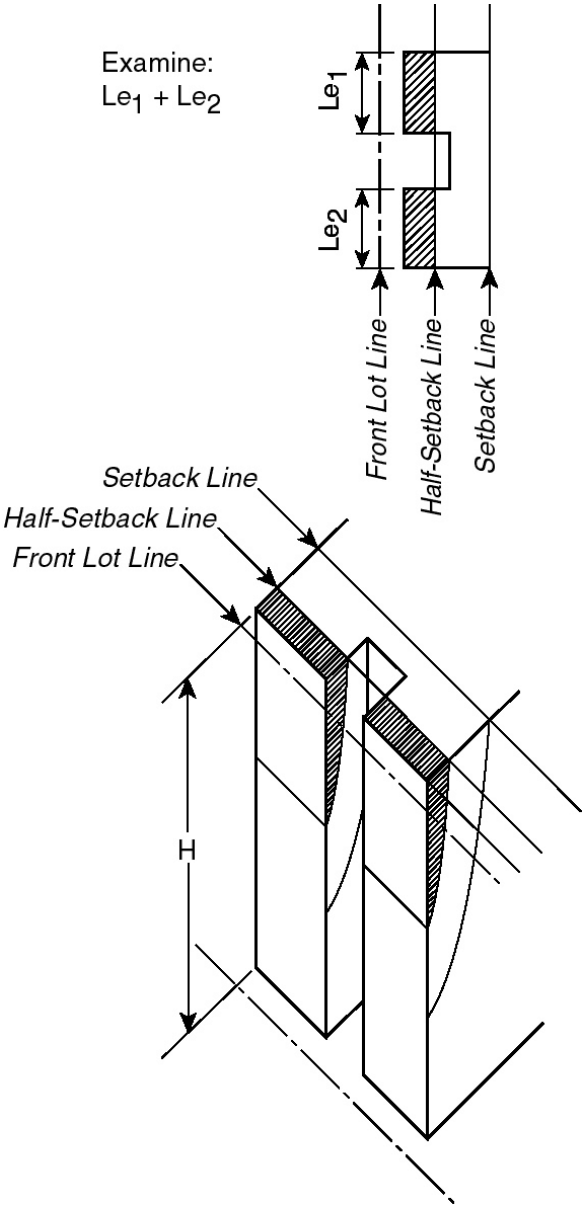
Ae

For the purposes of this modification, the measurement of the area of #compensating recess# (Ar) and the area of #encroachment# (Ae) in each particular #street frontage zone# shall be made on the #encroachment grid# at the height level for which #encroachments# beyond the #half-setback line# are checked. The #encroachment grid# shall include all #street frontage zones#. (Ar) shall include all areas of #compensating recess# in the particular #street frontage zone#, whether or not connected, and (Ae) shall include all #encroachments# in both #Zone B# and #Zone C# in the same #street frontage zone#, whether or not such #encroachments# are connected.

(d) Measurement of #encroachments#

The points at which the formulas are applied will depend upon the shape and dimensions of the #encroachments# beyond the #half-setback line# and shall be in accordance with the provisions of this paragraph and paragraph (e) of this Section.

Where the #encroachments# along a single #street# frontage are not connected outside the #half-setback line#, each #encroachment# shall be measured separately in accordance with the provisions of paragraph (e). However, at any given height, where such non-contiguous #encroachments# occur, the #encroachments# shall be examined together, and the length of #encroachment# (Le) shall be the total of the (Le) for the individual #encroachments#. (See illustration of Non-contiguous #Encroachments#)



NON-CONTIGUOUS ENCROACHMENTS

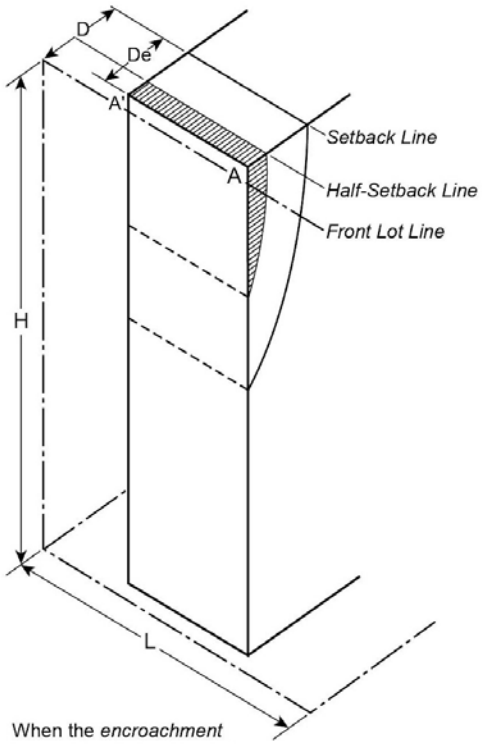
(81-265d)

(e) Heights and depths at which formulas are applied

Heights and depths at which the formulas shall be applied are set forth in this paragraph. In addition to meeting the requirements of paragraphs (e)(1) and (e)(2) of this Section, the applicant shall demonstrate that there is no height at which the proposed #building# or #enlargement# fails to comply with the formulas in paragraph (c) of this Section.

(1) Standard requirement where length of #encroachment# is uniform

Where the length of the #encroachment# (Le) is uniform for the entire height of the #encroachment# (H) and the entire depth (De) at every height, the length, depth and height rules expressed in the formulas shall be applied only at the height where (De/D) is greatest and at the outermost edge of the #encroachment#. (See illustration of Uniform Length of #Encroachment#)



When the *encroachment* beyond the *half-setback line* has uniform length. (Le is constant)

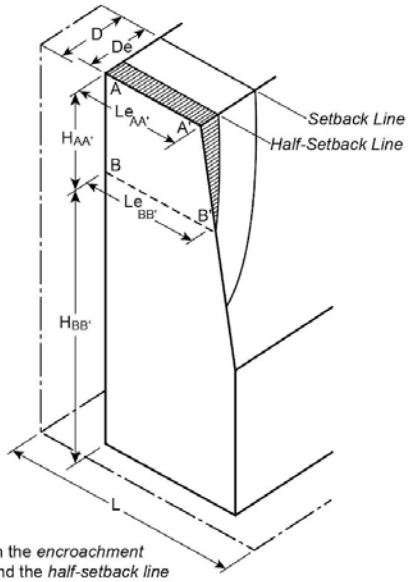
Check: AA' where De/D is the largest

UNIFORM LENGTH OF ENCROACHMENT

(2) Standard requirement where length of #encroachment# is not uniform

Where the length of the #encroachment# (Le) is not uniform, the rules shall be applied at the height level where (De/D) is greatest and also at the height level where the length of #encroachment# (Le) is greatest. If the greatest length of #encroachment# is uniform for part of the #building's# height, the rules shall be applied at the highest level at which such greatest length of #encroachment# occurs. (See illustrations Where Length of #Encroachment# Is Not Uniform).

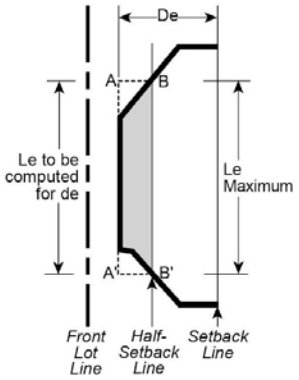
If for a particular height level, the length of the #encroachment# (Le) varies with the depth of the #encroachment# (De), the largest (Le) of this #encroachment# shall be used together with the largest (De) in applying the rules as if the #encroachment# were of uniform length as provided in paragraph (e)(1) of this Section.



When the *encroachment* beyond the *half-setback line* has variable lengths

Check: AA' where De/D is largest

BB' where Le/L is largest



WHERE LENGTH OF ENCROACHMENT IS NOT UNIFORM

(81-265e2)

(f) #Encroachments# by existing #buildings#

When a #zoning lot# contains an existing #building# which encroaches beyond a #half-setback line# or a #ten-foot setback line#, an #enlargement# or #development# on such #zoning lot# shall comply with the following provisions:

(1) Existing #buildings# below specified heights

(i) Except as provided in paragraph (f)(1)(ii) of this Section, an existing #building# not more than 120 feet in height shall not be considered in applying the length and height rules even though a portion of such #building# encroaches beyond the #half-setback line# or #ten-foot setback line# along a 60 foot wide #street# and an existing #building# not more than 150 feet in height shall not be considered in applying the length and height rules even though a portion of such #building# encroaches beyond the #half-setback line# or #ten-foot setback line# along a #street# 75 or more feet in width.

(ii) However, the area occupied by the existing #building# shall be included in the calculation of (Ar/Ae) for the modification of Formula 1 allowed in the case of large areas of #compensating recess#, as set forth in paragraph (c)(2) of this Section.

(2) Existing #buildings# above specified heights

Where an existing #building# more than 120 feet in height encroaches beyond the #half-setback line# or #ten-foot setback line# along a 60-foot wide #street# or where an existing #building# more than 150 feet in height encroaches beyond the #half-setback line# or #ten-foot setback line# along a #street# 75 or more feet in width, the following provisions, in addition to those of paragraph (d)(3) of Section 81-264 (Encroachments and compensating recesses), shall apply:

(i) no new construction on the #zoning lot# shall encroach beyond the #half-setback line# along any #street#, and

(ii) the length and height rules of this Section shall not apply.

81-266 - Special permit for height and setback modifications

LAST AMENDED
12/5/2024

In C5-3, C6-6 or C6-7 Districts, where a special permit application is made pursuant to Section 74-71 (Landmark Preservation) for modification of #bulk# regulations on a #zoning lot# containing a landmark, such application may include a request for modification of the height and setback regulations set forth in Sections 81-261 to 81-265, inclusive, relating to Height and Setback Regulations - Daylight Compensation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

(a) the applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed #development# or #enlargement# which accommodates the permitted #floor area# is not possible under the provisions of Sections 81-261 to 81-265, inclusive, and shall further indicate for the proposed design where and to what extent deficiencies of #compensating recess# are necessary or compliance with the length and height rules is not possible. Scale drawings shall be used in presenting the analyses required herein; and

(b) the Commission shall make the following findings in addition to any required under the applicable provisions of Section 74-71:

(1) that the requested departure from the height and setback regulations is the minimum amount necessary to achieve a feasible #building# design;

(2) that the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole; and

(3) that where the landmark is located on the #zoning lot# proposed for #development# or #enlargement# or on a lot contiguous thereto or directly across a #street# therefrom, the modification of height and setback regulations will adequately protect the setting

for the landmark.

81-27 - Alternate Height and Setback Regulations - Daylight Evaluation

LAST AMENDED
8/9/2017

81-271 - Definitions

LAST AMENDED
8/9/2017

Center line of the street (bounding a #zoning lot#)

A line equidistant from and parallel or nearly parallel to the #street lines# on both sides of the #street#. However, for the purposes of daylight evaluation:

(a) on a #street# 75 feet in width, the #center line of the street# shall be considered to be a line 40 feet from, and parallel to, the #front lot line# of the #zoning lot#; and

(b) on a #street# more than 100 feet in width, the #center line of the street# shall be considered to be a line 50 feet from, and parallel to, the #front lot line# of the #zoning lot#.

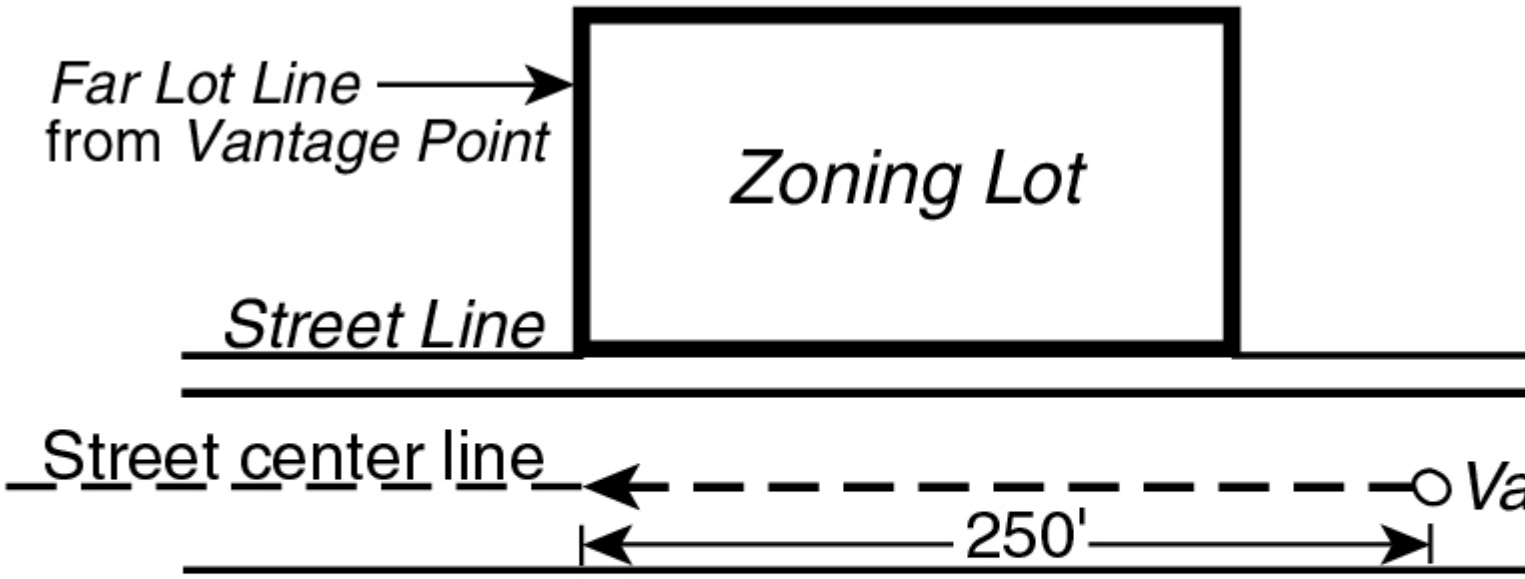
Daylight Evaluation Chart (DEC)

A graphic tool which permits objective measurements of portions of sky blocked by a #building# when it is viewed from a #vantage point#. There are three #daylight evaluation charts# for use with #street# widths of 60 feet, 75 to 80 feet and 100 feet and over, respectively. All #buildings# are drawn

on the appropriate #daylight evaluation chart# to evaluate their compliance with the regulations of Section 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation). These three #daylight evaluation charts# are in Appendix B of this Chapter. A fourth chart in Appendix B is available for use with #qualifying sites# in the East Midtown Subdistrict, as defined in Section 81-613, with frontage along Park Avenue.

Far lot line

A #lot line# intersecting the #street line# of the #vantage street# such that, when viewed from the #vantage point#, the #zoning lot# does not contain any #lot area# that is on the far side of and immediately adjoining the #lot line# at its intersection with the #street line#. (See illustration of #Far Lot Line# and #Vantage Point#)



FAR LOT LINE AND VANTAGE POINT

(81-271.1)

Near lot line

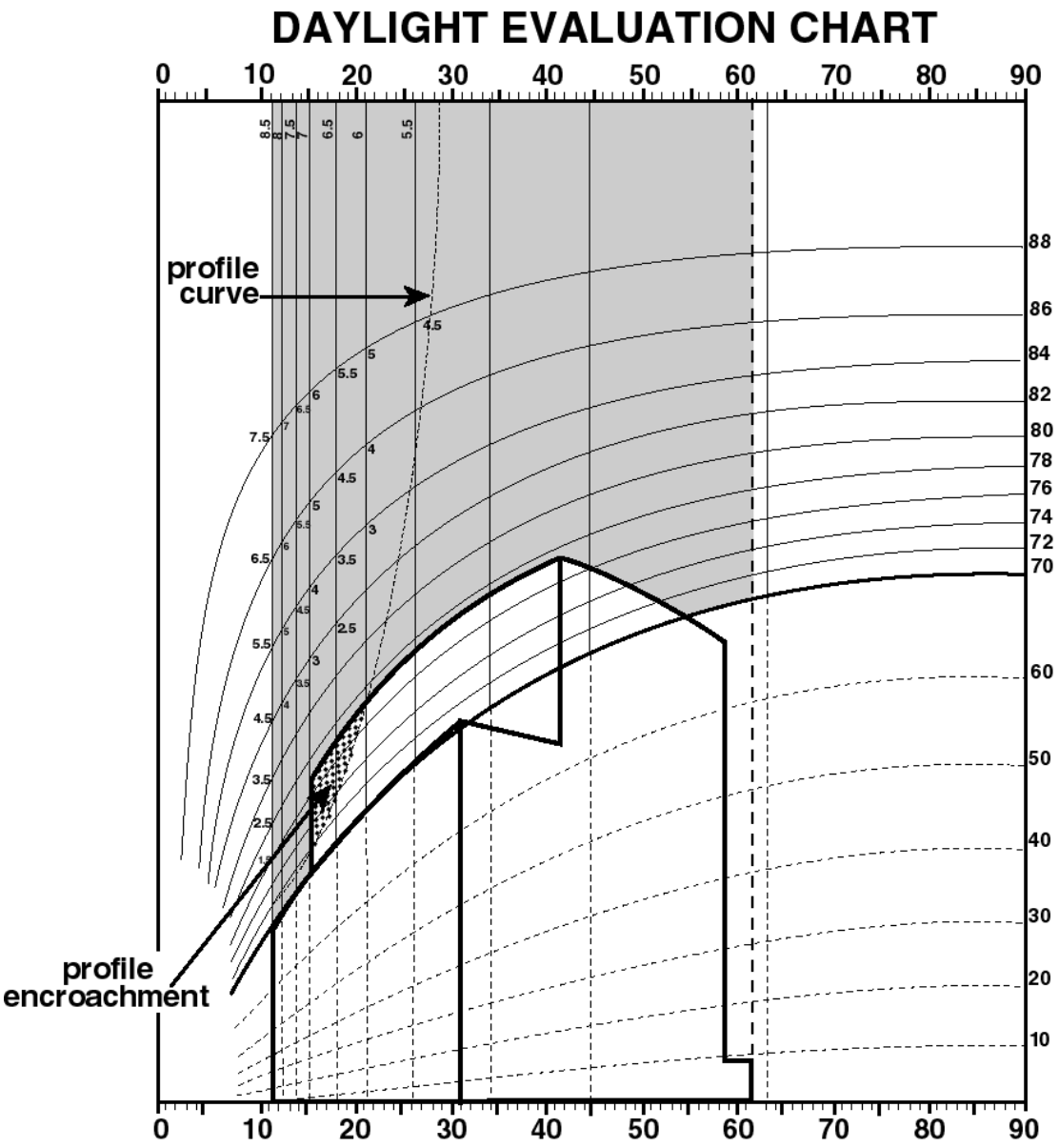
A #lot line#, other than the #far lot line#, which intersects the #street line# of the #vantage street# and which defines the extent of the #zoning lot's# continuous frontage along the #vantage street# from the #far lot line#.

Profile curve

A curved line on the #daylight evaluation chart# rising from the intersection of the curved line representing an elevation angle of 72 degrees with the vertical line at the #far lot line#. The #profile curve# is used to evaluate a #building's# obstruction of the sky as seen in profile from the #vantage point#.

Profile encroachment

The space on the #daylight evaluation chart# which, when viewed from the #vantage point#, is on the far side of the #profile curve# and which is blocked by the projection of the #building# on the #daylight evaluation chart#. (See illustration of #Profile Encroachment#)



PROFILE ENCROACHMENT

(81-271.2)

Vantage point

A point on the #center line of the street# bounding the #zoning lot# and located 250 feet from the intersection of the extension of the #zoning lot's# #far lot line# with the #center line of the street#. (See illustration of #Far Lot Line# and #Vantage Point#)

Vantage street

A #street# bounding the #zoning lot# and on the center line of which a #vantage point# is located.

81-272 - Features of the Daylight Evaluation Chart

LAST AMENDED
2/2/2011

The #daylight evaluation chart (DEC)# is a graphic representation of a pedestrian's field of view as he or she looks down a #street# and sweeps his or her view 90 degrees to the left or to the right.

Under special conditions, this view can be extended to 180 degrees horizontally as specified in Section 81-275 (Special conditions).

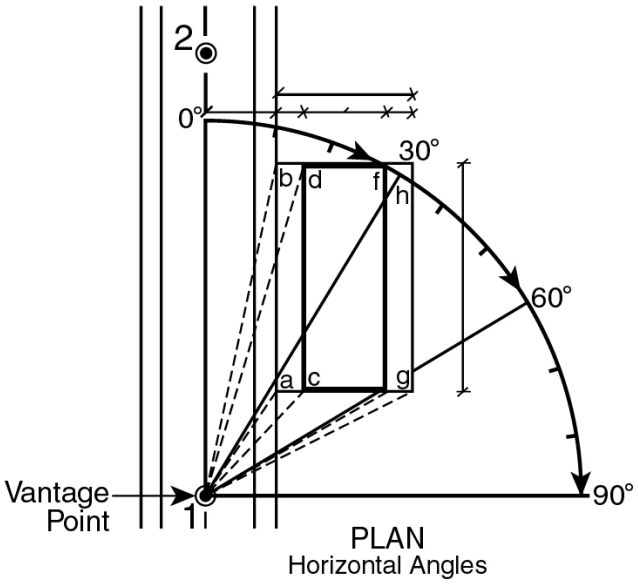
This pedestrian view is based on a #vantage point# located 250 feet from the intersection of the #zoning lot's# #far lot line# with the #center line of the street#.

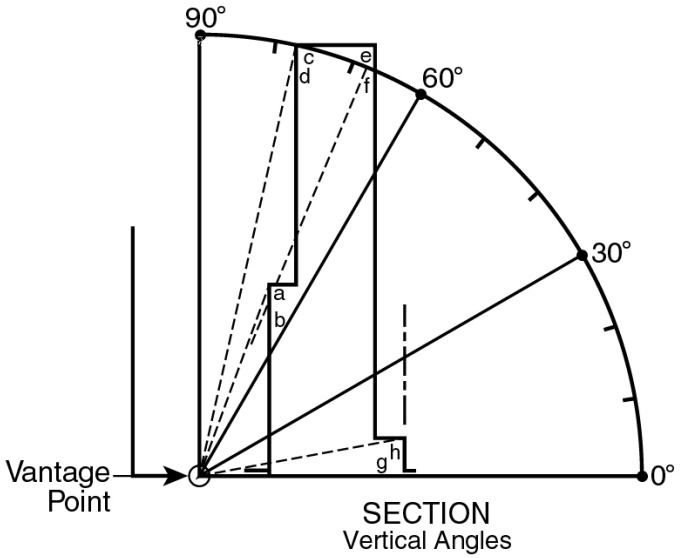
There are three #daylight evaluation charts# for use with different Midtown #street# widths. They include a chart for 60-foot wide #streets# (for most east-west crosstown #streets#) as well as a chart for 75-foot or 80-foot wide #streets# and a chart for #streets# 100 feet or more in width (for avenues and major crosstown #streets#). All of these charts have the following features:

(a) Horizontal and vertical axes

The #daylight evaluation chart# has both a horizontal and vertical component, encompassing views sweeping both 90 degrees horizontally and 90 degrees vertically. (See illustration of Horizontal and Vertical Angles of View)

Under special conditions, this view can be extended to 180 degrees horizontally as specified in Section 81-275.





HORIZONTAL AND VERTICAL ANGLES OF VIEW

(81-272a.1)

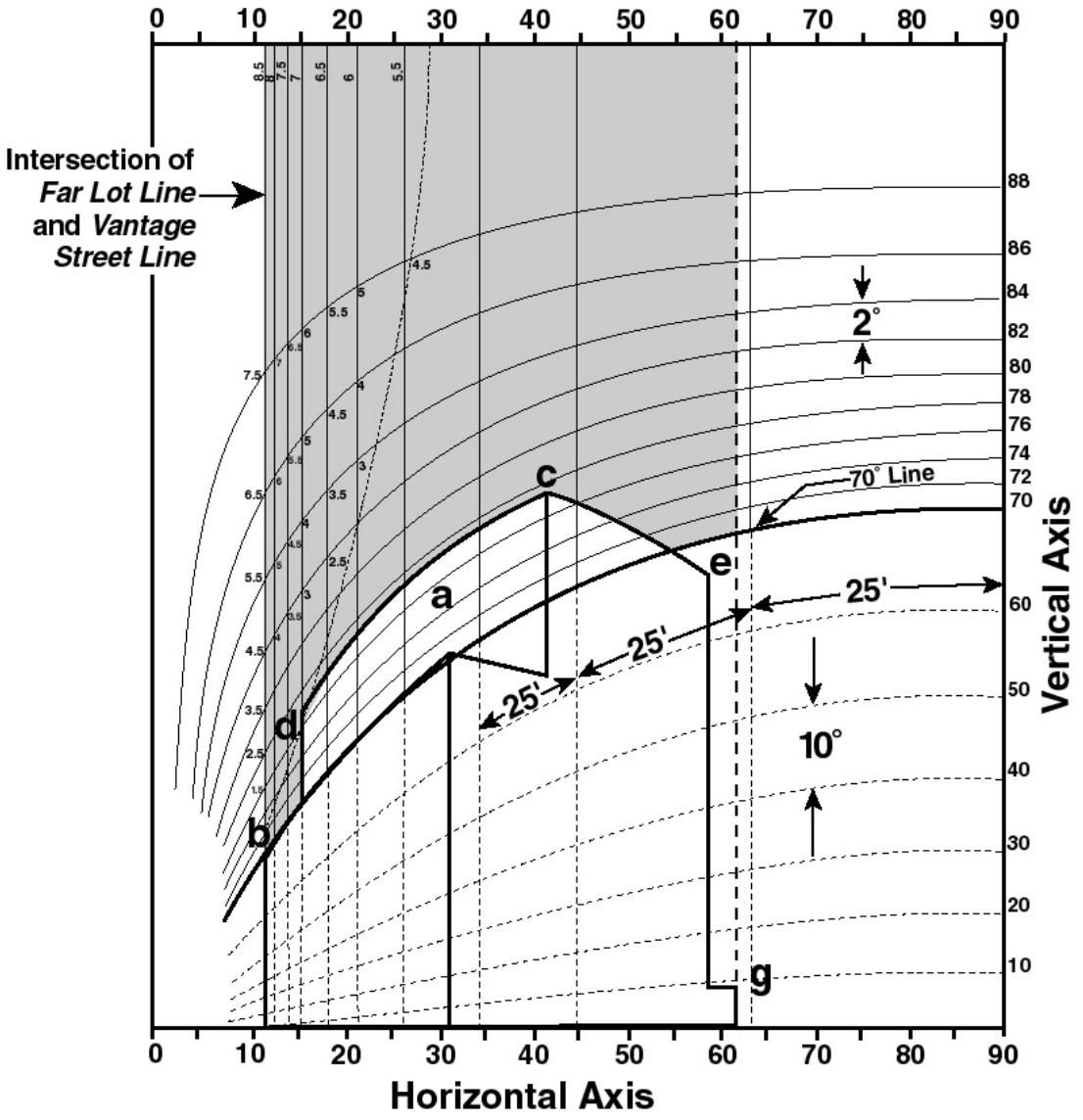
The horizontal axis of the #daylight evaluation chart# is measured in degrees of arc from zero degrees to 90 degrees starting from the #vantage point# along the #center line of the vantage street# and sweeping toward the #building#.

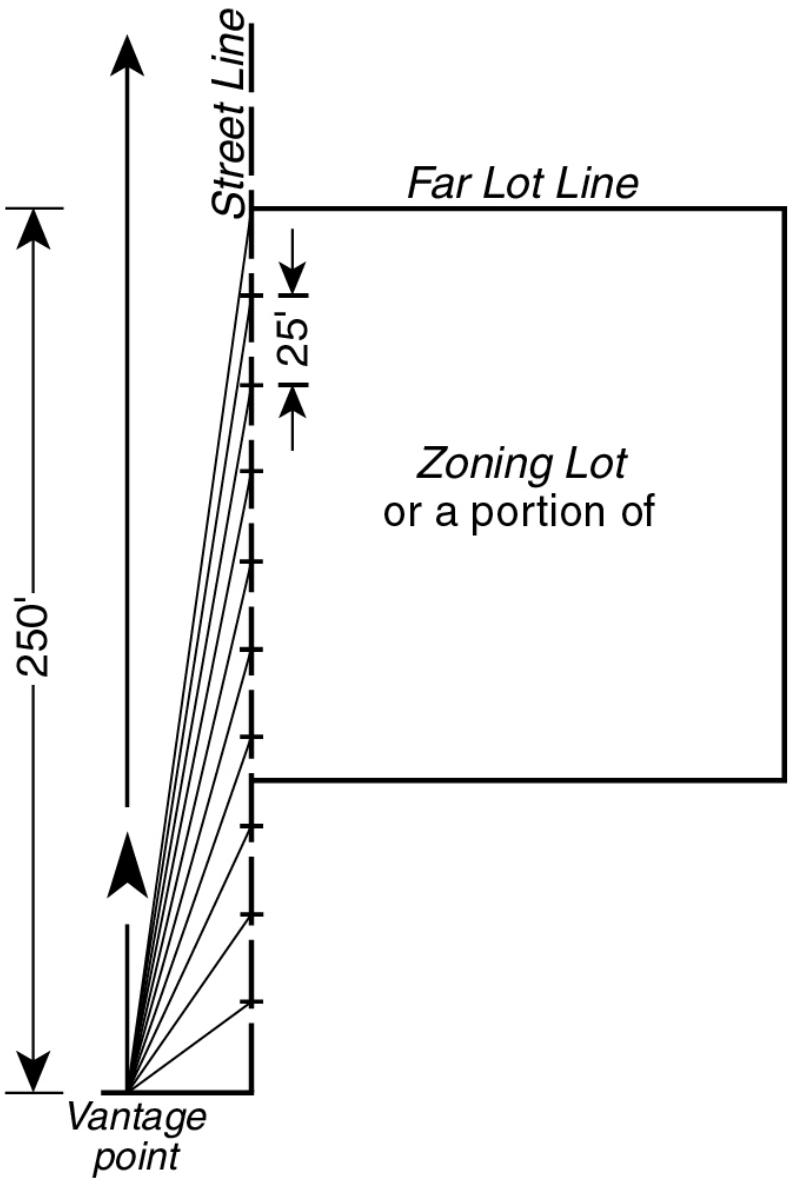
The horizontal axis is intersected by vertical lines corresponding to lines of sight from the #vantage point# to points 25 feet apart on the #front lot line# along the #vantage street# measured from the intersection of the #far lot line# with the #street line# of the #vantage street#.

The vertical axis of the #daylight evaluation chart# is measured in degrees of arc from zero degrees to 90 degrees starting from the #center line of the vantage street# at #curb level# and sweeping upward.

The vertical axis is intersected by curved elevation lines representing elevation angles from the #center line of the street# at 10 degree intervals from zero degrees to 70 degrees and at two degree intervals from 70 degrees to 90 degrees. (See illustration of Horizontal and Vertical Axes)

DAYLIGHT EVALUATION CHART





HORIZONTAL AND VERTICAL AXES

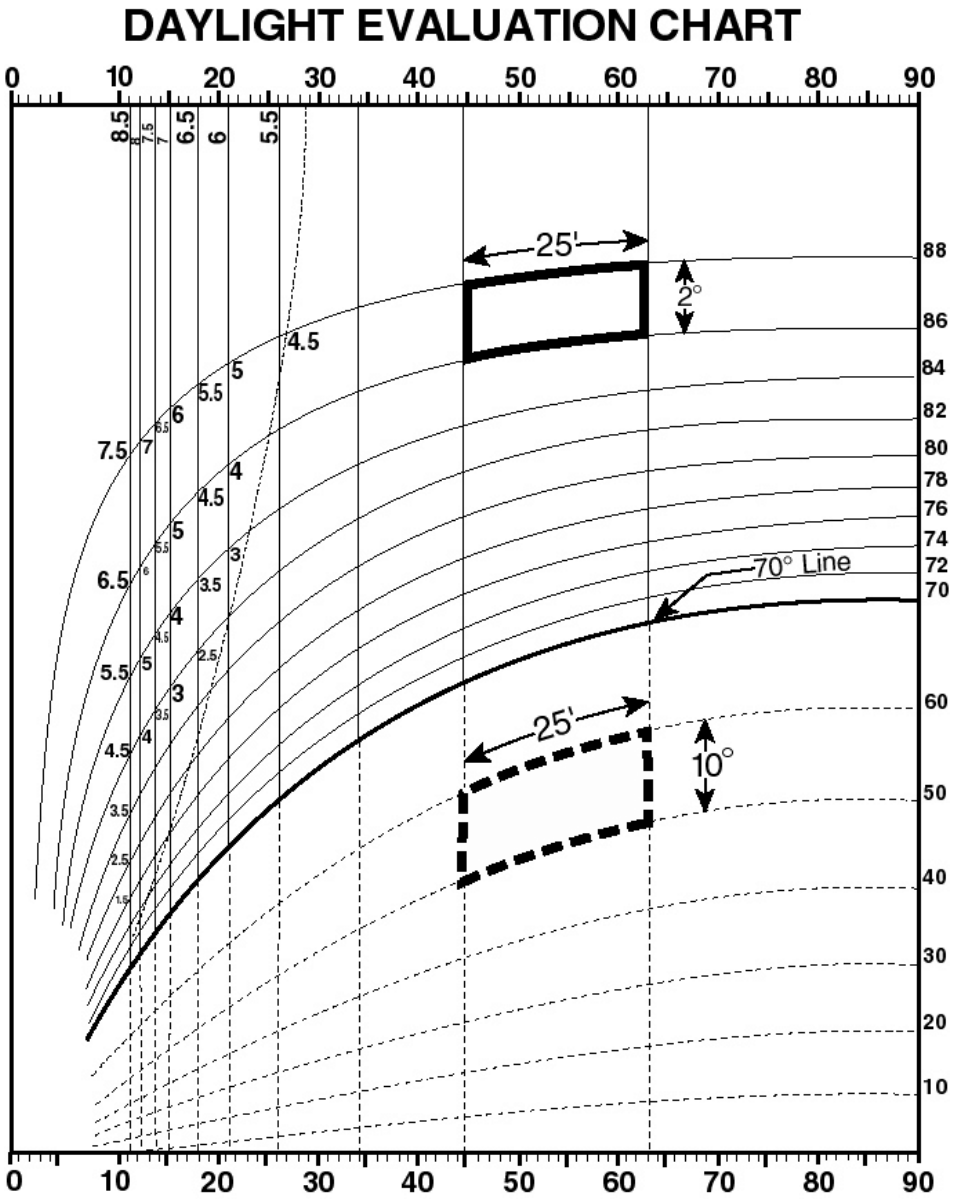
(81-272a.2)

(b) Daylight squares

The horizontal and vertical lines form a curvilinear grid dividing the #daylight evaluation chart# into areas called daylight squares. Above the 70 degree line, the grid is divided into 100 daylight squares starting from the vertical line rising from the intersection of the #far lot line# with the #street line# of the #vantage street# and ending at the vertical line representing 90

degrees along the horizontal axis. Each of these 100 squares represents 25 feet of lot frontage on the #vantage street# and two degrees of elevation angle from the #center line of the vantage street#.

Below 70 degrees, the grid is divided into 70 daylight squares starting from the vertical line rising from the intersection of the #far lot line# with the #street line# of the #vantage street# and ending at the vertical line rising at 90 degrees along the horizontal axis. Each of these 70 squares represents 25 feet of lot frontage on the #vantage street# and 10 degrees of elevation angle from the #center line of the street#. (See illustration of Daylight Squares)

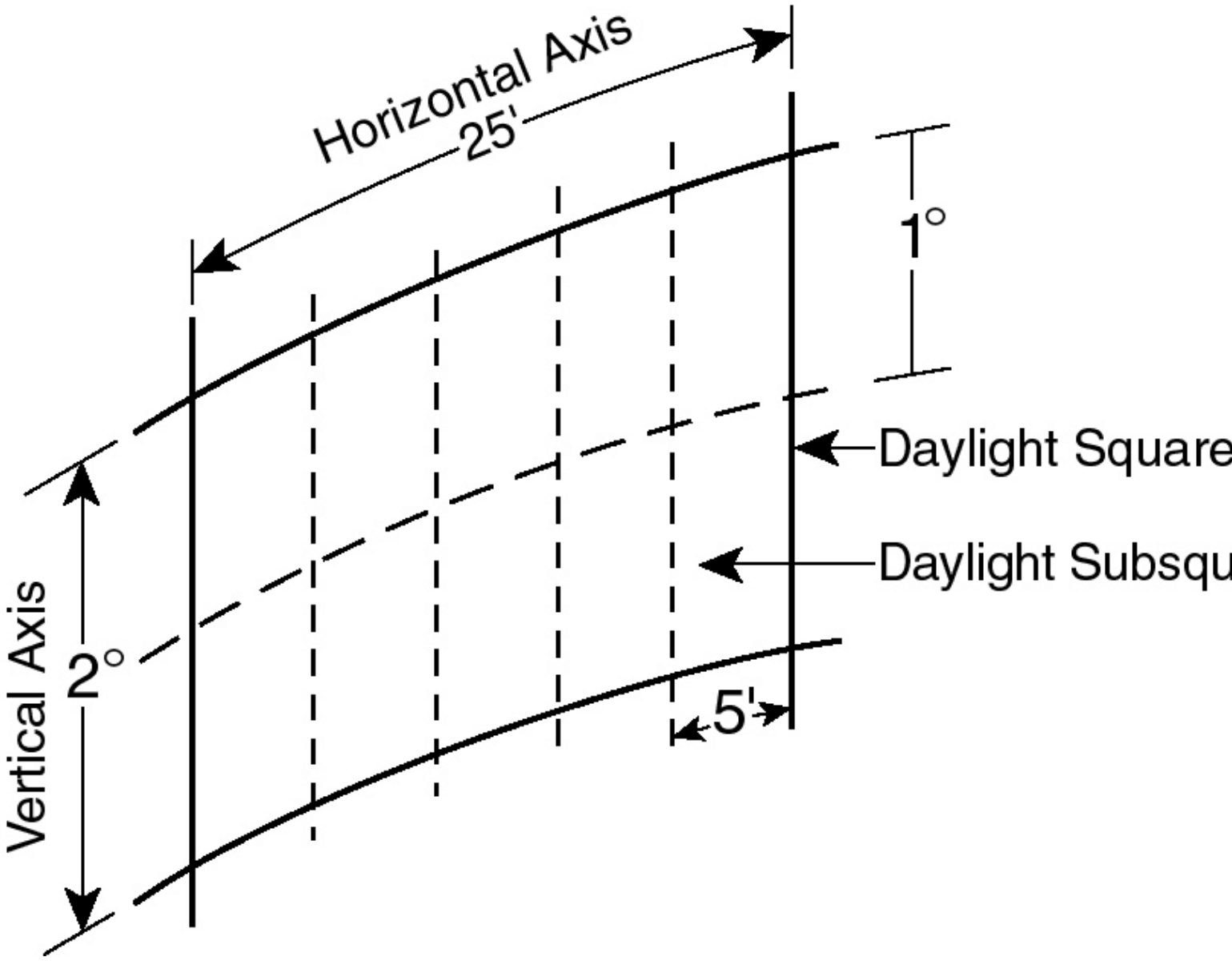


DAYLIGHT SQUARES

(81-272b)

(c) Daylight subsquares

For greater plotting and scoring precision, the horizontal axis of the grid is further subdivided by vertical lines at points five feet apart on the #front lot line# as seen from the #vantage point#. The vertical axis is further subdivided by curved lines representing lines of equal elevation at one degree intervals from 70 degrees to 90 degrees. Therefore, each daylight square is subdivided into 10 subsquares, each representing five feet of lot frontage on the #vantage street# and one degree of elevation angle from the #center line of the vantage street#. (See illustration of Daylight Squares and Subsquares Above 70 Degrees)



DAYLIGHT SQUARES AND SUBSQUARES ABOVE 70 DEGREES

(81-272c)

(d) The seventy degree line

Research shows that, as an average, 70 degrees is the elevation angle at which #buildings# in the #Special Midtown District# are set back from the #street line#. Most of the daylight below 70 degrees is blocked by such #buildings#. Slabs, towers or other setback portions of #buildings# rise to block an average of 25 percent of the available daylight squares above 70

degrees.

In #building# evaluation, the #DEC# measures the blocked sky above 70 degrees. Below 70 degrees, #buildings# are given credit for unblocked daylight.

(e) The #profile curve#

The grid is traversed by the #profile curve#, which rises from the intersection of the curved line representing an elevation angle of 72 degrees with the vertical line at the #far lot line#. The #profile curve# is derived from the predominant built character of developed Midtown #streets# as seen in profile. #Encroachment# across the #profile curve# is penalized to discourage canyon-like Midtown #streets# and to protect neighboring #buildings#.

81-273 - Rules for plotting buildings on the daylight evaluation chart

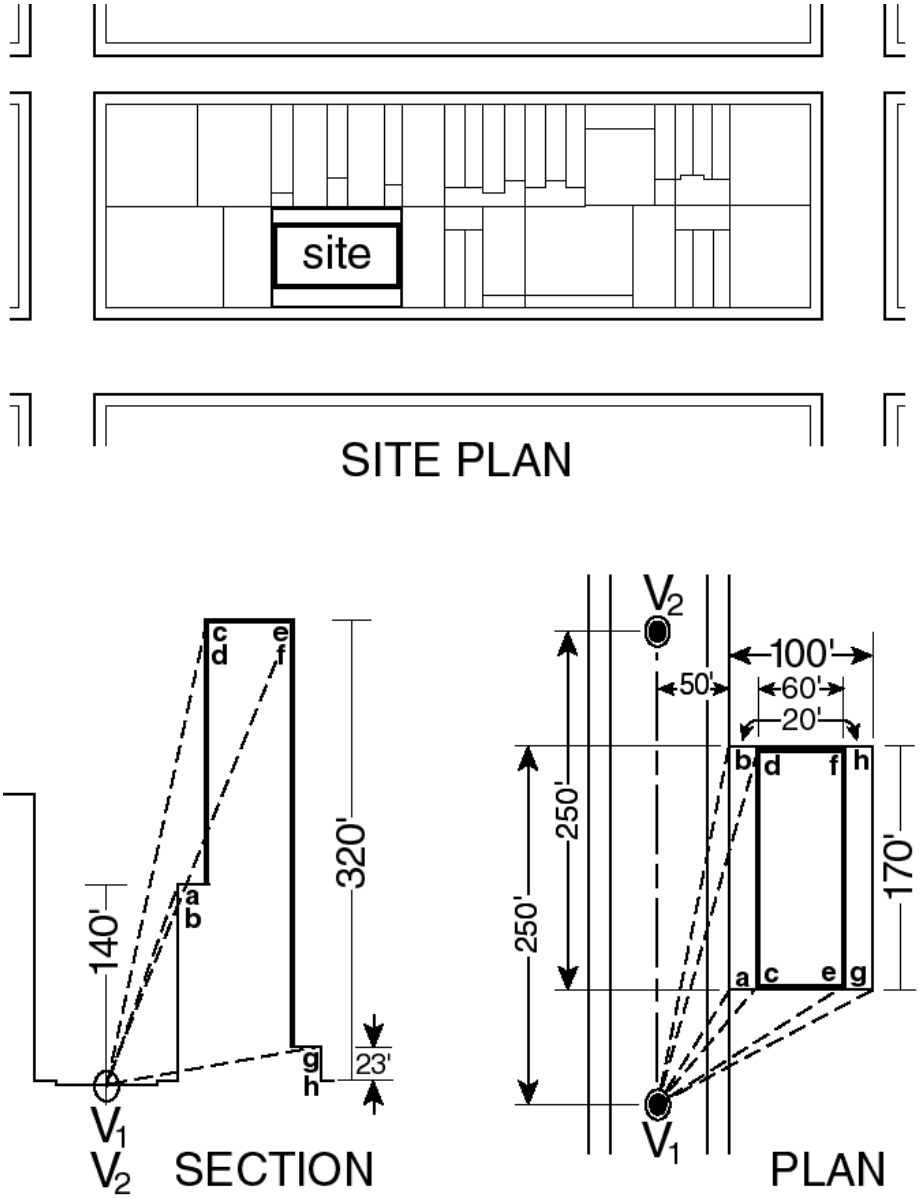
LAST AMENDED
2/2/2011

Evaluation of a #development# or #enlargement# requires drawing the new #buildings#, remaining #buildings# and open areas on the #zoning lot# on the appropriate #daylight evaluation chart (DEC)#, as viewed from each required #vantage point# and then scoring the #zoning lot#. The rules for plotting #buildings# on the #DEC# are set forth in the following paragraphs of this Section and illustrated by an example of a #building# which fronts on a 100-foot wide #street# and occupies a site 170 feet long by 100 feet deep.

(a) Draw the #building#

Draw the #building# in plan showing all #street# frontages of the #zoning lot#. Draw the

#building# in section perpendicular to each #street# on which the #zoning lot# fronts. On both plan and section drawings label all corners of the #building#. In the example they are labeled corners (a) through (h). (See illustrations of Example: Building Drawings)



EXAMPLE: BUILDING DRAWINGS

(81-273a)

(b) Establish #vantage points#

Establish on the plan all the #vantage points# from which views must be taken. #Vantage points# shall be established on the #center line of the vantage street# 250 feet from the intersection of the #zoning lot's# #far lot line# and the #center line of the street#. For each #vantage street# there are at least two #vantage points#. In the example, they are V1 and V2. For each #vantage point# there shall be a separate #daylight evaluation chart#. The example will use #vantage point# one.

(c) Record plan and section dimensions

Record on a coordinate chart for each corner of the #building# the following dimensions:

(1) Dimensions in plan:

The distance (S) between the corner and the #center line of the street# as measured along a line that intersects the #center line of the street# at right angles. In the example, distance (S) of corner (b) + 50 feet.

The distance (D) measured along the #center line of the street# from the #vantage point# to the point where the #street# center line is intersected by the perpendicular line from the corner. In the example, distance (D) of corner (b) + 250 feet.

(2) Dimension in section:

The height (H) of the corner above #curb level#. In the example, height (H) of corner (b) + 140 feet.

(d) Calculate plan and section angles

Determine the plan and section angles for each corner of the #building# as viewed from the #vantage point#.

(1) A plan angle is an angle on the plan formed at the #vantage point# by the line of sight to a corner of the #building# and the #center line of the vantage street#. The plan angle is found by calculating the tangent. The tangent is the quotient found by dividing distance (S) by distance (D). The plan angle for the resulting tangent is found in a tangent table and is then entered on the coordinate chart in the column marked "plan angles."

(2) The section angle is an angle formed by a line representing the distance in section from a corner of the #building# to the #center line of the vantage street# and a line representing the distance in plan (S) between the corner and the #center line of the street#. The section angle is found by calculating its tangent. The tangent is the quotient obtained by dividing the height of the corner (H) by its horizontal distance (S) from the #center line of the street#.

The section angle for the resulting tangent is found in a tangent table and is then entered on the coordinate chart in the column market "section angles."

EXAMPLE OF COORDINATE CHARTS

Plan Angles

Point	Distance (S) from #Street# Center Line (in feet)	Distance (D) from #Vantage Point# 1 (in feet)	Tangent (S÷D) of Angle	Angle
a	50	80	50/80 = 0.63	32.0^{o}
b	50	250	50/250 = 0.20	11.3^{o}

c	70	80	70/80 = 0.87	41.2°
d	70	250	70/250 = 0.28	15.6°
e	130	80	130/80 = 1.63	58.4°
f	130	250	130/250 = 0.52	27.5°
g	150	80	150/80 = 1.88	61.9°
h	150	250	150/250 = 0.60	31.0°

Section Angles

Point	Height (H) Above #Curb Level# (in feet)	Distance (S) from #Street# Center Line (in feet)	Tangent (H÷S) of Angle	Angle
a & b	140	50	140/50 = 2.80	70.3°
c & d	320	70	320/70 = 4.57	77.7°
e & f	320	130	320/130 = 2.46	67.9°

g & h	23	150	23/150 = 0.15	8.7^{o}

(e) Plot corner coordinates

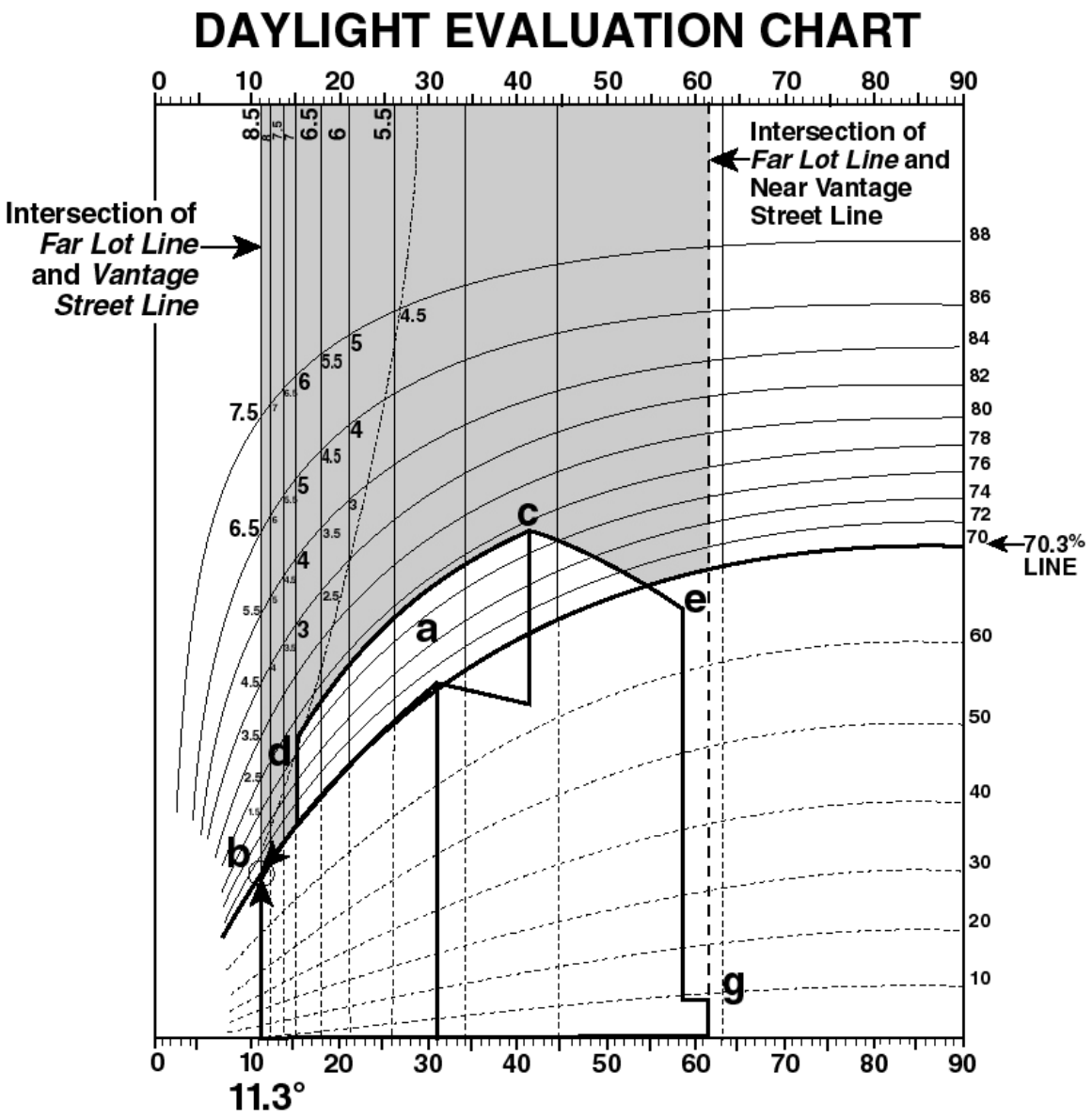
Plot each corner of the #building# onto the #daylight evaluation chart# at the point where the coordinates for that corner intersect. The plan angle coordinates are found on the horizontal axis of the chart and the section angle coordinates are found on the vertical axis. The points plotted are then connected to represent the edges of the #building# as shown on the plan and section drawings. A connecting line parallel to the #street line# of the #vantage street# is drawn as a curve parallel to the closest elevation line. A connecting line perpendicular to the #street line# of the #vantage street# is drawn parallel to the closest dotted elevation line, which is perpendicular to the #street#. A connecting line which is neither parallel nor perpendicular to the #vantage street# is approximated on the chart by:

(1) establishing points along the line in plan at 10-foot intervals;

(2) finding the coordinates of the points and plotting them on the chart; and

(3) connecting the resulting points.

The connecting lines produce a curvilinear perspective drawing of the #building# as seen from the #vantage point# projected onto the #daylight evaluation chart#. Since in the example #vantage point# one is on a 100 foot wide #street#, corner coordinates are plotted on a #daylight evaluation chart# for 100 foot wide #streets#. In the example, corner (b) is at the intersection of plan angle 11.3^{o} and section angle 70.3^{o} (See illustration of Building as Drawn on the Daylight Evaluation Chart)



BUILDING AS DRAWN ON THE DAYLIGHT EVALUATION CHART

(81-273e)

(f) Determine daylight boundaries

Draw a vertical line on the chart rising from the intersection of the #near lot line# of the #zoning lot# with the center line of the #block# or with a line 100 feet distant from and parallel to the #front lot line# on the #vantage street#, whichever line is closer to the #vantage street#. This line and the #far lot line# represent the boundaries of the potential sky area that

the #building# could block. (See illustration of Building as Drawn on the Daylight Evaluation Chart)

81-274 - Rules for determining the daylight evaluation score

LAST AMENDED
2/2/2011

A #zoning lot# is scored by determining the number and the value of the daylight squares the #building# blocks when viewed from the #vantage point#, compared to the total number of daylight squares available within the daylight boundaries as determined in paragraph (f) of Section 81-273 (Rules for plotting buildings on the daylight evaluation chart) and above an elevation angle of 70 degrees.

(a) Assign daylight values

The daylight squares on the #daylight evaluation chart# are each assigned a value.

(1) Except along #vantage streets# designated for #street wall# continuity (see Section 81-43), each unblocked daylight square below the curved line representing an elevation of 70 degrees has a positive value of 0.3 and each unblocked subsquare below the same curved line has a positive value of 0.03.

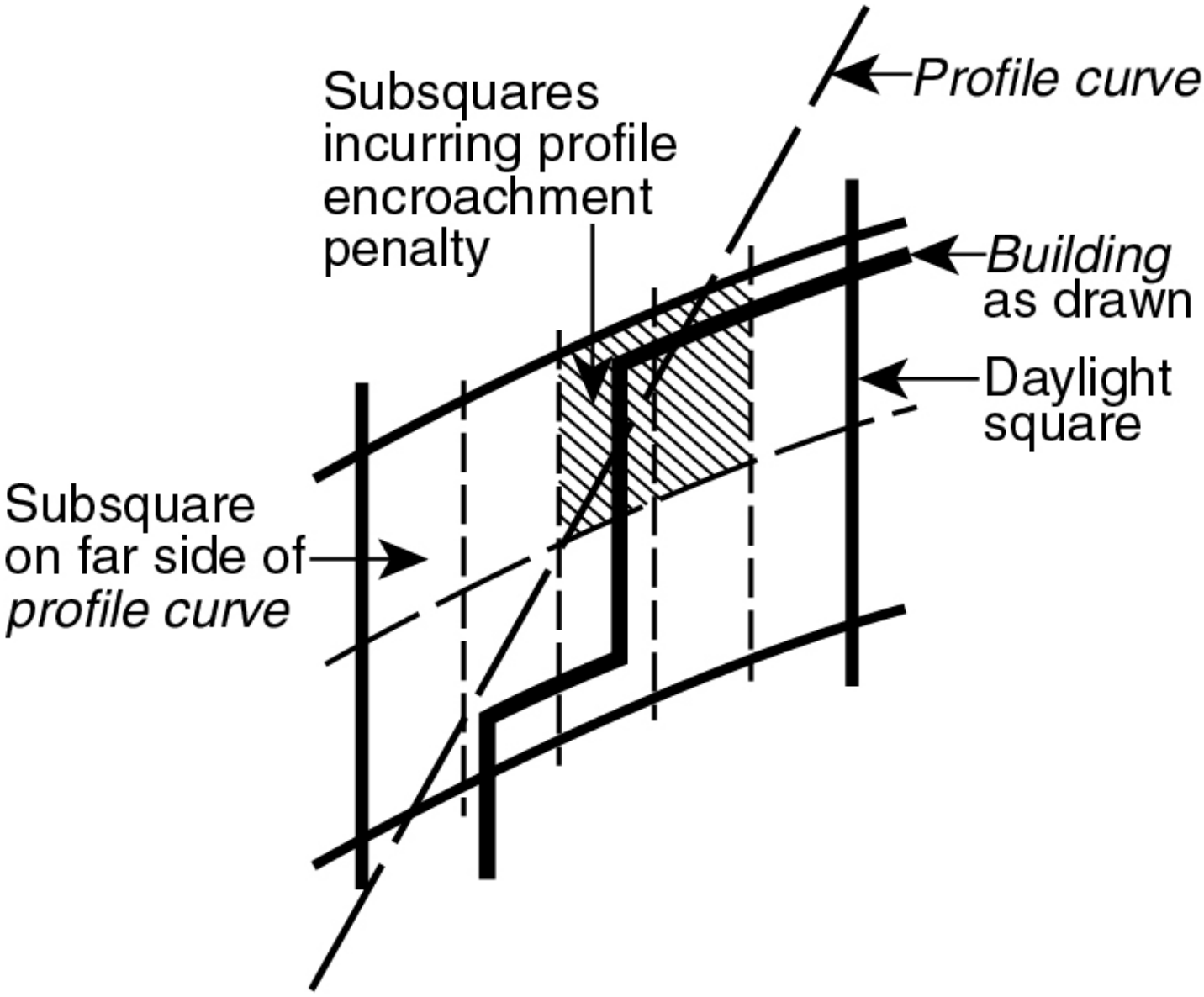
(2) Each blocked daylight square above the curved line representing an elevation of 70 degrees has a negative value of 1.0.

(3) Where a #building# blocks any portion of a subsquare the #building# is charged with blocking the entire subsquare in computing the daylight evaluation score. Each blocked subsquare has a negative value of 1.0/10 or 0.1.

(4) The daylight squares and subsquares which are on the far side of the #profile curve# are assigned additional weighted values set forth on the chart below. (See illustration of #Profile Encroachment# Incurring Profile Penalty)

Degrees of Elevation	Distance from #Far Lot Line#							
	1st 25ft	2nd 25ft	3rd 25ft	4th 25ft	5th 25ft	6th 25ft	7th 25ft	8th 25ft
88 to 90	8.5	8.0	7.5	7.0	6.5	6.0	5.5	5.0
86 to 88	7.5	7.0	6.5	6.0	5.5	5.0	4.5	4.0
84 to 86	6.5	6.0	5.5	5.0	4.5	4.0	3.5	-
82 to 84	5.5	5.0	4.5	4.0	3.5	3.0	2.5	-
80 to 82	4.5	4.0	3.5	3.0	2.5	2.0	1.5	-
78 to 80	3.5	3.0	2.5	2.0	1.5	1.0	-	-

76 to 78	2.5	2.0	1.5	1.0	.5	-	-	-
74 to 76	1.5	1.0	.5	.5	-	-	-	-
72 to 74	.5	.5	.5	-	-	-	-	-



PROFILE ENCROACHMENT INCURRING PROFILE PENALTY

(81-274a)

(5) If the #building# encroaches beyond the #profile curve#, the entire subsquare in which the #profile encroachment# is located is given an additional weighted value. The total penalty is the additional weighted value of the daylight square multiplied by the negative value of the subsquare. The penalty is applied even if the subsquare does not lie entirely beyond the curve.

(b) Calculate daylight blockage

Count the number of blocked daylight squares and subsquares which are above the curved line representing an elevation of 70 degrees. A negative sign is to be given to this number. Total value of daylight blockage in the example is -20.5.

(c) Calculate unblocked daylight credit

Count the number of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees and within the area defined by the intersection of the #far lot line# with the #street line# of the #vantage street# and the intersection of the #near lot line# with the #street line# of the #vantage street#. The total is given a positive value and multiplied by 0.3, the value of these daylight squares. This provision is not applicable where the #vantage street# is a designated #street# on which #street wall# continuity is required by the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets). In the example, the number and value of squares unblocked below 70 degrees = +0.0.

(d) Calculate profile daylight blockage

Count the number of blocked daylight squares which are entirely on the far side of the #profile curve# when viewed from the #vantage point# and the number of blocked or partially

blocked subsquares which are on the far side of the #profile curve#. All of these daylight squares and subsquares are given a negative sign, multiplied by their respective weighted values in the table in paragraph (a)(4) of this Section and the products added. Subsquares are counted as one tenth of a daylight square. In the example, the total value of profile daylight blockage = -0.45.

(e) Calculate available daylight

Count the number of daylight squares available to the site. This is the total number of daylight squares and subsquares, calculated to the nearest tenth, that are above the curved line representing the boundaries of the potential sky area available to the site, said boundaries being delineated in accordance with the provisions of paragraph (f) of Section 81-273 (Rules for plotting buildings on the daylight evaluation chart). Available daylight in the example is 89.9.

(f) Calculate daylight remaining

Calculate the remaining or unblocked daylight by adding the results of paragraphs (b) through (e) of this Section. Daylight remaining in the example is (-20.5) + (0.0) + (-0.45) + (89.9) = 68.95.

(g) Calculate daylight score

Compute the remaining daylight score from paragraph (f) of this Section, as a percentage of the available daylight from paragraph (e) of this Section. The percentage is the daylight score for the proposed #building# from that #vantage point#. In the example, the daylight score is 68.95/89.9 = 76.70 percent for #vantage point# one (V1).

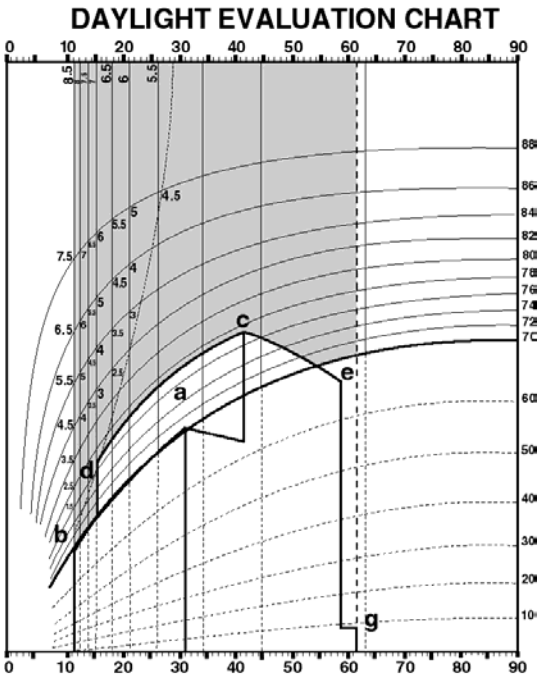
(h) Calculate overall daylight score

(1) The street score is the arithmetic mean of all the scores from all #vantage points# along a #vantage street#. When a #zoning lot# fronts on only one #street#, the street score is also the overall score. Where a #zoning lot# has more than one #street# frontage along any one #vantage street#, the street score is the average of all those individual #street# frontage scores computed pursuant to paragraph (b) of Section 81-275 (Special conditions), weighted by the lengths of all those #street# frontages.

(2) Where a #zoning lot# fronts on more than one #street#, the overall score is the average of the street scores, weighted by the length of their respective #vantage street# frontages.

(i) The passing score

To be in compliance with these regulations, a #zoning lot# must have an overall score of not less than 75 percent, with no single #street# frontage having a street score of less than 66 percent. If a #zoning lot# fronts only on one #street#, a daylight evaluation score of not less than 75 percent is required for that #street# frontage. If a street score is less than 66 percent, or if the overall daylight score is less than the passing score of 75 percent, a modest improvement in either the street score or the overall score may be obtained by scoring the relative reflectivity of the #building's# surface, as specified in Section 81-276 (Modification of score for reflectivity). The passing daylight score of 75 percent is equivalent to the average daylight levels of Midtown #buildings# built as-of-right under the 1916 and 1961 Zoning Resolutions. The minimum requirement of 66 percent on one frontage is equivalent to the daylight level of any #interior lot# #building# built in Midtown under the 1916 Zoning Resolution in a two-times height district. However, if any one frontage is less than 75 percent, other frontages must be greater than 75 percent to reach the passing overall daylight score. This allows flexibility in #building# design while maintaining daylight standards within the levels established by #buildings# built as-of-right under the 1916 and 1961 Zoning Resolutions. (See illustration of Daylight Evaluation Score Results)



SCORING SUMMARY
(Vantage point one)

SECTION		SCORE
81-274 (b)	Squares above 70° blocked	−20.5
81-274 (c)	Squares below 70° open	+ 0.0
81-274 (d)	Profile encroachment penalty .1 x 1.5 = .15 .3 x 1 = .45	− 0.45
	Total Blockage	− 20.95
81-274 (e)	Available daylight squares	89.9
81-274 (f)	Remaining daylight	68.95
81-274 (g)	DAYLIGHT SCORE	
	68.95 / 89.9 = 76.70	76.70%

DAYLIGHT EVALUATION SCORE RESULTS

(81-274i)

81-275 - Special conditions

LAST AMENDED

5/13/1982

Notwithstanding the provisions of Sections 81-271 to 81-274, inclusive, relating to Alternate Height and Setback Regulations-Daylight Evaluation, the provisions of this Section shall apply under special conditions, as follows:

(a) For #zoning lots# with #street# frontages exceeding 250 feet

(1) Where the length of the #street# frontage is more than 250 feet but not more than 500 feet, the #building# as viewed from each #vantage point# shall be plotted on a #daylight evaluation chart# that extends in both directions from the 90 degree line on the horizontal axis. In each case, the number of available daylight squares for daylight evaluation shall be the number of squares between the #far lot line# and the #near lot line#.

(2) Where the length of the #street# frontage is more than 500 feet, daylight evaluations shall be made from three #vantage points#, as follows: #vantage points# one and two, each 250 feet distant from a #far lot line# extended to the #center line of the street#, and #vantage point# three, on the #center line of the street#, half-way between the other two #vantage points#. The #daylight evaluation charts# for the first two #vantage points# shall in each case encompass a view extending from the #far lot line# to the 90 degree line on the horizontal axis and the number of available daylight squares shall be the number of squares between the #far lot line# and the 90 degree line and above the curved line representing an elevation angle of 70 degrees. The #daylight evaluation chart# for the third #vantage point# shall extend in both directions from the 90 degree line on the horizontal axis to the vertical lines representing the points on the #front lot line# directly opposite #vantage points# one and two. The number of available daylight squares for daylight evaluation shall be the number of daylight squares between such vertical lines and above the curved line representing an elevation angle of 70 degrees.

(b) For #zoning lots# with interrupted #street# frontages

Where a #zoning lot# has two or more #front lot lines# on the same #street# which are separated by frontage of an intervening #zoning lot#, there shall be two daylight evaluations for each such #front lot line#. Each #lot line# of the #zoning lot# that intersects the #street line# shall be treated as a #far lot line# for the purposes of daylight evaluation from a #vantage point#.

(c) Where #front lot lines# are curved or broken

If the #front lot line# of the #zoning lot# is curved or bent, the extremities of such #front lot line# shall be connected by a straight line, which shall be considered the #front lot line#.

81-276 - Modification of score for reflectivity

LAST AMENDED
2/2/2011

Where #zoning lots# have utilized the #daylight evaluation chart# but a street score along one frontage is less than 66 percent or the overall score is less than 75 percent, a modest improvement in either the street score or the overall score of a #zoning lot# within a #building# which reflects more light than a medium gray or glass #building# may be obtained by scoring the relative reflectivity of the #building's# surface.

The use of reflectivity is optional and not necessary if a passing score can be obtained under Section 81-274 (Rules for determining the daylight evaluation score). Reflectivity scoring permits greater design flexibility for a light-colored #building# than a dark one.

Because the greatest reflectivity comes from the upper portions of #buildings#, the value of reflected light is credited against the amount of daylight blocked by the portions of the #building# above an elevation angle of 70 degrees from the #center line of the street#.

Reflectivity has two components: the reflectance of the surface material and the orientation of the material to the sun.

(a) Reflectance

Reflectance values of materials will be determined by the Department of Buildings after the submission of samples of proposed surface materials by the applicant.

(1) Mixed reflectance

A #building# of several surface materials will have a reflectance value determined by multiplying each material's reflectance value by its percentage of the total wall surface and adding the products. For example, a #building# that is 60 percent limestone and 40 percent clear glass would have a reflectance of .60 x .45 (the reflectance of limestone) plus .40 x .15 (the reflectance of clear glass) or an overall reflectance of .33.

(2) Relative reflectance

In order to be included in the reflectivity score of a #zoning lot#, the material of the #building# must reflect more light than a medium gray or glass #building#. The reflectance value of a medium gray or glass #building# in Midtown is .15 so that the #building# with an overall reflectance of .33, given in the example in paragraph (a)(1) of this Section, would be increasing the expected reflectance by .33 minus .15 which equals .18.

Examples of potential reflectance values for different types of surface finishes are shown on the following chart.

REFLECTANCE VALUES - EXAMPLES OF BUILDING MATERIALS

White plaster or paint or glaze	.80 to .90
Aluminum paint	.55
Green paint	.50
Red paint	.26
Light gray paint	.25
Flat black paint	.06
Polished aluminum, stainless steel	.85
Polished light marble	.40 to .50
Light granite, limestone	.45
Copper, brass lead	.60 to .80

Smooth concrete	.45+
Rough concrete	.40
Asbestos cement	.31
Light buff brick	.48
Dark buff brick	.40
Light red brick	.45
Dark red glazed brick	.30
Dark red brick	.12
Slate	.11
Wood	.22+

Glass: double glazing with reflective coating*	
Solarcool(r) bronze or gray	.35 to .36
Solarban(r) clear	.36 to .44
Solarban(r) bronze	.18
Solarban(r) gray	.14
Glass: tinted double glazing	
Gray	.08
Bronze	.09
Solex(r) (green or blue)	.12
Glass: clear double glazing	.15

Glass: clear single glazing	.08

_____

* Reflectance varies according to which layer the reflective coating is placed on, but can be precisely determined for each position

Sources:

Anderson, Bruce. Solar Energy: Fundamentals in Building Design. (McGraw Hill, New York 1977).

Callendar, John Hancock. Time Saver Standards: A Handbook of Architectural Design. (McGraw Hill, New York, 4th Edition, 1964).

PPG Industries, Inc., Architectural Glass Products (G702). PPG, Pittsburgh, PA., 1977.

(b) Facade orientation

Orientation of the facade of the #building# is the second component required for measurement of reflectivity. Because reflectivity varies according to the orientation of the facade, the orientation value for a particular surface from the chart below is multiplied by the reflectance of the surface to ascertain the amount of daylight reflectivity.

The orientation values are shown on the following reflectivity chart. Orientation angles shall

be rounded to the nearest 22.5 degrees.

Orientation based on True North		Orientation Value
North:	0°	.09
	22.5^{o}	.15
	45.0^{o}	.22
	67.5^{o}	.40
East:	90.0^{o}	.57
	112.5^{o}	.72
	135.0^{o}	.87
	157.5^{o}	.93

South:	180.0°	1.00
	157.5°	.93
	135.0°	.87
	112.5°	.72
West:	90.0°	.57
	67.5°	.40
	45.0°	.22
	22.5°	.15

(c) Reflectivity Score

In order to obtain the reflectivity score for each view of the #building#, first count the daylight squares and subsquares which are blocked by the #building# on the #daylight evaluation chart# above an elevation angle of 70 degrees. This number shall be calculated separately for every orientation of each facade and multiplied by the relative reflectance of

that portion of the #building# and the orientation value.

Reflectance = (% material A x reflectance material A) + (% material B x reflectance material B)

Relative reflectance (RR) = reflectance minus .15

Reflectivity score = RR x facade orientation value x daylight squares blocked above 70°.

The reflectivity scores for the several orientations are then added together to give the reflectivity score for that view of the #building# as a whole from the #vantage point# represented on the #daylight evaluation chart#.

The reflectivity score is added to the daylight remaining after accounting for daylight blockage as calculated in paragraph (f) of Section 81-274

The sum is then calculated as a percentage of the available daylight squares calculated in paragraph (e) of Section 81-274 to give the adjusted daylight score for the #zoning lot# from the #vantage point# represented on the #daylight evaluation chart#.

The adjusted street score along a particular #vantage street# is obtained by calculating the mean average of the adjusted daylight scores from all #vantage points# along the #vantage street#.

The adjusted overall score for the #zoning lot# is obtained by calculating the average of the adjusted street scores weighted by the lengths of their respective #vantage street# frontages.

(d) Limits on adjusted scores

(1) Adjusted street score

The adjusted street score shall not be more than six percentage points higher than the street score not adjusted for reflectivity.

If reflectivity scoring is used to bring the adjusted overall score for the #zoning lot# above 75 percent (the passing overall score), the street score for each #street# frontage without adjustment for reflectivity shall be not less than 66 percent.

(2) Adjusted overall score

The adjusted overall score shall not be more than six percentage points higher than the overall score not adjusted for reflectivity.

If the reflectivity scores for any single #street# frontage are used to bring the adjusted street score for that frontage above 66 percent (the passing score for a single #street# frontage), the overall score of the #zoning lot# without adjustment for reflectivity shall be not less than 75 percent.

81-277 - Special permit for height and setback modifications

LAST AMENDED
12/5/2024

In C5-3, C6-6 or C6-7 Districts, where a special permit application is made pursuant to Section 74-71 (Landmark Preservation) for modification of #bulk# regulations on a #zoning lot# containing a landmark, such application may include a request for modification of the height and setback

regulations set forth in Sections 81-261 to 81-275, inclusive, relating to Alternate Height and Setback Regulations - Daylight Evaluation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

(a) The applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed #development# or #enlargement# which accommodates the permitted #floor area# is not possible under the provisions of Sections 81-271 to 81-276, inclusive, and shall further present for the proposed design a complete daylight evaluation with an explanation of street score or overall daylight score deficiencies.

(b) The Commission shall make the following findings in addition to any required under the applicable provisions of Sections 74-71:

(1) that the requested departure from the alternate height and setback regulations is the minimum amount necessary to achieve a feasible #building# design;

(2) that the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole; and

(3) that where the landmark is located on the #zoning lot# proposed for #development# or #enlargement# or on a lot contiguous thereto or directly across a #street# therefrom, the modification of the alternate height and setback regulations will adequately protect the setting for the landmark.

81-28 - Minimum Distance Between Buildings

LAST AMENDED
2/2/2011

On any single #zoning lot# within the #Special Midtown District#, if two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

81-30 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
5/13/1982

81-31 - General Provisions

LAST AMENDED
5/8/2013

The regulations of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), and the applicable underlying district regulations of Article III, Chapter 6, or Article IV, Chapter 4, relating to Off-street Loading Regulations, shall apply throughout the #Special Midtown District#, except as otherwise provided in this Section.

81-311 - Prohibitions of off-street parking or off-street loading facilities

LAST AMENDED
5/8/2013

Notwithstanding the provisions of Article I, Chapter 3, prohibitions of off-street parking facilities or #accessory# off-street loading berths or restrictions as to their location or access, as provided in Sections 81-44 (Curb Cut Restrictions) or 81-84 (Mandatory Regulations and Prohibitions), may be waived only in accordance with the applicable provisions of Sections 81-44 or 81-84.

81-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
8/9/2017

81-41 - General Provisions

LAST AMENDED
8/9/2017

The provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify mandatory planning and urban design features. Requirements which apply generally or with minor specified exceptions throughout the #Special Midtown District# are fully set forth in the provisions of Section 81-40. For requirements which are not generally applicable but tied to specific locations within the District, the locations where these requirements apply are shown on Map 3 (Retail and Street Wall Continuity) or Map 4 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

The provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians. The requirements pertain to a number of elements which are interrelated and complement one another but are set forth in different sections because they can be treated separately.

Sections 81-42 (Retail Continuity Along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets) and 81-44 (Curb Cut Restrictions) are a group of sections with closely related purposes concerned with amenity and the well-being and safety of pedestrians. Sections 81-45 to 81-48, inclusive, are all concerned primarily with pedestrian traffic circulation. Major #building# entrances are focal points of heavy pedestrian traffic, so that controls on the locations of these entrances, as set forth in Section 81-48, are closely related to the pedestrian circulation space requirements.

Special district plan requirements for the Penn Center Subdistrict are set forth in Section 81-50, for the East Midtown Subdistrict are set forth in Section 81-60, for the Theater Subdistrict are set forth in Section 81-70, for the Fifth Avenue Subdistrict are set forth in Section 81-80 and for the Preservation Subdistrict are set forth in Section 81-90.

81-411 - Maintenance of pedestrian circulation spaces

LAST AMENDED
2/2/2011

Owners of property on which pedestrian circulation spaces are provided shall be responsible for their maintenance unless, in the case of relocated subway stairs, the Metropolitan Transit Authority has agreed in writing to such maintenance responsibility.

81-412 - Directional signs

LAST AMENDED
5/13/1982

Directional #signs# are required to call attention to relocated subway stairs and through #block# connections and announce their accessibility to the public.

81-413 - Provisions for persons with disabilities

LAST AMENDED
10/17/2007

All mandatory district plan elements required by the provisions of Section 81-45 (Pedestrian Circulation Space) shall conform with applicable laws pertaining to access for persons with disabilities.

81-42 - Retail Continuity Along Designated Streets

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions of Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 3 (Retail and Street Wall Continuity) in Appendix A of this Chapter shall be considered #Tier C street frontages#.

Additional regulations apply along designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the East Midtown Subdistrict, the Theater Subdistrict or the Fifth Avenue Subdistrict and #uses# along such designated #streets# shall be subject to the respective subdistrict retail requirements in Sections 81-531, 81-674, 81-72 and 81-82.

81-43 - Street Wall Continuity Along Designated Streets

LAST AMENDED
12/5/2024

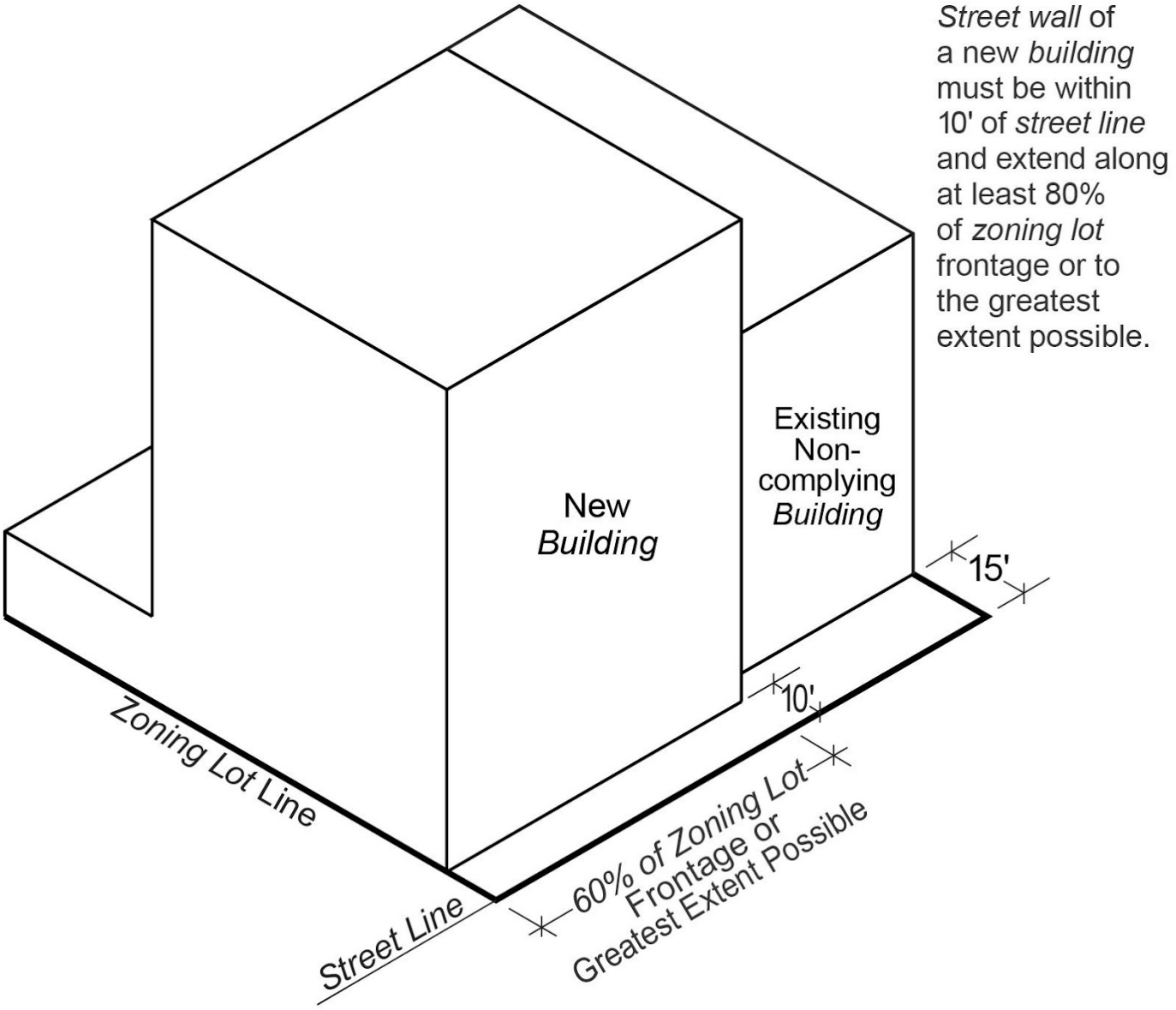
On designated #streets# where #street wall# continuity is required (see Map 2 in Appendix A) and, between 43rd and 50th Streets, on the #narrow street# frontages of #zoning lots# with #street# frontage on Seventh Avenue and/or Broadway, the #street wall# of a #building#, for the minimum width and height set forth in this Section, shall be within 10 feet of the #street line# or within 10 feet of a permitted arcade's supporting columns at the #street line#, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, no #street wall# setback below a height of 85 feet is permitted. The width of the #street wall# subject to setback restrictions shall be at least 80 percent of the length of the #front lot line# of the #zoning lot# along the specified #street#, measured at the specific heights or anywhere above the specific heights indicated in the table in this Section. At those specific heights or anywhere above those specific heights, the #street wall# must extend continuously within 10 feet of the #street line# for all of its required width, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, at a height of 85 feet or above, the #street wall# must extend continuously without setback for at least 75 percent of its required width and no portion of its required width shall be set back more than 10 feet from the #street line#; and, for #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, any portion of the required width of a #street wall# which lies behind a #sign# required under the provisions of Section 81-732 (Special Times Square signage requirements) may be set back up to 15 feet from the #street line#.

The minimum height of a #street wall# subject to the setback restrictions shall be as follows:

Length of #Zoning Lot# Frontage	Minimum Height of a #Street Wall# Subject to the Setback Restrictions
For #zoning lots# with frontages of 50 feet or less on the designated #street#	Four #stories# or 50 feet above #curb level#, whichever is less
For #zoning lots# with frontages of more than 50 feet on the designated #street#	Six #stories# or 85 feet above #curb level#, whichever is less

#Developments#, which are in their entirety no more than two #stories# in height, shall be exempt from the minimum #street wall# height requirements set forth in the table in this Section, except that, subsequent to the issuance of a building permit for such #development#, if there are additional #developments# on the #zoning lot# or if any #building# on the #zoning lot# is #enlarged#, the #development# exempt from the requirements set forth in the table in this Section, shall no longer be exempt from such requirements and its #street walls# shall be raised to a height complying with the table.

Existing #buildings# need not comply with the minimum #street wall# height and location provisions of this Section. Such #buildings# shall be included in the calculation of the required percentage of #street wall# width and height along a #street# frontage. No existing #building# shall be altered such that a #non-compliance# with the provisions of this Section is created, nor shall an existing degree of #non-compliance# with these provisions be increased.



STREET WALL REQUIREMENT WITH EXISTING BUILDING

(81-43)

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), subject to the setback restrictions of this Section and to the minimum width of the #street wall# subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station or a rail mass transit facility improvement for which bonus #floor area# is granted, in

accordance with the provisions of Sections 66-51 (Additional Floor Area for Mass Transit Station Improvements) and 81-542 (Retention of floor area bonus for plazas or other public spaces), or an off-street improvement of access to a rail mass transit facility that has been certified in accordance with Section 81-48.

Except on 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 15 feet deep shall be permitted, recesses up to 15 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the new #street wall# below the minimum required #street wall# height; in addition, recesses up to 12 feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height, and recesses up to 10 feet deep shall not be limited in their aggregate area.

On 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 10 feet deep shall be permitted; recesses up to 10 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the #street wall# below the minimum required #street wall# height; in addition, recesses up to two feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height and recesses up to one foot deep shall not be limited in their aggregate area.

The restrictions on recesses shall not apply to arcades, corner arcades, subway stairs relocated within the #building#, through #block# connections within the #building# or #building# entrance recess areas within the #building#, where such spaces are provided in accordance with the requirements and design standards of Sections 81-45 or 81-46 and provided that such spaces shall be subject to a maximum height limit of 30 feet. Any recesses in the #residential# portion of a #building# shall comply with the #outer court# regulations of Section 23-353.

No arcades, sidewalk widenings or #public plazas# shall be permitted on Fifth Avenue, 34th Street, 42nd Street or 57th Street frontages. Between 42nd and 56th Streets, no arcades or #public plazas# shall be permitted on Eighth Avenue. Between 43rd and 50th Streets, no arcades or #public plazas# shall be permitted on Seventh Avenue or Broadway and, with the exception of marquees and #signs#, any area between the Seventh Avenue or Broadway #street line# and any required #street wall# below the height of the first required setback, including permitted recesses, shall be open from #curb level# to the sky in its entirety. Any such area shall be at the same elevation as the adjoining sidewalk, directly accessible to the public at all times and free of all obstructions at ground level, including #street# trees. On the remaining #streets# designated for #street wall# continuity, arcades, if provided, shall be not less than 10 feet in depth and not more than 30 feet high. Arcades shall not be counted toward the recess allowances.

For #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75 (Special Street Wall and Setback Requirements).

For #zoning lots# located wholly or partially within the Eighth Avenue Corridor, the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75.

On Fifth Avenue, the minimum required #street wall# height without setback shall be 85 feet and the maximum allowable #street wall# height without setback shall be 125 feet. Above the maximum #street wall# height, a setback of at least 10 feet shall be required, pursuant to the provisions of Section 81-83.

81-44 - Curb Cut Restrictions

LAST AMENDED
12/5/2024

Along all avenues in Midtown and along 57th, 53rd, 42nd and 34th Streets, no driveway curb cuts for parking facilities or loading berths shall be permitted except for the following:

(a) the Commissioner of Buildings may approve a curb cut where there are no alternative means of access to off-street loading berths from other #streets# bounding the #zoning lot#; or

(b) the City Planning Commission may authorize curb cuts where such curb cuts are needed for required loading berths. Such loading berths must be adjacent to a fully enclosed maneuvering area on the #zoning lot# at least equal in area to the area of the required loading berth and arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#. The City Planning Commission will refer such applications to the Department of Transportation for their comment.

In addition, for #zoning lots# with frontage along such avenues and #streets# in Midtown where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section 13-33 (Modification of Loading Berth Requirements).

Where a curb cut is permitted as indicated in this Section, the maximum width of such curb cut shall be 15 feet for one-way traffic and 25 feet for two-way traffic. These curb cut requirements shall be in addition to any other applicable City rules or regulations concerning driveway curb cuts.

The above exceptions do not apply to Fifth Avenue, or between 43rd and 50th Streets, to Seventh Avenue or Broadway and no curb cuts shall be permitted in these cases. Between 43rd and 50th Streets, access to #accessory# off-street loading berths or off-street parking facilities shall not be permitted on Seventh Avenue or Broadway or, except where the length of a #narrow street# #block# frontage between the #street lines# of Seventh Avenue and Broadway exceeds 75 feet but is less than 125 feet, within 50 feet of the Seventh Avenue or Broadway #street line#. #Interior lots# between 43rd and 50th Streets with a #street# frontage only on Seventh Avenue or Broadway shall not contain loading berths.

81-45 - Pedestrian Circulation Space

LAST AMENDED
2/2/2011

Within the #Special Midtown District#, all #developments# or #enlargements# constructed after May 13, 1982, on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area#, shall provide pedestrian circulation space on such #zoning lot# in accordance with the provisions of Section 37-50, as modified by the provisions of this Section.

The requirements for pedestrian circulation space may be met by providing one or more of the following types of spaces: arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through #block# connection or #public plaza#.

In addition to the types of pedestrian circulation spaces listed in Section 37-50, the following may be counted toward meeting the minimum pedestrian circulation space requirement:

(a) up to a maximum of 3,000 square feet of an access improvement to rail mass transit provided pursuant to Section 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility);

(b) within the Theater Subdistrict, theater waiting space provided pursuant to Section 81-451 (Theater waiting space).

However, pedestrian circulation space shall not be required if any of the following conditions exist:

(1) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;

(2) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage;

(3) the #zoning lot# is an #interior lot# or #through lot# fronting only on a #street# or #streets# where arcades, sidewalk widenings or #public plazas# are prohibited;

(4) the #zoning lot# is an #interior lot# fronting on either 34th Street, 42nd Street, 57th Street or Fifth Avenue, with another interior frontage of lesser length on any other #street#; or

(5) the #zoning lot# is a #through lot# with both #street# frontages less than 25 feet in length.

#Developments# or #enlargements# on a #zoning lot# having a full #block# frontage on a #wide street# other than Fifth Avenue, 34th Street, 42nd Street or 57th Street shall provide a minimum of 50 percent of their required pedestrian circulation space on that #street#. In the case of a #zoning lot# having two full #block# frontages on #wide streets#, this minimum amount may be allocated on either one or both #wide streets#; where each #street# bounding a #zoning lot# with at least one full #block# frontage is a #wide street#, the minimum amount may be allowed on one or more of those #wide streets#.

Where pedestrian circulation space is provided along Seventh Avenue or Broadway between 43rd and 50th Streets, #signs# and marquees shall be permitted as exceptions to the requirements relating to permitted obstructions in Section 37-50.

Special dimensional requirements for arcades and sidewalk widenings along designated #streets# are set forth in Section 37-53 (Design Standards for Pedestrian Circulation Spaces). Where a new #building# or #enlarged# portion of an existing #building# provides an arcade, no obstructions, including columns, shall be permitted within such arcade, and the maximum height of such arcade shall be 20 feet and the maximum width shall be 10 feet. Arcades or sidewalk widenings shall not be permitted on 34th Street, 42nd Street, 57th Street or Fifth Avenue frontages or on any #street# frontage within the Preservation Subdistrict. Between 43rd and 50th Streets, no arcades shall be permitted parallel to and along Seventh Avenue or Broadway.

81-451 - Theater waiting space

LAST AMENDED
8/6/1998

Theater waiting space shall be an unobstructed area providing outdoor waiting space for a theater audience, located immediately adjacent to the sidewalk and to a theater listed in Section 81-742 (Listed theaters) or a new theater designed and intended to show live theatrical performances. Theater waiting space may be located on the same #zoning lot# occupied by a theater or a #zoning lot# immediately adjacent to a theater, and shall meet the following requirements:

(a) such space shall adjoin and open onto a sidewalk or sidewalk widening for its entire length and shall have a minimum length of 30 feet measured parallel to the #street line# and a minimum clear depth of 10 feet measured perpendicular to the #street line# exclusive of any columns. Its level shall be entirely the same as that of the adjoining sidewalk. When located under an overhanging portion of a #building or other structure#, it shall have a minimum clear height of 15 feet and be free of any obstructions except for #building# columns;

(b) such space shall provide direct access to a #building's# entrance or the theater's lobby. Where the theater and the theater waiting space are on separate #zoning lots#, a plaque shall be provided within the theater waiting space adjacent to the theater stating that the space is available as a waiting area for the theater audience. Such plaque shall be placed between four feet and six feet above #curb level#, and shall be visible from the sidewalk;

(c) such space shall not adjoin a driveway or an off-street loading berth; and

(d) the entire theater waiting space shall be illuminated with a minimum level of not less than eight horizontal foot-candles (lumens per foot).

The theater waiting space may overlap with an arcade, a #building# entrance recess area, a corner arcade, a corner circulation space or a sidewalk widening. However, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

81-46 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
2/2/2011

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-50.

The subway stations where such improvements are required are listed in the following table and shown on Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A.

Station	Line
34th Street-Penn Station	Broadway-7th Avenue
34th Street-Penn Station	8th Avenue
34th Street-Herald Square	6th Avenue/Broadway-60th Street

42nd Street-Times Square/42nd Street- Port Authority Bus Terminal	Broadway-7th Ave/Broadway/ 8th Ave/42nd St. Shuttle
42nd Street-Bryant Park/Fifth Avenue	6th Avenue/Flushing
42nd Street-Grand Central	Lexington Avenue/Flushing/ 42nd St. Shuttle
47th-50th Street-Rockefeller Center	6th Avenue
49th Street	Broadway-60th Street
50th Street	8th Avenue
50th Street	Broadway-7th Avenue
7th Avenue	53rd Street
Fifth Avenue-53rd Street	53rd Street

51st Street/Lexington Ave.- 53rd Street	53rd Street/Lexington Avenue
57th Street	Broadway-60th Street
57th Street	6th Avenue
59th Street-Columbus Circle	Broadway-7th Avenue/8th Avenue

81-47 - Major Building Entrances

LAST AMENDED
2/2/2011

In order to limit pedestrian traffic congestion on #zoning lots# with at least 20,000 square feet of #lot area#, the following restrictions apply to #buildings# #developed# after May 13, 1982, as described in paragraphs (a) and (b) of this Section, except as provided in paragraph (c) in this Section. For the purposes of this Section, the major entrance to a #building# shall be that entrance to the main lobby of the #building# which has the greatest aggregate width of clear openings for access.

(a) When the #zoning lot# contains a #public plaza# or an open though #block# connection located entirely outside of the #building#, the major entrance to the #building# shall open on the #public plaza# or the open through #block# connection.

(b) Where there is no #public plaza# or open through #block# connection on the #zoning lot#, the following restrictions on major entrances shall apply to #corner lots# or #block# front lots:

(1) #Corner lots#

On a #corner lot# with frontage on no more than one #narrow street#, the major entrance shall be located on the #narrow street#.

On a #corner lot# with frontages on two #wide streets#, the major entrance shall be located on either #wide street#.

(2) #Block# front lots

On a full #block# front lot with one or more #narrow street# frontages, a major entrance shall be located on at least one #narrow street#, except that this requirement shall not apply if the #zoning lot# contains a permitted sidewalk widening with a width of 10 feet along a #wide street#.

(c) Exceptions to requirements

Under the following conditions, #developments# shall not be subject to the locational requirements of this Section:

(1) where the location of an existing #building# on the #zoning lot# precludes compliance with the regulations of this Section; or

(2) where the #zoning lot# is located on a #block# where the distance between two intersections of #street lines# is less than 150 feet.

81-48 - Off-street Improvement of Access to Rail Mass Transit Facility

LAST AMENDED
2/2/2011

An off-street rail mass transit access improvement shall provide a new point of unobstructed off-street public access to a rail mass transit station or facility. It shall immediately adjoin, and be accessible without any obstruction from, an arcade, a #building# entrance recess area, a corner arcade, a corner circulation space, a public sidewalk, a sidewalk widening or a #public plaza#, each of which shall have a minimum horizontal dimension equal to the width of the rail mass transit access improvement. The rail mass transit access improvement may be provided within a #building# but shall not be enclosed by any doors. The area it occupies within a #building# shall not be counted toward the #floor area# of the #zoning lot#.

The Chairperson of the City Planning Commission may certify that an off-street rail mass transit access improvement satisfies the requirements of Section 81-45 (Pedestrian Circulation Space), provided that such improvement is approved by the entity which operates the mass transit station or facility and meets the following standards:

(a) Dimensions

An off-street mass transit access improvement shall have a minimum clear, unobstructed width of not less than 15 feet and a minimum clear, unobstructed height from finished floor to finished ceiling of not less than eight feet.

(b) Obstructions

An off-street mass transit access improvement shall be free of obstructions except for #building# columns and shall provide a continuous, unobstructed path at least 15 feet wide connecting the public sidewalk, pedestrian circulation space or #public plaza# with the rail

mass transit station or facility.

(c) Hours of public accessibility

An off-street rail mass transit access improvement shall be accessible to the public during the hours when the circulation areas to which it connects are open to the public or during such hours as are otherwise approved by both the Chairperson and the operating entity of the mass transit station or facility.

(d) Enclosures

The rail mass transit access improvement may be provided within a #building# but shall not be enclosed by any doors unless the Chairperson certifies that such improvement is an integral part of the #building# lobby and public circulation space, and such doors are secured only during the hours that the circulation areas of the rail mass transit facility to which it connects are closed.

(e) Maintenance

An off-street rail mass transit access improvement shall be maintained by the owner of the #development# or #enlargement#.

One and a half times the area of the new off-street rail mass transit access improvement measured at #street# level shall, upon the Chairperson's certification, count toward the minimum area of pedestrian circulation space required under the provisions of Section 81-45, up to a maximum of 3,000 square feet.

81-50 - SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT

LAST AMENDED

10/31/2001

81-51 - General Provisions

LAST AMENDED
8/26/2010

In order to establish the Penn Center Subdistrict as a destination and enhance its retail, entertainment and commercial character and expand accessibility to its transportation network, special regulations are set forth governing the location and type of #signs#, urban design and streetscape relationships, and the improvement of pedestrian circulation to and from public transit facilities.

The regulations of Section 81-50 are applicable only in the Penn Center Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, except as set forth for rail mass transit facility improvements, pursuant to Section 81-541. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

81-52 - Sign Regulations

LAST AMENDED
10/31/2001

The provisions of this Section shall apply to all #zoning lots# with frontage along Seventh Avenue. The height of all #signs# shall be measured from the #curb level#.

(a) #Signs#, including #advertising signs#, #flashing signs# and #illuminated signs#, unlimited in area, shall be permitted to a height of 40 feet. Below a height of 14 feet, such #signs# shall not

occupy more than 50 percent of the glazed #street wall# surface required, pursuant to Section 81-42, nor shall such #signs# be located within 10 feet of an entrance to a rail mass transit facility or subway station.

(b) #Signs#, including #advertising signs#, #flashing signs# and #illuminated signs#, except as otherwise provided in Section 81-52, paragraph (c), may be permitted above a height of 40 feet by the City Planning Commission, upon certification that:

(1) such #signs# and #sign# structures to which #signs# are attached shall not exceed a height of 60 feet; except that #signs# and #sign# structures onto which #signs# are attached, within 40 feet of the intersection of two #streets# or within 30 feet of the centerline of the westerly prolongation of West 32nd Street along the west #block# front of Seventh Avenue between West 31st and West 33rd Streets, shall not exceed a height of 100 feet;

(2) such #signs# above a height of 60 feet are located on #zoning lots# that contain an entrance to, or are adjacent to, an entrance to a rail mass transit facility and/or subway station;

(3) such #signs# shall not project across a #street line# more than 18 inches for double or multifaceted #signs# or 12 inches for other signs, except that #signs# within 40 feet of the intersection of two #streets# may project up to three feet across a #street line# above a height of 25 feet;

(4) such #signs# that exceed a height of 60 feet, shall be no wider than 40 feet each;

(5) such #signs# or #sign# structures that exceed a height of 60 feet, may include lighting effects at the top of such #sign# structure and such lighting effects shall not exceed a height of 10 feet above such #sign# or #sign# structure.

(6) such #signs# and #sign# structures onto which #signs# are attached within 30 feet of the centerline of the westerly prolongation of West 32nd Street shall have a minimum

clearance of 10 feet from the adjacent #building#, and such #sign# structure shall have a minimum clearance of 20 feet from the #street line# in order not to obstruct visibility of the transit entrance from the #street#;

(7) on #zoning lots# that contain an entrance to, or are adjacent to, an entrance to a rail mass transit facility and/or subway station, the requirements for rail mass transit or subway entrance informational #signs# of Section 81-521 are met; and

(8) monies will be deposited into an escrow account or similar fund established by the City, to be used at the direction of the Chairperson of the City Planning Commission and the Commissioner of the Department of Transportation, acting in consultation with the Metropolitan Transit Authority, as necessary, for streetscape and for abovegrade and belowgrade pedestrian circulation improvements within the Penn Center Subdistrict. For the period through January 1, 2003, and thereafter, until adjusted by rule of the City Planning Commission pursuant to the City Administrative Procedure Act, such #sign# contribution shall be equal to $30 per square foot of #sign# permitted above a height of 40 feet. Any net increase in the surface area of a previously approved #sign# shall require a new certification and the deposit of a supplemental #sign# contribution in an amount reflective of such increase.

Alternatively, an applicant may, at the time of the first certification for a #sign# at a location under its control, deposit a #sign# contribution in an amount equal to $20 per square foot of #sign# above a height of 40 feet for the total amount of square footage of all #signs# eligible for certification at locations under the applicant's control. The deposit of monies under this alternative procedure shall not relieve the applicant of the requirement to seek and obtain a certification for each such #sign#, pursuant to this paragraph (b), prior to installation.

For purposes of this paragraph (b), the square footage of the #sign# shall mean the #surface area# of a #sign#, except that it shall also include the area of any structural frame or similar enclosure in which the #sign# is located or to which it is attached. No #sign# for which a

certification has been received shall be installed prior to deposit of the #sign# contribution in accordance with this paragraph (b).

(c) #Signs# above a height of 40 feet on any #building# listed on the State and/or National Register of Historic Places, or any #building# formally determined eligible for inclusion on the Register, may be permitted upon authorization by the City Planning Commission, that:

(1) the proposed method of attachment of such #signs# shall be reversible;

(2) such #signs# shall not be disruptive to the historic fabric of the #building#;

(3) such #signs# shall comply with all other requirements of paragraph (b) of this Section;

(4) the requirements for rail mass transit or subway entrance informational #signs# of Section 81-521 are met; and

(5) monies shall be deposited into an escrow account or similar fund established by the City, to be used at the direction of the Chairperson of the City Planning Commission and the Commissioner of the Department of Transportation, acting in consultation with the Metropolitan Transit Authority, as necessary, for streetscape and for above-grade and belowgrade pedestrian circulation improvements within the Penn Center Subdistrict. For the period through January 1, 2003, and thereafter, until adjusted by rule of the City Planning Commission pursuant to the City Administrative Procedure Act, such #sign# contribution shall be equal to $30 per square foot of #sign# permitted above a height of 40 feet. For purposes of this paragraph (c), the square footage of the #sign# shall mean the #surface area# of a #sign#, except that it shall also include the area of any structural frame or similar enclosure in which the #sign# is located or to which it is attached. No #sign# for which an authorization has been approved shall be installed prior to deposit of the #sign# contribution in accordance with this paragraph (c), or the alternative #sign# contribution provided in paragraph (b)(8) of this Section.

Any net increase in the #surface area# of a previously approved #sign# shall require a new authorization and the deposit of a supplemental #sign# contribution in an amount reflective of such increase.

81-521 - Rail mass transit and subway entrance informational signs

LAST AMENDED
10/31/2001

For a #zoning lot# that contains or is adjacent to an entrance or entrances to a rail mass transit facility or subway station, no permit shall be issued for any #signs# that extend or are located above a height of 40 feet, unless the City Planning Commission certifies that each such entrance is clearly identified with rail mass transit or subway entrance informational #signs# and marquees in accordance with paragraphs (a) and (b) of this Section. Such rail mass transit or subway entrance informational #sign# or marquee shall remain, or be upgraded or replaced by a similar #sign# or marquee, for the life of the related development.

(a) Rail mass transit or subway entrance informational #signs# shall prominently identify the entrance on both #streets# of a #corner lot#. Where rail mass transit or subway entrance informational #signs# are provided at the western #block# front of Seventh Avenue between West 31st and West 33rd Streets, such #signs# shall prominently identify the entrance to Pennsylvania Station to pedestrians on both Seventh Avenue and West 32nd Street. All such informational #signs# shall comply with the following requirements:

(1) such #signs# shall contain only transit information;

(2) such #signs# shall be illuminated and located no less than 12 feet above and no more than 25 feet above #curb level#;

(3) such #signs# shall contain the word “Subway” and/or appropriate other rail mass transit identification and transit line symbols. The graphic standards shall adhere to New York City Transit or other pertinent transit agency standards with all letters no less than three feet and transit symbols no less than two feet in dimension;

(4) such #signs# shall be no less than 30 feet in length on each #street# and shall extend farther than 30 feet in order to include the actual entrance; and

(5) such #signs# may project up to five feet beyond the #street line#.

(b) At the rail mass transit or subway entrance, a marquee shall be provided to further identify the entrance and shall:

(1) contain only transit sign information;

(2) be illuminated and located no less than 12 feet above and no more than 25 feet above #curb level#;

(3) have a minimum length of 20 feet or the full width of the entrance, whichever is less;

(4) project no less than five feet beyond the transit or subway informational #sign#; and

(5) include illuminated mass transit identification and transit line symbols that meet the New York City Transit or other pertinent transit agency standards.

81-53 - Special Bulk and Urban Design Requirements

LAST AMENDED
2/2/2011

In addition to the requirements set forth in Sections 81-25 (General Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of this Section shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the Penn Center Subdistrict. For the purposes of this Section, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-53 are in conflict, the regulations of this Section shall govern.

81-531 - Special retail frontage requirements

LAST AMENDED
6/6/2024

The provisions of Section 81-42 (Retail Continuity Along Designated Streets) shall apply within the Penn Center Subdistrict, except that any underlying transparency requirement shall not apply to any informational #signs# or marquees provided to identify rail mass transit or subway entrances in accordance with Section 81-52 (Sign Regulations).

81-532 - Special street wall requirements

LAST AMENDED
2/2/2011

The provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) shall apply, except that the #street wall# of all #buildings# along the Seventh Avenue frontage of #zoning lots# shall be a minimum of 85 feet above #curb level# or the full height of the #building#, whichever is less. All other provisions of Section 81-43 shall apply without modification.

In addition, the restrictions on permitted recesses contained in Section 81-43 shall not apply to pedestrian circulation spaces provided in accordance with Sections 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility) nor to interstitial spaces between #signs# or between #building# walls and #signs#.

81-54 - Floor Area Bonus in the Penn Center Subdistrict

LAST AMENDED
10/31/2001

81-541 - Mass transit station improvements

LAST AMENDED
10/7/2021

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For the purposes of this Section, improvements to any #mass transit station# on a #qualifying transit improvement site# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section 66-51, as modified herein. For a #qualifying transit improvement site# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such #qualifying transit improvement site#. In addition, if a #mass transit station# improvement has been constructed in accordance with an approved authorization or special permit

and has received a Notice of Substantial Completion in accordance with the provisions of Section 66-51, the bonus #floor area# may be retained at the full amount granted by the authorization or special permit and may be utilized elsewhere on the #qualifying transit improvement site# subject to any applicable review and approval process for such #development# or #enlargement#.

81-542 - Retention of floor area bonus for plazas or other public spaces

LAST AMENDED10/17/2007

For the #zoning lot# bounded by West 34th Street, Seventh Avenue, West 33rd Street and Eighth Avenue, which contains at least 7,000 square feet of existing #publicly accessible open areas# or other bonused public amenity in the Penn Center Subdistrict, the maximum allowed #floor area# bonus for all existing #publicly accessible open areas# or other public amenities on the #zoning lot# may be retained at the amount allowed prior to October 31, 2001, subject to all other provisions of this Resolution, notwithstanding inclusion of such #zoning lot# within the #Special Midtown District#.

81-60 - SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

LAST AMENDED
8/9/2017

81-61 - General Provisions

LAST AMENDED
8/9/2017

Special regulations are set forth in this Section to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers; creating successful pedestrian-friendly public spaces; enabling improvements to the above- and below-grade pedestrian circulation network; protecting and strengthening the role of landmark buildings as important features of East Midtown; protecting and enhancing the role of Grand Central Terminal as a major transportation hub within East Midtown and the city; expanding and enhancing the pedestrian circulation network connecting Grand Central Terminal to surrounding development and minimizing pedestrian congestion; and protecting the iconic character of the surrounding area. Such regulations establish special provisions governing maximum floor area, sustainability, urban design and streetscape enhancements, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network in the East Midtown Subdistrict.

The regulations of Section 81-60 (SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT), inclusive, are applicable only in the East Midtown Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) and Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

Where the #lot line# of a #zoning lot# coincides with the boundary of the public place located at the southerly prolongation of Vanderbilt Avenue between East 42nd Street and East 43rd Street, such #lot line# shall be considered to be a #street line# for the purposes of applying the #use#, #bulk# and urban design regulations of this Chapter.

81-611 - Applicability of regulations

LAST AMENDED
8/9/2017

The provisions of Section 81-60, inclusive, shall apply in the East Midtown Subdistrict as follows:

(a) Section 81-61, inclusive, sets forth general provisions, applicability and definitions for the East Midtown Subdistrict;

(b) Section 81-62, inclusive, sets forth special use provisions;

(c) Section 81-63, inclusive, sets forth special #floor area# provisions for the Vanderbilt Corridor Subarea;

(d) Section 81-64, inclusive, sets forth special #floor area# provisions for #qualifying sites#;

(e) Section 81-65, inclusive, sets forth special #floor area# provisions for all other #zoning lots#;

(f) Section 81-66, inclusive, sets forth certain height and setback modifications to the provisions of Sections 81-26 and 81-27;

(g) Section 81-67, inclusive, sets forth certain modifications to the mandatory district plan elements of Section 81-40, inclusive; and

(h) Section 81-68, inclusive, sets forth additional provisions pertaining to #qualifying sites#.

81-612 - Applicability along district boundaries

LAST AMENDED

For #zoning lots# divided by district boundaries, the underlying provisions shall apply, except as follows:

(a) For #qualifying sites# divided by district boundaries where both districts have the same maximum #floor area ratio# set forth in Rows E and H of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the provisions of Section 33-16 (Special Provisions for Zoning Lots Divided by District Boundaries) shall not apply to a #building# #developed# or, where permitted, #enlarged#, to exceed the basic maximum #floor area# in Row A of the table in Section 81-64. In lieu thereof, the #floor area# of such #building# on a #qualifying site# may be located anywhere on the #zoning lot#, regardless of the district boundary.

(b) In addition to the requirements set forth in Sections 81-25 (General Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of Section 81-60, inclusive, shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the East Midtown Subdistrict. For the purposes of Section 81-60, inclusive, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-60, inclusive, are in conflict, the regulations of Section 81-60, inclusive, shall govern. However, for #zoning lots# located partly within the East Midtown Subdistrict and partly within the Fifth Avenue Subdistrict, the provisions of Article VII, Chapter 7 shall apply.

(c) For #zoning lots# divided by subarea boundaries, the provisions of Article VII, Chapter 7 shall apply.

(d) For #zoning lots# with #landmark buildings or other structures# where more than 50 percent of the #lot area# is located within the #Special Midtown District#, and which #abut# the East

Midtown Subdistrict boundary, such #zoning lot# may be considered as part of the Subdistrict for the purposes of transferring development rights pursuant to the applicable provisions of Sections 81-642 (Transfer of development rights from landmarks to qualifying sites) or 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites). However, the maximum amount of #floor area# that may be transferred from a #granting lot#, or portion thereof, located outside the Special Midtown District shall be the maximum #floor area ratio# permitted under the applicable underlying zoning district.

81-613 - Definitions

LAST AMENDED
12/5/2024

Non-qualifying site

For the purposes of Section 81-60, inclusive, a "non-qualifying site" shall refer to a #zoning lot# that does not meet the criteria for a #qualifying site# and is located in a subarea other than the Vanderbilt Corridor Subarea.

Public Realm Improvement Fund

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund" (the "Fund") shall be a separate interest-bearing account established for the deposit of contributions made when #developments# or, where permitted, #enlargements# on #qualifying sites# in the East Midtown Subdistrict will exceed the basic maximum #floor area ratio# set forth in Section 81-64 (Special Floor

Area Provisions for Qualifying Sites) through their utilization of the provisions of Sections 81-642 (Transfer of development rights from landmarks to qualifying sites), 81-643 (Special provisions for retaining non-complying floor area in commercial buildings) or 81-685 (Special permit to modify qualifying site provisions). The Fund shall be utilized, at the discretion of the #Public Realm Improvement Fund Governing Group#, to provide funding to implement improvements to the East Midtown Subdistrict, and its immediate vicinity, in the Borough of Manhattan. Upon receipt of any contribution, the #Public Realm Improvement Fund Governing Group# or the Department of City Planning shall notify the Comptroller of the City of New York and the Speaker of the New York City Council and promptly deposit it into the Fund.

Public Realm Improvement Fund Development Rights Valuation

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund Development Rights Valuation" ("Development Rights Valuation") shall be a value per square foot of transferable development rights in the East Midtown Subdistrict, which shall provide a basis for establishing a minimum contribution to the #Public Realm Improvement Fund#. As of August 9, 2017, the Development Rights Valuation shall be set at $307.45 per square foot.

When proposing an adjustment to the Development Rights Valuation, the Department of City Planning shall undertake a transferrable development rights valuation study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust the Development Rights Valuation, pursuant to the City Administrative Procedures Act not more than once every three years and not less than once every five years.

An applicant, upon written request to the Commission, may request a transferable development rights valuation study to evaluate whether the Development Rights Valuation should be modified for a particular #qualifying site# based upon any recent changes in market conditions within the Subdistrict. The study must be paid for by the applicant and completed within a one-year timeframe. The Department of City Planning shall initiate the study, to be conducted by qualified professionals

utilizing industry best practices. Where the study demonstrates that the value of the development rights for the #qualifying site# is less than the Development Rights Valuation, the Commission shall, by certification, and in connection with a certification pursuant to Section 81-642 (Transfer of development rights from landmarks to qualifying sites), modify the required contribution to 20 percent of the adjusted valuation.

Public Realm Improvement Fund Governing Group

For the purposes of Section 81-60, inclusive, the "Public Realm Improvement Fund Governing Group" (the "Governing Group") shall be established to administer the #Public Realm Improvement Fund# (the "Fund"), and shall consist of 13 members: seven members shall be representatives of City agencies, appointed by and serving at the pleasure of the Mayor; one member shall be a representative of a citywide civic organization, appointed by the Office of the Manhattan Borough President; one member shall be a representative of the Office of the Manhattan Borough President; one member shall be a representative of the New York City Council member representing the City Council district encompassing the largest portion of the East Midtown Subdistrict; one member shall be a representative of the Speaker of the City Council; one member shall be a representative of Manhattan Community Board 5; and one member shall be a representative of Manhattan Community Board 6. The Governing Group shall be a local development corporation, organized pursuant to the New York State Not-for-Profit Corporation Law, and affiliated with City government for purposes of the New York State Public Authorities Law, whose organizational purpose shall be limited solely to the purposes set forth in this Chapter. Each member shall have one vote, and all Governing Group decisions, as set forth below, shall be upon a majority vote at a public meeting at which a quorum is present. A quorum shall consist of a majority of the members.

The purpose of the Governing Group shall be to bolster and enhance East Midtown's status as a premier central business district with a high-quality public realm, by allocating funds from the Fund to implement public realm improvement projects. The Governing Group shall establish and maintain a Public Realm Improvement Concept Plan ("Concept Plan") for the purpose of creating a list of

priority improvements, and shall have the authority to amend such Concept Plan, and associated list of improvements, as necessary. All priority improvements in the Concept Plan shall meet the criteria set forth in Section 81-683 (Criteria for improvements in the Public Realm Improvement Concept Plan).

Establishment of the Concept Plan, amendment of the Concept Plan, calendaring of items for a vote to fund, and designation of funding for a specific public realm improvement on the Concept Plan shall be decisions requiring a majority vote of the Governing Group at a meeting at which a quorum is present. If only members of the Governing Group appointed by the Mayor vote to calendar a particular public realm improvement for a vote to fund it, the Governing Group shall conduct a public hearing on the matter prior to such improvement being placed on the calendar for vote. In addition, if any member of the Governing Group puts forth a proposed public realm improvement, discussion of such improvement shall be added to the agenda of the next public meeting. Establishment of the initial Concept Plan shall be completed no later than November 1, 2017.

In the event that more than 20 million dollars remains in the Fund for more than three years, the Governing Group shall be required to hold a vote either to fund a public realm improvement project or to retain the funds.

The Governing Group shall adopt procedures for the conduct of its activities. Such procedures shall be consistent with the requirements of the New York State Open Meetings Law (Article 7, NYS Public Officers Law), which procedures shall also be consistent with the goals of the Subdistrict. Those procedures shall be publicly available by posting on the Department of City Planning's website, and shall include rules requiring reporting and transparency including, but not limited to, the following: procedures on the adoption and amendment of the concept plan and opportunity for public comment thereon; requirements to provide a transcript or recording of all public meetings and hearings; and transparency and annual reporting requirements concerning deposits into and expenditures from the Fund. The Governing Group shall annually update the Concept Plan by providing a list of all projects on the Concept Plan to date, those added or removed in the past year, the dollar amount of funds designated to each project on the Concept Plan, to the extent available, the

estimated cost of each project on the Concept Plan, and the schedule for all projects for which a decision to designate funding has been made by the Governing Group. Such annual update shall be posted on the Department of City Planning's website no later than January 15 of each calendar year following the establishment of the initial Concept Plan. All meetings of the Governing Group shall be open to the public with advance public notice provided of all meetings and public hearings.

Qualifying site

For the purposes of Section 81-60, inclusive, a "qualifying site" shall refer to a #zoning lot#:

(a) that is not located in the Vanderbilt Corridor Subarea;

(b) that has frontage along a #wide street#;

(c) where, at the time of #development# or, where permitted, #enlargement#, either:

(1) at least 75 feet of such #zoning lot's# #wide street# frontage is clear of #buildings or other structures#; or

(2) the entire #block# frontage along such #wide street# is occupied by one or more #landmark buildings or other structures#; or

(3) such #zoning lot's# #wide street# frontage is occupied by an existing easement volume that is being preserved, or reconfigured in accordance with Section 81-673 (Mass transit access);

(d) where a #building# is #developed# or, where permitted, #enlarged#, in accordance with the #floor area# provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites), and such #development# or, where permitted, #enlargement# exceeds the basic maximum

#floor area# set forth in Row A of the table in Section 81-64 and such #building# or publicly accessible space occupies the cleared area in paragraph (c)(1) of this definition, unless the provisions of paragraphs (c)(2) or (c)(3) apply;

(e) where a maximum of 20 percent of the #floor area# permitted on such #zoning lot# is allocated to #residential uses#, or a maximum of 24 percent of the #floor area# permitted on such #zoning lot# where #qualifying affordable housing# or #qualifying senior housing# is provided; and

(f) where such #building# being #developed# or, where permitted, #enlarged#, complies with the performance requirements of paragraph (a) and the publicly accessible space requirements of paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites).

Sale price

For the purposes of Section 81-60, inclusive, "sale price" shall mean the total consideration exchanged for transferred #floor area# pursuant to certification to transfer development rights from #zoning lots# occupied by #landmark buildings or other structures# within the East Midtown Subdistrict to a #qualifying site#. The total consideration shall include all consideration as defined in Chapter 21 of the Administrative Code of the City of New York and Title 19 of the Rules of the City of New York, as they may be amended, or their successor provisions, whether or not subject to tax under that Chapter. The total consideration shall also include any other compensation in whatever form received in exchange for the #floor area#, including contingent consideration. A valuation prepared pursuant to procedures established by rule of the City Planning Commission or the New York City Department of Finance shall be required for all consideration in a form other than cash. The application for certification shall include affidavits from the buyer and seller, attesting under penalty of perjury, that all of the terms of the transaction and all the consideration have been disclosed, and may be subject to audit.

81-62 - Special Use Provisions

LAST AMENDED
8/9/2017

81-621 - Location of uses in mixed buildings

LAST AMENDED
6/6/2024

For #mixed buildings# #developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that only the limitations set forth in paragraph (c) of such Section need apply.

81-63 - Special Floor Area Provisions for the Vanderbilt Corridor Subarea

LAST AMENDED
12/5/2024

For #non-residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed

the amount set forth for each underlying district in the following table:

Means for Achieving Permitted FAR Levels on a #Zoning Lot# in the Vanderbilt Corridor Subarea	Maximum #Floor Area Ratio# (FAR)
A.Basic Maximum FAR	15
B. Maximum #Floor Area# Allowances: (District-wide Incentives), #Mass transit station# improvements (Section 66-51)	3.0
C. Maximum FAR of Lots Involving Landmarks:	
Maximum FAR of a lot containing non bonusable landmark (Section 74-711 or as-of-right)	15.0
Development rights (FAR) of a landmark lot for transfer purposes (Section 81-213)	15.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on:	
(a) a #receiving lot# within a #surrounding area# (Section 81-213)	No Limit

(b) a #receiving lot# from #a granting lot# in the Grand Central Core Area (Section 81-632)	15.0
D. Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)	15.0
E. Maximum Total FAR of a Lot with Transferred Development Rights on a #receiving lot# from a #granting lot# in the Grand Central Core Area (Section 81-632) or District-wide Incentives (including Section 81-633)	30.0
F. Maximum Total FAR of a Lot with Transferred Development Rights on a #receiving lot# within a #surrounding area# (Section 81-213) or District-wide Incentives (other than Section 81-633)	No Limit

Any transfer of development rights from a landmark site may be made pursuant to either Section 81-213 (Special provisions for transfer of development rights from landmark sites in certain areas) or Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), but not both.

81-631 - Special provisions for transfers of development rights in the Vanderbilt Corridor Subarea

LAST AMENDED

8/9/2017

All applications for transfers of development rights pursuant to the special permit by the City Planning Commission in Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) shall also comply with the regulations of this Section.

(a) Requirements for applications

In addition to the land use review application requirements, an application filed with the City Planning Commission for a special permit pursuant to Section 81-632 shall be made jointly by the owners of the #granting lot# and #receiving lot# and shall include:

(1) site plan and zoning calculations for the #granting lot# and #receiving lot#;

(2) a program for the continuing maintenance of the landmark;

(3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the landmark and, for those "receiving" sites in the immediate vicinity of the landmark, a report concerning the harmonious relationship of the #development# or #enlargement# to the landmark;

(4) a plan of any required pedestrian network improvement; and

(5) any such other information as may be required by the City Planning Commission.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to Section 81-632.

(b) Conditions and limitations

The transfer of development rights from a #granting lot# to a #receiving lot#, pursuant to Section 81-632, shall be subject to the following conditions and limitations:

(1) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on such landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;

(2) for each #receiving lot#, the #floor area# allowed by the transfer of development rights under Section 81-632 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the #receiving lot#, as shown in the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea); and

(3) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or other structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(c) Transfer instruments and notice of restrictions

The owners of the #granting lot# and the #receiving lot# shall submit to the Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York), a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

81-632 - Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea

LAST AMENDED
8/9/2017

Within the Vanderbilt Corridor Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit the transfer of development rights from a #granting lot# in the Grand Central Core Area, as shown on Map 2, to a #receiving lot#, and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of paragraph (b), the findings of paragraph (c) and the additional requirements of paragraph (d) of this Section.

For the purposes of this Section, defined terms additionally include those in Section 75-421 (Definitions). However, a #receiving lot# shall mean a #zoning lot# within the Vanderbilt Corridor Subarea to which development rights of a #granting lot# are transferred.

(a) The Commission may permit:

(1) a transfer of development rights from a #granting lot# to a #receiving lot# provided that the resultant #floor area ratio# on the #receiving lot# does not exceed 30.0;

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

(3) in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a #landmark building or other structure#, modifications of the provisions of Sections 81-66 (Special Height and Setback Requirements), 81-671 (Special street wall requirements), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions;

(4) for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations; and

(5) modifications, whether singly or in any combination, to:

(i) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), inclusive, or 81-671, inclusive;

(ii) the height and setback regulations of Sections 81-26, inclusive, 81-27, inclusive, or 81-661; or

(iii) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth

in Section 37-51 shall be permitted.

(b) Conditions

As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the above- or below-grade, pedestrian or mass transit circulation network in the Grand Central Core Area. However, this condition may be waived by the Commission, where appropriate, or may be deemed to have been met by utilization of the provisions of Section 81-633 (Special permit for Grand Central public realm improvements). The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

The special permit application to the Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement. As part of the special permit application, the applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to ULURP certification of the special permit application, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

(c) Findings

In order to grant a special permit for the transfer of development rights to a #receiving lot#, the Commission shall find that:

(1) a program for the continuing maintenance of the #landmark building or other structure# has been established;

(2) for any proposed improvement required pursuant to this Section:

(i) the improvement to the above- or below-grade pedestrian or mass transit circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal;

(ii) the streetscape, the site design and the location of #building# entrances contribute to the overall improvement of pedestrian circulation within the surrounding area and minimize congestion on surrounding #streets#; and

(iii) a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the surrounding area;

(3) where appropriate, the design of the #development# or #enlargement# includes provisions for public amenities including, but not limited to, publicly accessible open spaces, and subsurface pedestrian passageways leading to subway or rail mass transit facilities;

(4) for #developments# or #enlargements# with a proposed #floor area ratio# in excess of 21.6, the #building# has met the ground floor level, building design, sustainable design measures and, for #zoning lots# not located on two #wide streets#, the site characteristic considerations set forth in the applicable conditions and findings of Section 81-633 (Special permit for Grand Central public realm improvements);

(5) where the modification of #bulk# regulations is proposed:

(i) any proposed modification of regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the #receiving lot#, density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;

(ii) for #enlargements# to existing #buildings#, any proposed modifications of height and setback requirements and the requirements of Section 81-66 are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building# or configuration of the site; and

(iii) for #developments# or #enlargements# on #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, any proposed modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed; or

(6) any proposed modifications to #street walls#, height and setback regulations and mandatory plan elements meet the applicable application requirements and findings set forth in Section 81-634 (Permitted modifications in conjunction with additional floor area).

(d) Additional requirements

Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond for completion of the improvement.

The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the Commission.

No temporary certificate of occupancy for any #floor area# of the #development# or #enlargement# on a #receiving lot# shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and the area is usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development# or #enlargement#, all improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the MTA.

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

81-633 - Special permit for Grand Central public realm improvements

LAST AMENDED
8/9/2017

For #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may allow, by special permit, #floor area# in excess of the basic maximum #floor area ratio# established in the table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), up to the maximum #floor area# set forth in the table, in accordance with the provisions of this Section.

All applications for a special permit for additional #floor area# pursuant to this Section shall include on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network, or a combination thereof, in the Grand Central Core Area, as shown on Map 2. In addition, requirements pertaining to the ground floor level, building design and sustainable design measures are set forth in this Section in order to ensure that any #development# or #enlargement# receiving additional #floor area# constitutes an exceptional addition to the #Special Midtown District#.

To approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or #enlargement# complies with the conditions and application requirements of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c) of this Section.

(a) Conditions and application requirements

All applications for a special permit for additional #floor area# pursuant to this Section shall include the following:

(1) Above- or below-grade improvements to the pedestrian or mass transit circulation network.

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of pedestrian and mass transit circulation in the Grand Central

Core Area, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall include above- or below-grade public realm improvements.

(i) Where a #development# or #enlargement# proposes the inclusion of above-grade public realm improvements, such improvements may consist of on-site or off-site improvements to the pedestrian circulation network, or a combination thereof.

On-site, above-grade public realm improvements shall consist of open or enclosed publicly accessible spaces, of ample size, provided for public use and enjoyment. Such publicly accessible spaces shall include amenities characteristic of #public plazas# or public atriums, as applicable, and include amenities for the comfort and convenience of the public.

Off-site, above-grade public realm improvements shall consist of major improvements to the public right-of-way that support pedestrian circulation in the areas surrounding Grand Central Terminal. Where the area of such improvements is to be established as a pedestrian plaza, such improvements shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation. Where the area of such improvements is along a #street# accommodating both vehicular and pedestrian access, such improvements shall be characteristic of current best practices in #street# design, as set forth by the Department of Transportation, and include improvements to the right-of-way such as pedestrian amenities, or streetscape, sidewalk, crosswalk and median enhancements.

(ii) Where a #development# or #enlargement# proposes the inclusion of below-grade public realm improvements, such improvements shall consist of on-site

or off-site enhancements to the below-grade pedestrian and mass transit circulation network. Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include improvements such as on-site or off-site widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network, additional vertical circulation, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, or providing daylight access, retail #uses#, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

Applications shall include information and justification sufficient to provide the Commission with the basis for evaluating the benefits to the general public; determining the appropriate amount of bonus #floor area# to grant; and determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement.

(2) Ground floor level

In order to ensure that the proposed #development# or #enlargement# contributes to

the improvement of the pedestrian circulation network in the surrounding area, any #development# or #enlargement# proposed under the provisions of this Section shall provide enhancements to the ground floor level of the #building#, including, but not limited to, sidewalk widenings, streetscape amenities or enhancements to required pedestrian circulation spaces.

Where a #development# or #enlargement# includes #street# frontage along Madison Avenue or a #narrow street# between East 43rd Street and East 47th Street, sidewalk widenings shall be provided as follows:

(i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, to the extent necessary, so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;

(ii) where a #development# or #enlargement# is on a #zoning lot# that does not occupy the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#; or

(iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #street line# of the #narrow

street#, a sidewalk widening shall be provided along such #narrow street#, to the extent necessary, so that a minimum sidewalk width of 15 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

Applications shall contain a ground floor level site plan, and other supporting documents of sufficient scope and detail to enable the Commission to determine the type of proposed #uses# on the ground floor level, the location of proposed #building# entrances, the size and location of proposed circulation spaces, the manner in which such spaces will connect to the overall pedestrian circulation network and the above- or below-grade public realm improvements required pursuant to this Section and any other details necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

(3) Building design

In order to ensure that the proposed #development# or #enlargement# contributes to its immediate surroundings, with particular emphasis on Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall demonstrate particular attention to the building design, including, but not limited to, the proposed #uses#, massing, articulation and relationship to #buildings# in close proximity and within the Midtown Manhattan skyline.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine the proposed #uses# within the #building#, as well as the proposed #building# #bulk# and architectural design of the #building#, and to evaluate the proposed #building# in the context of adjacent #buildings# and the Midtown Manhattan skyline. Such materials shall include a description of the

proposed #uses# within the #building#; measured elevation drawings, axonometric views, and perspective views showing such proposed #building# within the Midtown Manhattan skyline; and any other materials necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

For those #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, applications shall contain a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

(4) Sustainable design measures

In order to foster the development of sustainable #buildings# in the Vanderbilt Corridor Subarea, any #development# or #enlargement# proposed under the provisions of this Section shall include sustainable design measures, including, but not limited to, enhancements to the energy performance, enhanced water efficiency, utilization of sustainable or locally sourced materials and attention to indoor environmental air quality of the #building#.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine whether the applicable findings in paragraph (b) of this Section have been met. In addition, any application shall include materials demonstrating the sustainable design measures of the #building#, including its anticipated energy performance, and the degree to which such performance exceeds either the New York City Energy Conservation Code (NYCECC) or the Building

Performance Rating method of the applicable version and edition of American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 90.1 (ASHRAE 90.1), as referenced within the NYCECC.

(b) Findings

The Commission shall find that:

(1) for a #development# or #enlargement# not located on two #wide streets#, the amount of additional #floor area# being granted is appropriate based on the extent to which any or all of the following physical factors are present in the #development# or #enlargement#:

(i) direct access to subway stations and other rail mass transit facilities;

(ii) the size of the #zoning lot#;

(iii) the amount of wide #street# frontage; and

(iv) adjacency to the open area above Grand Central Terminal;

(2) for above-grade improvements to the pedestrian circulation network that are located:

(i) on-site, the proposed improvements will, to the extent practicable, consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining

sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or

(ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will consist of significant street and sidewalk designs that improve pedestrian circulation in the surrounding area; provide comfortable places for walking and resting, opportunities for planting and improvements to pedestrian safety; and create a better overall user experience of the above-grade pedestrian circulation network that supports the surrounding area as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;

(3) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:

(i) significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;

(ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfiguration of existing

connections; or

(iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable;

(4) the public benefit derived from the proposed above- or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional #floor area# being granted to the proposed #development# or #enlargement# pursuant to this special permit;

(5) the design of the ground floor level of the #building#:

(i) contributes to a lively streetscape through a combination of retail #uses# that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces; and demonstrates consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;

(ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous pedestrian connections to Grand Central Terminal; and

(iii) will be well-integrated with on-site, above- or below-grade improvements required by this Section, where applicable and practicable;

(6) the design of the proposed #building#:

(i) ensures light and air to the surrounding #streets# and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;

(ii) demonstrates an integrated and well-designed facade, taking into account factors such as #street wall# articulation and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area, especially Grand Central Terminal; and

(iii) involves a program that includes an intensity and mix of #uses# that are harmonious with the type of #uses# in the surrounding area;

(7) the proposed #development# or #enlargement# comprehensively integrates sustainable measures into the #building# and site design that:

(i) meet or exceed best practices in sustainable design; and

(ii) will substantially reduce energy usage for the #building#, as compared to comparable #buildings#; and

(8) in addition:

(i) the increase in #floor area# being proposed in the #development# or #enlargement# will not unduly increase the #bulk#, density of population or

intensity of #uses# to the detriment of the surrounding area; and

(ii) all of the separate elements within the proposed #development# or #enlargement#, including above- or below-grade improvements, the ground floor level, #building# design, and sustainable design measures, are well–integrated and will advance the applicable goals of the #Special Midtown District# described in Section 81-00 (GENERAL PURPOSES).

(c) Additional requirements

Prior to the grant of a special permit pursuant to this Section, and to the extent required by the Metropolitan Transportation Authority (MTA) or any other City or State agencies with control and responsibility for the area in which a proposed improvement is to be located, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; where applicable, establish a program for maintenance; and, where applicable, establish a schedule of hours of public access for the proposed improvement. Where the MTA, or any other City or State agencies with control and responsibility for the area of a proposed improvement, deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA or any other such agencies.

Where the proposed #development# or #enlargement# proposes an off-site improvement located in an area to be acquired by a City or State agency, the applicant may propose a phasing plan to sequence the construction of such off-site improvement. To determine if such phasing plan is reasonable, the Commission may consult with the City or State agency that intends to acquire the area of the proposed improvement.

Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

Except where a phasing plan is approved by the Commission, no temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable.

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

81-634 - Permitted modifications in conjunction with additional floor area

LAST AMENDED
8/9/2017

In conjunction with the grant of a special permit pursuant to Section 81-633 (Special permit for Grand Central public realm improvements), the City Planning Commission may permit modifications to #street walls#, height and setback regulations and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) The Commission may modify the following, whether singly or in any combination:

(1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;

(2) the height and setback regulations of Sections 81-26 (Height and Setback Regulations - Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation), inclusive, or 81-66 (Special Height and Setback Requirements); or

(3) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or

37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

(1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 or as such provisions are modified pursuant to Section 81-671, as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26, 81-27 or as such provisions are modified pursuant to Section 81-66, as applicable;

(2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26 or as such provisions are modified pursuant to Section 81-66; and

(3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66.

(c) Findings

The Commission shall find that such proposed modifications:

(1) to the mandatory district plan elements will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and

(2) to the #street wall# or height and setback regulations will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations).

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

81-64 - Special Floor Area Provisions for Qualifying Sites

LAST AMENDED
8/9/2017

For #non-residential buildings# or #mixed buildings# on #qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses

or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

MAXIMUM FLOOR AREA RATIOS AND ALLOWANCES FOR QUALIFYING SITES

Means for Achieving Permitted FAR Levels on a #Zoning Lot# for #Qualifying Sites#	Grand Central Transit Improvement Zone Subarea		Park Avenue Subarea		Other Transit Improvement Zone Subarea		Southern Subarea		North Subar
	C5-2.5	C5-3	C5-2.5	C5-3	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2. C6-4.
A. Basic Maximum FAR									
	12	15	12	15	12	15	12	15	12
B. Minimum #Floor Area# Allowances through identified transit improvements (Section 81-641) if exceedi maximum FAR									
	2.7	2.7	-	-	2.3	2.3	-	-	-

C. Maximum #Floor Area# Allowances through identified transit improvements (Section 81-641)

	5.4	5.4	-	-	4.6	4.6	-	-	-

D. Maximum amount of transferable development rights (FAR) from landmark #zoning lots# that may be u
a #qualifying site# (Section 81-642)

	12.3	9.3	13	10	8.7	5.7	9.6	6.6	6

E. Maximum as-of-right #Floor Area Ratio# on #qualifying sites#

	27	27	25	25	23	23	21.6	21.6	18

F. Maximum FAR for transit improvement special permit (Section 81-644)

	3	3	-	-	3	3	-	-	-

G. Maximum FAR for public concourse special permit (Section 81-645)

	3	3	3	3	3	3	3	3	3
H. Maximum Total FAR on a #qualifying site#									
	30	30	28	28	26	26	24.6	24.6	21

1 For #zoning lots# located east of Third Avenue between the centerline of East 46th Street to the centerline of East 51st Street, the maximum #floor area ratio# shall be the basic maximum #floor area ratio# set forth in Row A.

81-641 - Additional floor area for Transit Improvements on Qualifying Sites

LAST AMENDED
8/9/2017

All #developments# or, where permitted, #enlargements# on #qualifying sites# located within the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, that exceed the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) shall comply with the provisions of this Section.

The Chairperson of the City Planning Commission shall allow, by certification, #floor area# on a #qualifying site# to be increased above the applicable basic maximum #floor area ratio# provided that

such resulting increase in #floor area ratio# is not less than the minimum specified in Row B of the table in Section 81-64, nor more than the maximum specified in Row C, as applicable, and further provided that a transit improvement, or a combination of transit improvements, will be constructed in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, in accordance with the provisions of this Section.

(a) The following requirements shall be completed prior to application for certification by the Chairperson:

(1) the applicant shall select a transit improvement that has been identified on the Priority Improvement List in Section 81-682 (Priority Improvement List for qualifying sites) and is commensurate with the minimum #floor area# required, and results in a #floor area ratio# increase not exceeding the maximum #floor area ratio# permitted to be achieved through the provisions of this Section. The process for such selection shall also comply with paragraph (a) of Section 81-682;

(2) the applicant shall submit preliminary plans for the proposed transit improvement to the Chairperson and any applicable City or State agencies with jurisdiction over and control of the proposed transit improvement;

(3) the applicant shall obtain and provide to the Chairperson a conceptual approval of the proposed transit improvement from any applicable City or State agencies with jurisdiction over and control of the proposed improvement in letter form, wherein such agencies state that such improvements meet the requirements set forth in Section 81-682; and

(4) prior to the issuance of a building permit, as set forth in this Section, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns,

to design and construct the improvement in accordance with the requirements of the applicable City or State agencies with jurisdiction over and control of the proposed improvement. Such agreements and instruments shall be filed and recorded in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be sent to the Chairperson.

(b) The following items shall be submitted to the Chairperson as part of an application for certification:

(1) all of the materials required pursuant to paragraph (a) of this Section;

(2) site plans and zoning calculations for the proposed #development# or, where permitted, #enlargement# on the #qualifying site# showing the additional #floor area# associated with the completion of such transit improvement; and

(3) drawings including, but not limited to, plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson for the transit improvement, and any such other information as may be required by the Chairperson.

When an applicant has submitted materials to the Chairperson that satisfy the requirements of paragraphs (a) and (b) of this Section, the Chairperson shall certify to the Department of Buildings that the #development# or, where permitted, #enlargement# on a #qualifying site# is in compliance with the provisions of this Section. Such certification shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing a #development# or, where permitted, an #enlargement# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea. All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member and the Manhattan Borough President. No certification shall be granted prior to 60 days

after such referral.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# identified as utilizing the additional #floor area# granted pursuant to the provisions of this Section until the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement, has certified that the improvements are substantially complete and usable by the public. Such portion of the #building# shall be designated by the applicant in drawings included in the instruments filed pursuant to paragraph (b) of this Section and shall be noted on the temporary certificate of occupancy.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing such additional #floor area# until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson, acting in consultation with the applicable City or State agencies having jurisdiction over and control of the proposed improvement.

In addition, the Chairperson shall allow, by certification, a reduction in, or waiver of, the minimum #floor area ratio# required pursuant to Row B of the table in Section 81-64, where there are an insufficient number of available projects on the Priority Improvement List in Section 81-682. The Chairperson shall also allow, by certification, the maximum #floor area ratio# for a #qualifying site# to be increased beyond the limit set forth in Row C of the table in Section 81-64, where the Metropolitan Transportation Authority requires improvements to the Fifth Avenue and East 53rd Street Station to be combined in order to adequately phase improvements and avoid practical difficulties in operating the station.

81-642 - Transfer of development rights from landmarks to qualifying sites

LAST AMENDED
8/9/2017

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# within the East Midtown Subdistrict to a #qualifying site#, provided that the provisions of this Section are met.

For the purposes of this Section, defined terms additionally include those in Section 75-421 (Definitions). However, a #receiving lot# shall mean a #qualifying site# to which development rights of a #granting lot# are transferred.

(a) The transfer of development rights shall be subject to the following conditions:

(1) For #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas), the applicant shall obtain a certification pursuant to Section 81-641 (Additional floor area for transit improvements on qualifying sites) prior to, or in conjunction with, meeting the requirements of this Section.

(2) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations.

(3) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row D of the table in Section 81-64.

(4) Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#, or the #zoning lot# with the #landmark building or structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(5) Prior to the issuance of a building permit, as set forth in paragraph (c) of this Section, the owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be submitted to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting lot# and the #receiving lot# that are a party to such transfer.

(6) Prior to the issuance of a building permit, as set forth in this Section, a non-refundable contribution shall have been deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be equal to the greater of:

(i) 20 percent of the #sales price# of the transferred #floor area#; or

(ii) an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of transferred #floor area#.

(b) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and the #receiving lot#. The following items shall be submitted to the Chairperson as part of an application for certification:

(1) for #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, materials that are sufficient to demonstrate compliance with the provisions of Section 81-641;

(2) site plans and zoning calculations for the #granting lot# and #receiving lot# showing the additional #floor area# associated with the transfer, and any such other information as may be required by the Chairperson;

(3) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#;

(4) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#; and

(5) for those #receiving lots# that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or, where permitted, #enlargement# to Grand Central Terminal.

All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. No certification shall be granted prior to 60 days after such referral.

The Chairperson shall certify to the Department of Buildings that a #development# or, where permitted, an #enlargement# on a #qualifying site# is in compliance with the provisions of this Section only after the following have been received:

(a) the instrument of transfer and notice of restrictions required by paragraph (a) of this Section have been executed and recorded with proof of recordation provided to the Chairperson;

(b) documents confirming the #sale price# have been provided to the Chairperson, including, but not limited to, the real property transfer tax return form recorded with the New York City Department of Finance and the details of consideration schedule; and

(c) payment of a non-refundable contribution to the #Public Realm Improvement Fund# in the amount required by paragraph (a) of this Section has been made.

Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development# or, where permitted, #enlargement# on a #qualifying site#. Additional provisions are set forth in Section 81-686 for applicants undertaking a sidewalk improvement immediately adjacent to their #qualifying site#.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to this Section.

81-643 - Special provisions for retaining non-complying floor area in commercial buildings

LAST AMENDED
8/9/2017

For #non-complying# #commercial buildings# existing on December 15, 1961 with #non-complying# #floor area#, the provisions of Section 54-41 (Permitted Reconstruction) may be modified to allow such #non-complying# #building# to be demolished or altered, to the extent of 75 percent or more of its total #floor area#, and reconstructed on a #qualifying site# to retain the amount of pre-existing #non-complying# #floor area# in accordance with the applicable district #bulk# regulations of this Chapter, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings first, that prior to demolition or alteration, the applicant meets the provisions of paragraph (a) of this Section, as applicable, and, subsequently, prior to reconstruction, the proposed #development# will comply with the applicable provisions of paragraph (b) of this Section. For purposes of this Chapter, the reconstruction of such #non-complying# #floor area# shall be considered a #development#. Any #enlargement# of a #non-complying# #commercial building# on a #qualifying site# shall be permitted only pursuant to paragraph (a) of Section 81-684 (Authorizations for qualifying sites), or Section 81-685 (Special permit to modify qualifying site provisions).

(a) Certification to demolish or alter a #non-complying# #building#

The Chairperson shall certify the amount of #non-complying# #floor area# existing within a #non-complying# #building# that may be reconstructed pursuant to the provisions of paragraph (b) of this Section, based on calculations submitted to the Chairperson. Such calculations shall be based on either the #building's# construction documents previously approved by the Department of Buildings at the time of such #building's# construction, #enlargement#, or subsequent alterations, as applicable; or on an as-built drawing set completed by a registered architect.

For the purpose of calculating the amount of #non-complying# #floor area# to be retained on #zoning lots# with multiple existing #buildings# at the time of application, the maximum amount of #non-complying# #floor area# that may be reconstructed shall be equivalent to the #floor area# of the #zoning lot# at the time of application, less the total #floor area# of all

existing #buildings# to remain.

Certification pursuant to the provisions of paragraph (a) of this Section shall be a precondition to the issuance of any demolition or alteration permit by the Department of Buildings for a #zoning lot# reconstructing #non-complying# #floor area#.

(b) Certification to reconstruct #non-complying# #floor area#

The amount of #non-complying# #floor area# established pursuant to paragraph (a) of this Section may be reconstructed, provided that the Chairperson certifies that:

(1) all requirements for #qualifying sites# set forth in the definition in Section 81-613, inclusive, have been met, except that no publicly accessible space shall be required notwithstanding the provisions of paragraph (f) of the definition of #qualifying site#; and

(2) a non-refundable contribution has been deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of such pre-existing #non-complying# #floor area#.

The payment of the non-refundable contribution to the #Public Realm Improvement Fund# pursuant to the provisions of paragraph (b) of this Section, shall be a precondition to the issuance of any foundation permit or new building or alteration permit by the Department of Buildings allowing a #development# on a #qualifying site#.

All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. No certification shall be granted prior to 60 days after such referral.

Except for #zoning lots# located east of Third Avenue between the centerline of East 46th Street to the centerline of East 51st Street, any proposed #floor area# in the #development# beyond the amount contained in the pre-existing #non-complying# #building# may be obtained by utilizing the applicable provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites). For the purposes of applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic maximum #floor area ratio#. However, the maximum #floor area ratios# of Row E and Row H of the table in Section 81-64 shall continue to apply.

81-644 - Special permit for transit improvements

LAST AMENDED
10/7/2021

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit a #floor area# bonus in accordance with the provisions of this Section, where a major improvement to a subway or rail mass transit facility is provided in accordance with the conditions of paragraph (b). All applications for a special permit pursuant to this Section shall be subject to the application requirements, findings and additional requirements of paragraphs (c) through (e).

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

(a) #Floor area# bonus

The City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on a #qualifying site#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites).

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate subway or rail mass transit facility, that shall be characteristic of current best practice in mass-transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a subway or rail mass transit facilities that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, or rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the Metropolitan Transportation Authority (MTA) and the City Planning Commission.

(c) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

(1) Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the MTA and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.

(2) At the time of certification, the Commission shall be provided with the following application materials:

(i) a letter from the MTA containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

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

(1) the public benefit derived from the improvements to a subway or rail mass transit facility merits the amount of additional#floor area#being granted to the proposed #development# pursuant to this special permit;

(2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the subway or rail mass transit facility; and

(3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements will constitute significant enhancements to the station environment or its function.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

(1) Prior to the granting of a special permit pursuant to this Section, the following requirements shall be met:

(i) To the extent required by the MTA, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the MTA. Where the MTA deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the MTA stating that the drawings and other documents submitted by the applicant have been determined by the MTA to be of sufficient scope and detail to fix and describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the MTA pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the MTA, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all

improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, where applicable.

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

81-645 - Special permit for a public concourse

LAST AMENDED
8/9/2017

For #qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment, is provided on the #qualifying site#. Such publicly accessible spaces shall include amenities that are characteristic of #public plazas# or public atriums, as applicable, for the comfort and convenience of the public. In addition, to facilitate such public concourse, the Commission may permit the modification of provisions, other than #floor area ratio# regulations, of this Resolution.

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

In order for the City Planning Commission to approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or, where permitted, #enlargement#, complies with the conditions and application requirements of paragraph (a), the

findings of paragraph (b) and the additional requirements of paragraph (c) of this Section.

(a) Applications shall include information and justification sufficient to provide the Commission with the basis for:

(1) evaluating the benefits to the general public;

(2) determining the appropriate amount of increased #floor area# to grant; and

(3) determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

(b) The Commission shall find that:

(1) to the extent practicable, the open or enclosed public concourse will:

(i) consist of a prominent space of generous proportions and quality design that is inviting to the public;

(ii) improve pedestrian circulation and provide suitable amenities for the occupants;

(iii) front upon a #street# or a pedestrian circulation space in close proximity to and within view of, and accessible from, an adjoining sidewalk;

(iv) provide or be surrounded by active #uses#;

(v) be surrounded by transparent materials;

(vi) provide connections to pedestrian circulation spaces in the immediate vicinity; and

(vii) be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space;

(2) the public benefit derived from the proposed public concourse merits the amount of additional #floor area# being granted to the proposed #development# or, where permitted, #enlargement#, pursuant to this special permit; and

(3) with regard to a modification to regulations of this Resolution, other than #floor area ratio# regulations, such modification:

(i) is the minimum extent necessary and will facilitate an improved public concourse, inclusive of enhancements described in the findings of paragraph (b)(1) of this Section; and

(ii) will not have adverse effects on the #qualifying site#, surrounding #zoning lots#, or adjacent #streets#.

(c) Prior to obtaining a foundation permit or building permit for a #development# or, where permitted, an #enlargement# on a #qualifying site#, from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, maintain and

provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, and such improvements are usable by the public. Such portion of the #building# utilizing increased #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing increased #floor area# until all improvements have been finally completed in accordance with the approved plans, as determined by the Chairperson.

81-65 - Special Floor Area Provisions for All Non-qualifying Sites

LAST AMENDED
12/5/2024

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in

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

	Grand Central Core Area	
Means for achieving permitted FAR on a #zoning lot# for all other sites	C5-3 C6-6	C5-2.5 C6-4.5
A. Basic Maximum FAR	15	12
B. Additional FAR for provision of a #public plaza# (Section 81-651)	--	--
C. Total as-of-right FAR	15	12
D. Additional FAR for #mass transit station# improvements (Section 81-652)	3	2.4
E. Maximum FAR of a #granting lot# for transfer purposes (Sections 81-213 and 81-653)	15	12
F. Maximum amount of transferable development rights from a #granting lot# that may be utilized on a #receiving lot# within the #surrounding area# (Sections 81-213 and 81-653)	No limit	2.4

G. Maximum FAR permitted on a #receiving lot# within the #surrounding area#	No limit	14.4

81-651 - Floor area bonus for public plazas

LAST AMENDED
8/9/2017

For #non-qualifying sites# in subareas outside the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratio# permitted on such #zoning lots# shall be increased, up to the amount specified in Row B of the table in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), where a #public plaza# is provided in accordance with the provisions of Section 81-23 (Floor Area Bonus for Public Plazas).

81-652 - Floor area bonus for mass transit station improvements

LAST AMENDED
10/7/2021

For #developments# or #enlargements# on #non-qualifying sites# that are #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

81-653 - Special permit for transfer of development rights from landmarks to non-qualifying sites

LAST AMENDED
12/5/2024

For #non-qualifying sites#, the City Planning Commission may permit the transfer of development rights from a #granting lot# to a #receiving lot# within the #surrounding area#, pursuant to the provisions of Section 81-213 (Special provisions for transfer of development rights from landmark sites in certain areas), provided that:

(a) the maximum amount of #floor area# that may be transferred from a #granting lot# shall be the applicable basic maximum #floor area# set forth in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), less the total #floor area# of all existing #buildings# on the landmark #zoning lot#, and any previously transferred #floor area#. In no event shall a #granting lot# transfer any previously granted bonus #floor area# received for subway station improvements, #publicly accessible open areas# or the provision of district improvements pursuant to the provisions of this Chapter, or any preceding regulations;

(b) for each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall not exceed the amount resulting in the maximum #floor area ratio# set forth in Row F of the table in Section 81-65; and

(c) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred.

81-66 - Special Height and Setback Requirements

LAST AMENDED
8/9/2017

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, and 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, are modified by the provisions of this Section, inclusive.

81-661 - Height and setback modifications for buildings in the Grand Central Core Area

LAST AMENDED
8/9/2017

For #buildings# on #non-qualifying sites# within the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the provisions of Sections

81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, or 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation), inclusive, are modified as follows:

(a) where such #buildings# are governed by Section 81-26, no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below a height of 150 feet, as measured from #curb level#; or

(b) where such #buildings# are governed by Section 81-27, the computation of daylight evaluation shall not include any daylight blockage, daylight credit, profile daylight blockage or available daylight for that portion of the #building# below 150 feet above #curb level#. However, the passing score required pursuant to paragraph (i) of Section 81-274 shall apply.

81-662 - Daylight compensation modifications for qualifying sites

LAST AMENDED
8/9/2017

For #buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight compensation method of height and setback regulations, the provisions of Section 81-26 (Height and Setback Regulations – Daylight Compensation) are modified as follows:

(a) for the purposes of determining permitted #encroachments# and #compensating recesses# pursuant to Section 81-264 (Encroachments and compensating recesses):

(1) no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below a height of 150 feet, as measured from #curb level#;

(2) #compensating recesses# provided for #encroachments#, or portions thereof, above a height of 400 feet, as measured from #curb level#, need not comply with the provisions of paragraph (c)(1) of Section 81-264. In lieu thereof, for any portion of the #building# located above a height of 400 feet, the amount of #compensating recess# required for any particular level of the #building# shall be equal to the amount of #encroachment# provided at such level. The remaining provisions of paragraph (c) of Section 81-264 shall continue to apply to such #compensating recess#; and

(3) for #buildings# on #qualifying sites# with frontage along the easterly side of Vanderbilt Avenue, the full width of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of determining permitted #encroachments# and #compensating recesses#. Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the #street lines# of #narrow streets# to such new westerly boundary. The Vanderbilt Avenue portion of such modified #zoning lot# may be considered a #compensating recess# for encroachments along such #building's# #narrow street# #street frontage zone#, provided that any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is set back a minimum 15 feet from the Vanderbilt Avenue #street line#, and further provided that the #street frontage zone# calculation along Park Avenue shall not include Vanderbilt Avenue;

(b) for the purposes of determining the permitted length of #encroachments# pursuant to Section 81-265 (Encroachment limitations by length and height rules) the minimum length of recess required by Formula 2 in paragraph (c) of Section 81-265 shall be modified to 20 percent of the length of the #front lot line#; and

(c) for #buildings# on #qualifying sites# with frontage along Park Avenue, as an alternative to the setback requirements of Table A, B or C in paragraph (b) of Section 81-263 (Standard setback requirements), the Park Avenue wall of such #building# shall be set back behind the applicable #setback line# to the depth of the #setback line# required at that particular height, in accordance with the applicable requirements of the table in this Section.

SETBACK REQUIREMENTS ON STREETS AT LEAST 140 FEET WIDE

Depth of #Setback Line# from #Street Line# at Stated Heights above #Curb Level#.

Height (ft)	Depth of #Setback Line# (ft)
210	0.00
220	1.00
230	2.50
240	4.25
250	5.50

260	7.0
270	8.75
280	10.00
290	11.25
300	12.75
310	14.25
320	15.25
330	16.25
340	17.50
350	18.75

360	19.75
370	21.00
380	21.75
390	23.00
400	23.75
410	25.00
420	25.75
430	26.75
440	27.50
450	28.50

460	29.25
470	29.75
480	30.50
490	31.50
500	32.00
510	33.00
520	33.50
530	34.50
540	35.00
550	35.50

560	36.00
570	37.00
580	37.50
590	38.00
600	38.50
610	39.00
620	39.75
630	40.25
640	41.00
650	41.50

660	41.75
670	42.25
680	43.00
690	43.50
700	43.75
710	44.25
Above 710	For every 10 feet of height above 710 feet, the depth shall increase by one foot

81-663 - Daylight evaluation modifications for qualifying sites

LAST AMENDED

8/9/2017

For #buildings# on #qualifying sites# in the East Midtown Subdistrict using the daylight evaluation method of height and setback regulations, the provisions of Section 81-27 (Alternate Height and Setback Regulations – Daylight Evaluation) are modified as follows:

(a) for the purposes of calculating the daylight evaluation score pursuant to Section 81-274 (Rules for determining the daylight evaluation score):

(1) the computation of daylight evaluation shall not include any daylight blockage for that portion of the #building# above the curved line representing 70 degrees in the applicable #Daylight Evaluation Charts#, and below a height of 150 feet, as measured from #curb level#. However, such computation shall include the daylight blockage created by extending the lines representing the outermost edges of the portion of the #building# immediately above a height of 150 feet downwards to such 70 degree line;

(2) the computation of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees, pursuant to paragraph (c) of Section 81-274, may apply along designated #streets# where #street wall# continuity is required;

(3) the profile penalty for #profile encroachment#, set forth in paragraph (a) of Section 81-274, shall not apply; and

(4) the provisions of paragraph (i) of Section 81-274 shall be modified to require an overall passing score of 66 percent. Notwithstanding such modifications, no single #street# frontage shall have a street score of less than 66 percent;

(b) the reflectivity provisions of Section 81-276 may be utilized to raise both an individual score and the overall score by up to six percentage points;

(c) for #buildings# on #qualifying sites# with frontage along the easterly #street line# of Vanderbilt Avenue, the full width of Vanderbilt Avenue may be considered part of the #zoning lot# for the purposes of constructing the #daylight evaluation chart# pursuant to Section 81-272 (Features of the Daylight Evaluation Chart). Such modified #zoning lot# shall be constructed by shifting the westerly boundary of the #zoning lot# to the westerly #street line# of Vanderbilt Avenue, and by prolonging the # street lines# of #narrow streets# to such new westerly boundary. Such modified #zoning lot# may be utilized to create a modified pedestrian view along Vanderbilt Avenue and intersecting #narrow streets# provided that:

(1) any portion of the #building# fronting along Vanderbilt Avenue above a height of 100 feet, as measured from #curb level#, is set back a minimum of 15 feet from the Vanderbilt Avenue #street line#;

(2) #vantage points# along Vanderbilt Avenue are taken 30 feet west of the westerly #street line# instead of the #center line of the street#; and

(3) #vantage points# along #narrow streets# are taken from the corner of the modified #zoning lot#; and

(d) for #buildings# with frontage along Park Avenue:

(1) for the purposes of establishing #vantage points# along Park Avenue to construct a #daylight evaluation chart# pursuant to the provisions of Section 81-272, the definition of #center line of the street#, as set forth in Section 81-271 (Definitions), shall be modified along Park Avenue to be a line 70 feet from, and parallel to, the Park Avenue #street line# of the #zoning lot#; and

(2) for the purpose of plotting #buildings# on the #daylight evaluation chart# pursuant to Section 81-273 (Rules for plotting buildings on the daylight evaluation chart), Chart 4 (Daylight Evaluation Diagram – Park Avenue) in Appendix B of this Chapter shall be utilized in lieu of the chart for #streets# 100 feet or more in width.

81-67 - Special Mandatory District Plan Element Requirements

LAST AMENDED
8/9/2017

For #buildings# which are #developed# or #enlarged# within the East Midtown Subdistrict, the applicable provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) shall be modified in accordance with the provisions of this Section, inclusive.

81-671 - Special street wall requirements

LAST AMENDED
8/9/2017

The requirements of Section 81-43 (Street Wall Continuity Along Designated Streets) shall be applicable within the Subdistrict, except as modified in this Section.

#Buildings# with frontage on Park, Lexington, Madison and Vanderbilt Avenues, or Depew Place in the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, shall have a #street wall# within 10 feet of the #street line# of such #streets#. On 42nd Street, the #street wall# shall be at the #street line#. The width of the required

#street wall# shall be at least 80 percent of the length of the #front lot line#.

The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park Avenue, Lexington Avenue, Madison Avenue, Vanderbilt Avenue, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.

However, for #developments# or, where permitted, #enlargements# on #qualifying sites# within an area bounded by East 43rd Street, Second Avenue, East 42nd Street and a line 200 feet east of Third Avenue, such #street wall# location requirements shall not apply to the portion of the frontage where an open publicly accessible space is provided in accordance with paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites).

Beyond 125 feet of the intersection, the maximum height of the #street wall# above #curb level# shall not exceed 120 feet. For such #buildings#, the provisions of Section 81-262 (Maximum height of front wall at the street line) shall not be applicable.

However, the ten-foot setback requirement of paragraph (a) of Section 81-263 (Standard setback requirements) shall apply only to those portions of the #building# above 120 feet.

81-672 - Sidewalk widenings

LAST AMENDED
8/9/2017

All sidewalk widenings provided pursuant to the provisions of this Section shall be improved as sidewalks to Department of Transportation standards, shall be at the same level as the adjoining public

sidewalks, and shall be accessible to the public at all times. The design provisions set forth in paragraph (f) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply, except as modified in this Section. All sidewalk widenings provided in accordance with the provisions of this Section shall constitute pedestrian circulation space, as required pursuant to Section 81-45 (Pedestrian Circulation Space).

(a) Mandatory sidewalk widenings along Madison and Lexington Avenues

#Developments# or, where permitted, #enlargements# on #qualifying sites# with frontage along Madison and Lexington Avenues, shall provide mandatory sidewalk widenings as follows:

(1) where such #zoning lot# occupies the entire #block# frontage, a sidewalk widening shall be provided to the extent necessary so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;

(2) where such #zoning lot# does not occupy the entire #block# frontage, a sidewalk widening shall be provided where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

(b) Permitted sidewalk widenings

Sidewalk widenings may be provided, in accordance with the applicable size and design standards established in Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive:

(1) along #narrow streets# in the Grand Central Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, for #developments# or #enlargements# on #zoning lots# with a #lot width# of 100 feet or more, as measured along the #street line# of such #narrow street#; and

(2) where a #street wall#, or portions thereof, is permitted to be located beyond the #street line# pursuant to the applicable provisions of Section 81-671 (Special street wall requirements).

(c) Permitted obstructions

In the Grand Central Subarea, as shown on Map 2, awnings and canopies shall be permitted obstructions within a sidewalk widening provided that no structural posts or supports are located within any portion of the sidewalk or such widening.

81-673 - Mass transit access

LAST AMENDED
8/9/2017

(a) On #qualifying sites#

Where a #zoning lot# contains an easement volume for pedestrian access to a subway station or rail mass transit facility and such #zoning lot# is proposed to be #developed# or, where permitted, #enlarged# in accordance with the provisions for #qualifying sites#, such existing easement volume shall be preserved, or reconfigured in accordance with standards and terms approved by the Metropolitan Transportation Authority (MTA), as part of such

#development# or #enlargement#. Any reconfiguration shall be constructed by the owner of the #development# or #enlargement#.

For such #developments# or, where permitted, #enlargements#, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson of the City Planning Commission. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.

(b) On #qualifying sites# in the Grand Central Transit Improvement Zone Subarea or in the Other Transit Improvement Zone Subarea

For #developments# or, where permitted, #enlargements# involving ground floor level construction on #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or in the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, in addition to the provisions of paragraph (a) of this Section, as applicable, a transit easement volume may be required on such #zoning lot# for public access between the #street# and a below-grade subway station or rail mass transit facility.

Prior to filing any applications with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the MTA and the Chairperson requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Within 60 days of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the MTA and the Chairperson indicate that a transit easement volume is required, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.

If a transit easement volume is required on the #zoning lot#, pursuant to the provisions of this Section, an off-street subway or rail mass transit access improvement may be constructed and

maintained by either the owner of the #development# or #enlargement#, or the MTA, as follows:

(1) where such mass transit access improvement is constructed and maintained by the owner of the #development# or #enlargement#:

(i) such mass transit access shall be improved to the standards set forth in Section 81-48 and shall be approved by the MTA, and shall comply with the following:

(a) where the lobby of the #building# adjoins such mass transit access, in addition to mass transit access to the #street#, such mass transit access shall provide a direct connection to the lobby of the #building# that is open during normal business hours; and

(b) such mass transit access shall provide directional #signs# in accordance with the provisions of Section 81-412 (Directional signs). Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and

(ii) no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvements are substantially complete and usable by the public.

(2) where such mass transit access improvement is constructed and maintained by the MTA:

(i) where construction of the transit easement volume by the MTA is not contemporaneous with the construction of the #development#:

(a) any underground walls constructed along the #front lot line# of a #zoning lot# shall contain a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA; and

(b) temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume; and

(ii) in the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

(c) In other locations

For portions of the #Special Midtown District# within the #Special Transit Land Use District#, where, as part of a #development# or #enlargement# involving ground floor level construction, a transit easement volume is required by the MTA to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the MTA shall, in consultation with the owner of the #zoning lot# and the City Planning Commission,

determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

The floor space occupied by any transit easement volume required pursuant to this Section shall not count as #floor area#. Where access improvements are constructed by the owner of the #zoning lot#, each square foot of mass transit access may constitute three square feet of pedestrian circulation space required pursuant to Section 81-45 (Pedestrian Circulation Space), not to exceed 3,000 square feet.

81-674 - Ground floor use provisions

LAST AMENDED
6/6/2024

(a) Within the Vanderbilt Corridor Subarea

For #buildings# #developed# or #enlarged# on the ground floor on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 3 (Retail and Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above- or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea) or Section 81-633 (Special permit for Grand Central public realm improvements) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity Along Designated Streets).

(b) Within the Grand Central Core Area

For #buildings# #developed# or #enlarged# on the ground floor after August 26, 1992, in the Grand Central Core Area, as shown on Map 2, #building# lobby entrances shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, #building# entrances shall be required only on two #street# frontages. Each required #building# entrance shall lead directly to the #building# lobby. #Buildings# #developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building Entrances).

Required #building# entrances on opposite #street# frontages shall be connected directly to the #building# lobby by providing a through #block# connection in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.

Each required #building# entrance shall include a #building# entrance recess area, as defined in paragraph (b) of Section 37-53, except that for #developments# or #enlargements# with frontage on Madison Avenue, Lexington Avenue or 42nd Street, the width of a #building# entrance recess area shall not be greater than 40 feet parallel to the #street line# and there may be only one #building# entrance recess area on each such #street# frontage.

81-675 - Curb cut restrictions and loading berth requirements

LAST AMENDED
8/9/2017

For #developments# or #enlargements# within the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, in addition

to the provisions of Sections 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, and 81-44 (Curb Cut Restrictions), the following shall apply:

(a) Loading berth provisions

For #through lots#, the required loading berth shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

However, the Commissioner of Buildings may waive such head-in and head-out requirements, provided that:

(1) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:

(i) a #building# existing on August 9, 2017, containing #residences#;

(ii) a #non-residential building# existing on August 9, 2017, that is three or more #stories# in height; or

(iii) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or

(2) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

(b) Curb cut provisions

The maximum width of any curb cut (including splays) shall be 15 feet for one-way traffic and 25 feet for two-way traffic. Curb cuts shall not be permitted on 47th Street between Park and Madison Avenues or on 45th Street between Depew Place and Madison Avenue.

81-676 - Pedestrian circulation space requirements

LAST AMENDED
8/9/2017

Any #development# or #enlargement# within the Grand Central Core Area, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, shall be subject to the provisions of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) and 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), except that:

(a) no arcade shall be allowed;

(b) a sidewalk widening may be provided only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and

(c) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor Subarea, as shown on Map 2, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-632 (Special permit for transfer of developments rights from landmarks to the

Vanderbilt Corridor Subarea) or Section 81-633 (Special permit for Grand Central public realm improvements) may be applied toward the pedestrian circulation space requirement.

81-68 - Additional Provisions for Qualifying Sites

LAST AMENDED
8/9/2017

81-681 - Mandatory requirements for qualifying sites

LAST AMENDED
5/8/2019

(a) Building energy design requirements for #buildings# on #qualifying sites#

To ensure advancement of goals for the reduction of greenhouse gas emissions, #buildings# on #qualifying sites# shall either:

(1) utilize a district steam system for the #building's# heating and hot water systems; or

(2) the core and shell of such #building# shall exceed the standards of the chosen commercial building energy-efficiency compliance path within the 2016 New York

City Energy Conservation Code (NYCECC), by three percent.

Compliance with the provisions of this Section shall be demonstrated to the Department of Buildings at the time of issuance of a new building permit for a #development# or, where permitted, an #enlargement# on a #qualifying site#.

The City Planning Commission may, by rule, modify the standards of this Section, as necessary, to ensure that the environmental standards established herein, meet or exceed the current best practices in reducing greenhouse gas emissions.

(b) Mandatory publicly accessible space requirements for qualifying sites

A #qualifying site# shall provide a publicly accessible space, open or enclosed, as defined herein, in accordance with the size provisions of paragraph (b)(1) of this Section and the design requirements of paragraph (b)(2). Each publicly accessible space shall require a certification by the Chairperson of the City Planning Commission, pursuant to Section 37-78 (Compliance), as modified herein.

For the purposes of this Chapter on a #qualifying site#, a "publicly accessible space" shall be defined as an open or enclosed area provided for public use and enjoyment on the #zoning lot#. An "open publicly accessible space" shall be defined as a publicly accessible space, that is open to the sky on a #qualifying site#, and an "enclosed publicly accessible space" shall be defined as a fully enclosed, climate-controlled publicly accessible space on a #qualifying site#. The design standards contained in paragraph (b)(2)(ii) of this Section for an enclosed publicly accessible space are intended to serve the same purposes outlined for #public plazas# in Section 37-70.

(1) Type and minimum size

(i) A #qualifying site# with a #lot area# of at least 30,000 square feet but less than 45,000 square feet shall provide a publicly accessible space, open or enclosed, with an area of not less than 10 percent of the #lot area# of the #zoning lot#.

(ii) A #qualifying site# with a #lot area# of 45,000 square feet but less than 65,000 square feet shall provide an open publicly accessible space with an area of not less than 10 percent of the #lot area# of the #zoning lot#, except that where the provisions of Sections 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), inclusive, and 81-67 (Special Mandatory District Plan Element Requirements), inclusive, are applicable to the #qualifying site# and preclude an open publicly accessible space from being provided on the #qualifying site#, an enclosed publicly accessible space shall be provided in the proposed #building#.

In addition to complying with paragraphs (a) through (d) of Section 37-78, each application for an enclosed publicly accessible space shall demonstrate which of the applicable provisions of Sections 81-40 and 81-67, inclusive, conflict with the design requirements set forth in 37-70, inclusive, and that they necessitate the provision of the enclosed publicly accessible space in lieu of an open publicly accessible space.

(iii) A #qualifying site# with a #lot area# of 65,000 square feet or greater shall provide an open publicly accessible space with an area of not less than 10,000 square feet. Where such #qualifying site# has a #through lot# portion, such #qualifying site# shall provide an open publicly accessible space across the #through lot# portion.

However, for a #qualifying site# with a #lot area# of 80,000 square feet or

greater that includes an existing entrance to a rail mass-transit facility located outside the #through lot# portion of the #zoning lot# existing on May 8, 2019, such open publicly accessible space may be located so as to include the entrance to a rail mass-transit facility, provided that such open publicly accessible space adjoins a #street# or a required sidewalk widening, as applicable.

(2) Design requirements for publicly accessible spaces

(i) Open publicly accessible space

For open publicly accessible space, the provisions of Section 37-70, inclusive, shall apply, except that the provisions of Section 37-713 (Locational restrictions) shall not apply. In addition, the following modifications or waivers may be applied under certain circumstances:

(a) For #qualifying sites# where an open publicly accessible space is permitted to adjoin a #street# or a required sidewalk widening to accommodate an entrance to a rail mass-transit facility in accordance with paragraph (b)(1)(iii) of this Section, and the majority of the subsurface area of such #qualifying site# is occupied by a railroad right-of-way, thus imposing practical difficulty in configuring the #building# or required publicly accessible space:

(1) the provisions of Sections 81-42 (Retail Continuity Along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets) and 81-671 (Special street wall requirements), paragraph (d) of Section 37-715

(Requirements for major portions of public plazas) need not apply;

(2) where #street wall# requirements are not applied, the provisions of paragraphs (a) and (b) of Section 37-726 (Permitted obstructions) may be modified to allow a portion of an open publicly accessible space to be covered by a #building or other structure#, provided that there is an average separation of at least 50 feet between the level of such open publicly accessible space and any portion of #building# above, and further provided that any such portion shall be located no lower than 40 feet above the level of such open publicly accessible space. In addition, such #building or other structure# shall not obstruct more than 60 percent of the area of such open publicly accessible space;

(3) the provisions of paragraphs (a) and (c) of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses) need not apply, where at least one food service kiosk shall abut or be included within such open publicly accessible space. The size limitations of paragraph (a), and the certification requirements of paragraph (c) of Section 37-73 shall not apply to such kiosk; and

(4) where the provisions of paragraph (d) of Section 37-715 are not applied, the provisions of paragraph (a) of Section 37-721 (Sidewalk frontage) may be modified to require no more than 40 percent of the area within 15 feet of any such #street line#

to be free of obstructions and the provisions of Section 37-741 (Seating), may be modified to exclude the length of any such #street line# from the calculation of the amount of seating required within 15 feet of such #street line#.

(b) For #qualifying sites# where an open publicly accessible space is permitted to adjoin a #street# or a required sidewalk widening to accommodate an entrance to a rail mass-transit facility in accordance with paragraph (b)(1)(iii) of this Section, the Chairperson of the City Planning Commission shall permit modifications to the remaining design provisions of Section 37-70, inclusive, upon certification to the Department of Buildings that such modifications are limited to those that directly address practical difficulties resulting from the presence of the entrance to a rail mass-transit facility within the open publicly accessible space. Any application shall include materials demonstrating the extent of modifications necessary. The Chairperson, in consultation with the Metropolitan Transportation Authority, shall determine the appropriate amount of above-grade pedestrian circulation space into and around the entrance to such rail mass-transit facility.

(ii) Enclosed publicly accessible space

For enclosed publicly accessible spaces, the following shall apply:

(a) An enclosed publicly accessible space shall have a minimum height of 30 feet or the height of the ground floor level, whichever is greater, and a minimum width and depth, at any point, of 30 feet. Such

enclosed publicly accessible space shall be located on the ground floor level of the #building# and shall be directly accessible from an adjoining #street# or #publicly accessible open area# that the area fronts. A minimum of one entrance to the enclosed publicly accessible space shall be provided from the adjoining #street# on which it fronts; however, if it fronts on more than one #street#, such entrance shall be from the #street# with the longer frontage. The aggregate width of doorways accessing such enclosed publicly accessible space shall not be less than 10 feet in width.

(b) All ground floor level #street walls# enclosing the enclosed publicly accessible space shall be treated with clear, untinted, transparent materials. Such transparent materials shall occupy at least 70 percent of the surface area of such ground floor level #street wall# between a height of two feet and 30 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Such enclosed publicly accessible space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least equal to those of the lobby for the principal #use# of the #building#.

(c) Public access to the enclosed publicly accessible space shall be provided, at a minimum, from 7:00 a.m. to 10:00 p.m. However, if a cafe or kiosk, pursuant to Section 37-73 (Kiosks and Open Air Cafes), is provided within, such enclosed publicly accessible space shall remain open to the public during the hours of operation of the cafe or kiosk, if such hours are longer than otherwise required by this Section.

The hours of access shall be included on all required entry plaques

and information plaques in accordance with the provisions of Section 37-751 (Public space signage systems) and for through #block# enclosed publicly accessible spaces, an information plaque shall be provided in accordance with paragraph (h)(2)(viii) of Section 37-53 (Design standards for Pedestrian Circulation Spaces).

(d) The provisions of Sections 37-718 (Paving), 37-722 (Level of plaza), 37-728 (Standards of accessibility for persons with disabilities), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-748 (Additional amenities), 37-752 (Prohibition signs), 37-753 (Accessory signs) and 37-77 (Maintenance) shall apply to enclosed publicly accessible spaces.

(e) The provisions of Section 37-723 (Circulation paths) shall apply to enclosed publicly accessible spaces. In addition, for enclosed publicly accessible spaces provided in conjunction with subway entrances and/or designed to provide connection to above- and/or below-grade improvements, an unobstructed pedestrian circulation path shall be provided from at least one entrance of the enclosed publicly accessible space to such subway entrance and to such above- and/or below-grade improvements.

(f) The provisions of paragraphs (a) and (b) of Section 37-726 (Permitted obstructions) shall apply to enclosed publicly accessible spaces and are modified as follows:

(1) structural columns shall be considered permitted obstructions. The area occupied by such structural columns shall be

excluded from the area calculations for the enclosed publicly accessible space. In addition, interior structural columns shall have an aggregate area of no more than two percent of the total enclosed publicly accessible space. Such columns shall not be considered permitted obstructions in any circulation path; and

(2) a cafe or kiosk permitted by certification pursuant to Section 37-73 (Kiosks and Open Air Cafes) shall be considered a permitted obstruction within an enclosed publicly accessible space and may not occupy more than 20 percent of the enclosed publicly accessible space.

(g) The provisions of Section 37-741 for seating shall apply to enclosed publicly accessible spaces, except that such provisions are modified as follows:

(1) the requirements of seating within 15 feet of a #street line# shall not apply;

(2) all of the linear seating capacity may be in moveable seats. All such moveable seats must remain in the enclosed publicly accessible space during the hours of operation; and

(3) the requirement that seats facing walls be located a minimum of six feet from such wall shall only apply to fixed seating.

(h) The requirements of Section 37-742 for planting and trees shall apply to enclosed publicly accessible spaces, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.

(i) All enclosed publicly accessible spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of Section 37-743 for a lighting schedule, a diagram of light level distribution and electrical power shall apply.

(j) At least 50 percent of the total frontage of all #building# walls fronting on an enclosed publicly accessible space, excluding such frontage occupied by #street walls#, #building# lobbies or #building# walls #abutting# #lot lines#, shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations, but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. For such #building# walls, the transparency provisions of paragraph (c) of Section 37-76 shall apply.

(k) The area of the enclosed publicly accessible space shall be exempt from calculations for #floor area# as defined in Section 12-10 (DEFINITIONS).

In addition, a maximum of 30 percent of the area of the publicly accessible space, whether open or enclosed, may be counted towards meeting the pedestrian circulation space

requirement, up to a maximum of 3,000 square feet.

81-682 - Priority Improvement List for qualifying sites

LAST AMENDED
8/9/2017

In accordance with the provisions of Section 81-641 (Additional floor area for transit improvements on qualifying sites), any applicant for a #development# or #enlargement# on a #qualifying site# in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, shall select a transit improvement, or combination thereof, to be completed in accordance with the provisions of this Section.

(a) Selecting an Improvement

An applicant shall select a transit improvement from the Priority Improvement List in paragraph (b) of this Section based on the #floor area# such improvement generates relative to the minimum #floor area# required and maximum #floor area# permitted for completion of such improvement pursuant to Section 81-641, and based on the following geographical and technical considerations:

(1) First, the applicant shall select a transit improvement in the same Subarea of the East Midtown Subdistrict as the proposed #development# or #enlargement# on a #qualifying site#;

(2) If none of the transit improvements on the Priority Improvement List meet the criteria of paragraph (a)(1) of this Section, the applicant shall select a transit improvement on a transit route that passes through, and has stations or other facilities in the same

Subarea of the East Midtown Subdistrict as the proposed #development# or #enlargement# on a #qualifying site#;

(3) If none of the transit improvements on the Priority Improvement List meet the criteria of paragraphs (a)(1) or (a)(2) of this Section, the applicant shall select from any remaining improvement on the list.

In addition, applicants shall consult with the applicable City or State agencies with jurisdiction over and control of the proposed improvement to ensure that the selected improvement will meet the operational and long-term planning needs of the station or transit route, including any phasing requirements, and compliance with the Americans with Disabilities Act (ADA).

(b) The Priority Improvement List

The Priority Improvement List (the "Improvement List"), set forth in the tables below, details physical improvements to subway stations and other rail mass transit facilities in, or adjacent to, the East Midtown Subdistrict, that an applicant for a #development# or, where permitted, an #enlargement# on a #qualifying site# may complete to obtain additional #floor area#.

Three levels of improvements are available for completion, which, accordingly, generate three different amounts of additional #floor area#:

(1) Type 1 Improvements generate 40,000 square feet of #floor area#, and include new or expanded on-street station entrances, new or expanded off-street station entrances, new or expanded accessible routes for persons with physical disabilities between two levels of a station, and four or fewer new or reconfigured station stairs.

(2) Type 2 Improvements generate 80,000 square feet of #floor area#, and include new or expanded station escalators, new or expanded accessible routes for persons with physical disabilities between three or more station levels, new or expanded paid areas of a station, including widened platforms or mezzanine levels, and more than four new or reconfigured station stairs.

(3) Type 3 Improvements generate 120,000 square feet of #floor area#, and include large-scale renovations that significantly improve the environment of stations, and new connections between two or more stations.

In consultation with the Metropolitan Transportation Authority, the City Planning Commission may, by rule, modify the Improvement List to reflect new improvements needed in the transit network.

PRIORITY IMPROVEMENT LIST

TYPE 1 IMPROVEMENTS		
Location	Type of Improvement	Transit Line
Lexington Avenue/ 53rd – 51st Street station	Replace escalator and stair connecting downtown Lexington platform to underpass with widened stair	Lexington Avenue Line/53rd Street Line
Lexington Avenue/ 53rd – 51st Street station	Provide new street entrance to uptown Lexington platform from 50th Street	Lexington Avenue Line/53rd Street Line

42 St - Bryant Park /5th Ave station	Provide ADA elevator between Flushing platform and mezzanine level	Flushing Line/6th Avenue Line
42 St - Bryant Park /5th Ave station	Provide new street entrance from north side of West 42nd street	Flushing Line/6th Avenue Line
42 St - Bryant Park /5th Ave station	Provide ADA elevator between Sixth Avenue northbound platform and mezzanine level	Flushing Line/6th Avenue Line
42 St - Bryant Park /5th Ave station	Provide ADA elevator between Sixth Avenue southbound platform and mezzanine level	Flushing Line/6th Avenue Line
Lexington Av - 59th Street station	Provide new street stair capacity at northeast and northwest corners of East 60th Street and Lexington Avenue	Lexington Avenue Line/Broadway-60th Street Line
Lexington Av - 59th Street station	Provide ADA elevator between local IRT platform and street level	Lexington Avenue Line/Broadway-60th Street Line
Lexington Av - 59th Street station	Provide ADA elevator between 60th Street (BMT) line platform and mezzanine level	Lexington Avenue Line/Broadway-60th Street Line

Lexington Av - 59th Street station	Provide new platform stair and widen existing stairs between 60th Street (BMT) line platform and mezzanine level	Lexington Avenue Line/Broadway-60th Street Line
Fifth Avenue/53rd Street station	Provide new street entrance on East 53rd Street west of Madison Avenue	53rd Street Line
Grand Central/42nd Street station	Widen platform stair at east end of Flushing platform	Flushing Line
Grand Central/42nd Street station	Widen two stairs between uptown Lexington platform and Flushing and Lexington platforms	Flushing Line
TYPE 2 IMPROVEMENTS		
Location	Type of Improvement	Transit Line
Lexington Avenue/ 53rd–51st Street station	Provide widened escalator between 53rd Street platform and mezzanine	Lexington Avenue Line/53rd Street Line

Lexington Av-59th Street station	Provide ADA elevator between northbound local Lexington Avenue Line platform, northbound express Lexington Ave Line platform, and the 60th Street (BMT) line mezzanine	Lexington Avenue Line/Broadway-60th Street Line
Lexington Av-59th Street station	Provide ADA elevator between southbound local Lexington Avenue Line platform, southbound express Lexington Avenue Line platform, and the 60th Street (BMT) line mezzanine	Lexington Avenue Line/Broadway-60th Street Line
47th/50th Streets Rockefeller Ctr station	Provide two new platform stairs and widen seven platform stairs	6th Avenue Line
Fifth Av/53rd Street station	Provide a new stair from mezzanine level to upper platform, and a new stair from upper platform to lower platform	53rd Street Line
Fifth Av/53rd Street station	Provide ADA elevator from mezzanine to upper platform, and to lower platform	53rd Street Line

Fifth Av/53rd Street station	Provide two escalators from mezzanine to upper platform	53rd Street Line
Fifth Av/53rd Street station	Provide new mezzanine area under East 53rd Street with fare control to accommodate street entrance and new access core	53rd Street Line
Fifth Av/53rd Street station	Provide new access core between platforms and street level to accommodate escalators, elevator, and stairs	53rd Street Line
Grand Central/42nd Street station	Provide new Flushing platform stair and expand transfer passageway to accommodate the addition of the stair	Flushing Line
TYPE 3 IMPROVEMENTS		
Location	Type of Improvement	Transit Line

Grand Central/42nd Street station	Renovate to contemporary standards the south end of the Grand Central Lexington Subway mezzanine from the Shuttle Passageway and 125 Park Avenue entrances to join the renovated areas on the north end of the mezzanine	Flushing Line/Lexington Avenue Line

81-683 - Criteria for improvements in the Public Realm Improvement Concept Plan

LAST AMENDED
8/9/2017

The #Public Realm Improvement Fund Governing Group# shall select priority improvements for the Public Realm Improvement Concept Plan (the "Concept Plan") in accordance with the provisions of this Section.

All improvements in the Concept Plan, which may be funded through contributions to the #Public Realm Improvement Fund#, shall:

(a) be within the East Midtown Subdistrict, a location immediately adjacent thereto, or in a subway or rail mass transit facility in the Borough of Manhattan which has significant ridership into and out of the Subdistrict;

(b) have a City or State agency as a project sponsor;

(c) meet the definition of a capital project under Section 210 of the New York City Charter; and

(d) consist of either:

(1) above-grade public realm improvements, including, but not limited to, pedestrian plazas that provide opportunities for passive recreation, or improvements along a street accommodating both vehicular and pedestrian access that may include pedestrian amenities, or streetscape, sidewalk, crosswalk and median enhancements; or

(2) below-grade public realm improvements, including, but not limited to widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network, additional vertical circulation, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, improved or new disabled access, or providing daylight access, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways, within the East Midtown Subdistrict, a location immediately adjacent thereto, or in a subway or rail mass transit facility identified on the Priority Improvement List in Section 81-682 (Priority Improvement List for qualifying sites).

The Governing Group shall first consider the funding of the public realm improvements set forth in the table in this Section prior to consideration and selection of other above- or below-grade public realm improvements.

PUBLIC REALM IMPROVEMENTS

PEDESTRIAN PLAZAS
Pershing Square East

East side of Park Avenue between East 40th Street and East 41st Street
West side of Park Avenue between East 40th Street and East 41st Street
SHARED STREETS
East 41st Street between 5th Avenue and Lexington Avenue
Vanderbilt Avenue between East 43rd Street and East 47th Street
East 43rd Street between Lexington Avenue and 3rd Avenue
East 44th Street between Lexington Avenue and 3rd Avenue
MEDIAN WIDENINGS
Expansion of Park Avenue medians between East 46th Street and East 57th Street
THOROUGHFARE IMPROVEMENTS
Five blocks of East 53rd Street between 2nd Avenue and 5th Avenue

81-684 - Authorization for qualifying sites

LAST AMENDED
8/9/2017

(a) Authorization to allow enlargements on qualifying sites

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may authorize modifications to the requirement in the definition of #qualifying site# in Section 81-613 to allow #enlargements# on #qualifying sites# to an existing #building# with frontage along a #wide street#. The Commission may also waive the requirement that such #qualifying site# provide publicly accessible space in accordance with the provisions of paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites). In order to permit such modifications, the Commission shall find that such #enlargement# includes significant renovations to the existing #building# that will bring it up to contemporary space standards.

Where the existing #building# includes #non-complying# #floor area#, a contribution shall be deposited by the applicant into the #Public Realm Improvement Fund#. Such contribution shall be an amount equal to 20 percent of the #Public Realm Improvement Fund Development Rights Valuation# multiplied by the amount of such pre-existing #non-complying# #floor area#. For the purposes of such calculation, the amount of existing #non-complying# #floor area# shall not include any bonus #floor area# associated with a #publicly accessible open area# to remain on the #zoning lot#. The payment of the non-refundable contribution to the #Public Realm Improvement Fund#, shall be a precondition to the issuance of any foundation permit or new building permit by the Department of Buildings allowing the #enlargement# on a #qualifying site#.

For such #enlargements# to #buildings# with #non-complying# #floor area#, the proposed #floor area# beyond the amount contained in the pre-existing #non-complying# #building# shall be obtained by utilizing the applicable provisions of Section 81-64. For the purposes of

applying the provisions of such Section, the reconstructed #floor area ratio# shall be considered the basic maximum #floor area ratio#. However, the maximum #floor area ratios# of Row E and Row H shall continue to apply.

However, an alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

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

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

(b) Authorization for a #qualifying site# providing publicly accessible space

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# on a #qualifying site# set forth in Section 81-64 and providing publicly accessible space, open or enclosed, pursuant to paragraph (b) of Section 81-681, the Commission may authorize the waiver of the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Retail Streets) and 81-671 (Special street wall requirements), requirements of Sections 81-42 (Retail Continuity Along Designated Streets) and 81-674 (Ground floor use provisions), the curb cut location restriction of paragraph (b) of Section 81-675 (Curb cut restrictions and loading berth requirements), and the design requirements for publicly accessible space, open or enclosed, set forth in paragraph (b)(2) of Section 81-681.

In order to grant such authorization, the Commission shall find that such proposed waivers will result in a superior urban design relationship with surrounding #streets#, #buildings#, and other open areas, and;

(1) for waiver of #street wall# regulations:

(i) such waiver is necessary due to constraints or conditions of the configuration of the site; and

(ii) such waiver will not unduly obstruct the access to light and air of surrounding #buildings# and open spaces;

(2) for waivers of retail continuity and ground floor #use# provisions, such waivers are minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any publicly accessible space, open or enclosed;

(3) for waiver of the curb cut location restriction of paragraph (b) of Section 81-675, for a #qualifying site# on 47th Street between Park Avenue and Vanderbilt Avenue, that the proposed curb cut location will not unduly interrupt the flow of pedestrian traffic or result in any undue conflict between pedestrian and vehicular movement; and

(4) for modifications of the design requirements for a publicly accessible space, open or enclosed:

(i) the publicly accessible space and proposed #building# on the #qualifying site# are designed in a manner that results in a cohesive and harmonious site plan,

(ii) the publicly accessible space is superior in design and quality of amenities;

(iii) the publicly accessible space provides connections to pedestrian circulation spaces in the immediate vicinity;

(iv) the pedestrian network of the surrounding area is enhanced by the publicly accessible space; and

(v) such waiver is the minimum waiver necessary to afford relief. No modifications to the required amount of publicly accessible space set forth in paragraph (b) of Section 81-681 shall be permitted.

All applications pursuant to this Section shall be referred to the affected Community Board, the local Council Member, and the Manhattan Borough President. No authorization shall be granted prior to 60 days after such referral.

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

81-685 - Special permit to modify qualifying site provisions

LAST AMENDED
8/9/2017

In conjunction with any application that would allow additional #floor area# permitted beyond the basic maximum #floor area# for a #qualifying site# set forth in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), the City Planning Commission may permit modifications to certain

#qualifying site# criteria, as well as height and setback regulations and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) The Commission may modify the following, whether singly or in any combination:

(1) the following #qualifying site# criteria:

(i) the requirement for minimum #wide street# frontage, including the requirement that no existing #buildings# will remain on such #wide street# frontage, set forth in paragraphs (b) and (c) of the definition of a #qualifying site# in Section 81-613 (Definitions);

(ii) the #building# performance and publicly accessible space requirements in paragraph (f) of the definition of a #qualifying site# and Section 81-681 (Mandatory requirements for qualifying sites);

(iii) the requirement that the additional #floor area# permitted through the provisions of Section 81-64 be achieved exclusively through a #development#;

(iv) the requirement that a #qualifying site# be comprised of a single #zoning lot#, provided that the two or more #zoning lots# constituting such #qualifying site# are contiguous and include the #zoning lot# occupied by Grand Central Terminal. All #bulk# regulations of this Chapter shall apply to such modified #qualifying site# without regard to #zoning lot lines#; or

(v) the requirement that a #development# or #enlargement# exceed the basic maximum #floor area ratio# set forth in Row A of the table in Section 81-64 as a pre-condition to an increase in #floor area# pursuant to such table, where a #qualifying site# includes the #zoning lot# occupied by Grand Central Terminal;

(2) the provisions for #zoning lots# divided by district boundaries set forth in Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions) or 77-22 (Floor Area Ratio), and the provisions of Section 81-612 (Applicability along district boundaries) requiring that #zoning lots# divided by Subarea boundaries utilize the provisions of Article VII, Chapter 7;

(3) for #qualifying sites# modified pursuant to paragraph (a)(1)(iv) and paragraph (a)(1)(v) of this Section:

(i) the pre-condition of achieving the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 prior to, or in conjunction with, the special permits set forth in Sections 81-644 (Special

permit for transit improvements) and 81-645 (Special permit for a public concourse), provided that, prior to obtaining a new building permit for a #development# utilizing bonus #floor area# granted pursuant to Sections 81-644 or 81-645, a contribution is made to the #Public Realm Improvement Fund# in an amount that is commensurate with what the provisions of Section 81-642 (Transfer of development rights from landmarks to qualifying sites) would require if the #zoning lot# occupied by Grand Central Terminal were a #granting lot# and the #development# site were a #receiving lot#; and

(ii) the permitted #floor area ratio# attributable to the combination of the special permits set forth in Row F and Row G of the table in Section 81-64, from 3.0 to 6.0;

(4) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-671 (Special street wall requirements), inclusive;

(5) the height and setback regulations of Sections 81-26 (Height and Setback Regulations – Daylight Compensation), inclusive, 81-27 (Alternate Height and Setback Regulations –Daylight Evaluation), inclusive, or 81-66 (Special Height and Setback Requirements);

(6) the mandatory district plan elements of Sections 81-42 (Retail Continuity Along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major

Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-674 (Ground floor use provisions), 81-675 (Curb cut restrictions and loading berth requirements), 81-676 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted; or

(7) for #qualifying sites# modified pursuant to paragraph (a)(1)(iv) or paragraph (a)(1)(v) of this Section, the time period for substantial construction to be completed prior to the lapse of any special permit granted for such #qualifying site#, as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), provided that such time period does not exceed 10 years.

(b) Application requirements

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

(1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43, or as such provisions are modified pursuant to Section

81-671, as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 or 81-27, or as such provisions are modified pursuant to Section 81-66, as applicable;

(2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-66;

(3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-66; and

(4) for any #development# or #enlargement# on a #qualifying site# that includes Grand Central Terminal, a report from the Landmarks Preservation Commission concerning the harmonious relationship of the #development# or, where permitted, #enlargement# to Grand Central Terminal.

(c) Findings

The Commission shall find that such proposed modifications:

(1) to the definition of #qualifying site# are the minimum extent necessary, and are harmonious with the Subdistrict objective to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers;

(2) to the requirement for #wide street# frontage in the definition of #qualifying sites# will not unduly concentrate #bulk# towards the middle of the #block# to the detriment of the surrounding area;

(3) to the #building# performance requirements in the definition of #qualifying sites# and paragraph (a) of Section 81-681:

(i) are necessary due to the presence of existing #buildings# on the site; and

(ii) will not detract from the incorporation of innovative sustainable design measures;

(4) to the publicly accessible space requirements in the definition of #qualifying sites# and paragraph (b) of Section 81-681:

(i) are the minimum necessary to accommodate the proposed #building#; and

(ii) that any reduction or waiver will result in a better site plan and will not detract from a lively streetscape and pedestrian experience;

(5) to regulations pertaining to #zoning lots# divided by district boundaries will result in better site planning;

(6) to #floor area ratio# requirements will facilitate significant improvements to transit infrastructure and the public realm in and around Grand Central Terminal;

(7) to the mandatory district plan elements:

(i) will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions);

(ii) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;

(8) to the #street wall# or height and setback regulations:

(i) are necessary due to constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site;

(ii) will not unduly obstruct the access of light and air to surrounding properties;

(iii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations); and

(iv) the overall design of the #building# demonstrates an integrated and well-considered facade, taking into account factors such as #street wall# articulation, and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area and constitutes a distinctive addition to the Midtown Manhattan skyline; and

(9) to the time period for substantial construction to be completed prior to the lapse of any special permit granted for such #qualifying site# are necessary due to the complexity of demolition and construction on the site.

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

81-686 - Contribution in-kind for certain public realm improvements

LAST AMENDED
8/9/2017

The Chairperson of the City Planning Commission shall allow, by certification, in conjunction with a certification pursuant to Sections 81-642 (Transfer of development rights from landmarks to qualifying sites) or, where applicable, 81-643 (Special provisions for retaining non-complying floor area in commercial buildings), the applicant for a #development# or, where permitted, #enlargement# on a #qualifying site# that is immediately adjacent to a sidewalk improvement identified in the Public Realm Improvement Concept Plan to undertake such improvement, and to deduct the cost of such improvement from their contribution to the #Public Realm Improvement Fund#, provided that the provisions of this Section are met.

(a) The following requirements shall be completed prior to application for certification by the Chairperson:

(1) the applicant shall submit preliminary plans for the proposed improvement to the Chairperson, the Department of Transportation (DOT), and the #Public Realm Improvement Fund Governing Group# (the "Governing Group");

(2) DOT shall provide a letter to the Chairperson and the Governing Group containing a conceptual approval of the proposed improvement including a statement of any considerations regarding the construction and operation of the improvement;

(3) construction documents and cost estimates shall be prepared for such proposed improvements by a professional engineer, and submitted to the Chairperson, the DOT and the Governing Group;

(4) upon review, the DOT and the Governing Group shall either approve such construction documents and costs estimates or detail discrepancies to be resolved by the applicant; and

(5) upon approval of the construction documents and cost estimates by the DOT and Governing Group, and prior to the issuance of a building permit as set forth in Section 81-642 and in this Section, the applicant shall execute agreements and legally enforceable instruments running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to design and construct the improvement in accordance with the requirements of the DOT. A certified copy of such legal instruments shall be sent to the Chairperson.

(b) Upon submittal of all the items in paragraph (a) of this Section, along with drawings indicating the portion of the #building# utilizing transferred #floor area# pursuant to the provisions of Section 81-642 or, where applicable, 81-643, the Chairperson shall certify that a #development# or, where permitted, #enlargement# on a #qualifying site# may undertake an improvement to an adjoining sidewalk.

The execution and recording of legal instruments in accordance with paragraph (a) of this Section shall be a precondition to the issuance of any foundation permit or new building permit or alteration permit by the Department of Buildings allowing a #development# or, where permitted, #enlargement# on a #qualifying site# undertaking a contribution-in-kind pursuant to this Section.

(c) Upon certification by the Chairperson, monies equal to such agreed upon cost estimate between the applicant, DOT and the Governing Group shall be deposited by the applicant into an escrow account or other similar account established by the Governing Group, which shall not be commingled with the #Public Realm Improvement Fund# ("the Improvement Fund").

(d) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing transferred #floor area# pursuant to Section 81-642 until the Chairperson of the City Planning Commission, acting in consultation with the DOT and the Governing Group, has certified that the improvements are substantially complete and usable by the public. No permanent certificate of occupancy shall be granted by the Department of Buildings until the improvements have finally been completed in accordance with the approved plans and such final completion has been approved by the Chairperson, the DOT and the Governing Group.

(e) Upon completion of the sidewalk improvement, the monies secured in the escrow account or other similar account established by the Governing Group shall be released to the applicant.

(f) In the event that an applicant utilizing the provisions of this Section has not completed the sidewalk improvements within five years of obtaining a new building permit or alteration permit from the Department of Buildings, the Governing Group shall release the monies in the escrow account or other similar account to the Improvement Fund.

81-70 - SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

LAST AMENDED
5/13/1982

81-71 - General Provisions

LAST AMENDED
8/14/2025

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theater Subdistrict, are applicable only in the Theater Subdistrict, of which the Theater Subdistrict Core and the Eighth Avenue Corridor are parts, except that any listed theater designated in Section 81-742, or portion thereof, located outside of the Theater Subdistrict shall be deemed to be a "granting site" pursuant to Section 81-744 (Transfer of development rights from listed theaters).

The west side of Eighth Avenue between 42nd and 45th Streets is also subject to the provisions of the Special Clinton District to the extent set forth in Article IX, Chapter 6, subject to Section 81-023 (Applicability of Special Clinton District regulations).

These boundaries are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter. The regulations of Sections 81-72 to 81-75, inclusive, supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District# of which the Subdistrict is a part.

In order to preserve and protect the character of the Theater Subdistrict as a cultural, theatrical and entertainment showcase as well as to help ensure a secure basis for the useful cluster of shops, restaurants and related amusement activities, special incentives and controls are provided for the preservation and rehabilitation of existing theaters and special restrictions are placed on ground floor #uses# within the Subdistrict. In order to preserve and protect the special scale and character of the Theater Subdistrict Core, which includes Times Square, special #building# #street wall# height and setback controls and requirements for the inclusion of #illuminated signs# and entertainment and entertainment-related #uses# apply within the Subdistrict Core. In order to ensure the orderly growth and development of the Eighth Avenue Corridor and its transition to the scale and character of

adjoining midblocks, special #building# #street wall#, height and setback controls apply within the Corridor. In order to preserve and maintain the character of the western edge of the Theater Subdistrict as both an integral part of the Theater Subdistrict and as a transition to the Clinton neighborhood, the west side of Eighth Avenue between 42nd and 45th Streets is also subject to the provisions of the Special Clinton District.

A Theater Subdistrict Council shall be created comprised of the Mayor, three (3) representatives appointed by the Mayor from the performing arts, theatrical and related industries, the Director of the Department of City Planning, the Speaker of the City Council and his or her designee, and the Manhattan Borough President. The members shall choose a Chair from among themselves. The Theater Subdistrict Council shall be a not-for-profit corporation whose organizational purpose shall be limited solely to promoting theater and theater-related use and preservation within the Theater Subdistrict and promoting the welfare of the Theater Subdistrict generally. The goals of the Theater Subdistrict Council shall include enhancing the long-term viability of Broadway by facilitating the production of plays and small musicals within the Theater Subdistrict, developing new audiences for all types of theatrical productions, and monitoring preservation and use covenants in Broadway's "listed theaters."

The Theater Subdistrict Council shall adopt a plan every three years for the sale, distribution and marketing of reduced price tickets to new and undeveloped audience groups. Such plan shall include locations outside of the Theater Subdistrict where such reduced price tickets will be available. The plan shall also include a way to evaluate yearly its effectiveness by:

(a) the number of tickets sold; and

(b) the penetration of the new identified markets which shall be reported to the Chairperson of the City Planning Commission and filed with the Council of the City of New York.

The Theater Subdistrict Council shall advise the Chairperson of the City Planning Commission concerning applications for any special permit, authorization or certification pursuant to the special regulations for the Theater Subdistrict and shall be the holder and administrator of the funds received in connection with transfers of development rights from "listed theaters" pursuant to Section 81-744

in accordance with the provisions for the Theater Subdistrict Fund set forth in paragraph (h) of Section 81-741 (General provisions).

81-72 - Use Regulations Modified

LAST AMENDED
8/14/2025

The #use# regulations of this Section, inclusive, shall apply within that portion of the Theater Subdistrict bounded by West 40th Street, a line through the midblock between 40th Street and 41st Street, a line 100 feet east of Eighth Avenue, West 51st Street and a line 200 feet west of Avenue of the Americas, to #buildings# #developed# after May 13, 1982, to portions of #buildings# #enlarged# on the ground floor level after May 13, 1982, and to #extensions#.

81-721 - Special ground floor street frontage restrictions

LAST AMENDED
6/6/2024

Each establishment along a designated #street# frontage shall be located within 10 feet of the #lot line# on which it is required to front for the full length of the frontage of that establishment, except that, where a #street wall# recess at #curb level# permitted under Section 81-43 (Street Wall Continuity Along Designated Streets) extends a greater distance from the #lot line#, the length of frontage of any establishment adjoining that recess may be located at an equal, but not greater, distance from the #lot line#.

81-722 - Requirements for entertainment-related uses

LAST AMENDED
6/6/2024

With the exception of a #development# or #enlargement# in which more than 50 percent of the new #floor area# is allocated to #transient hotel# #use#, or all of the #floor area# of the #development# or #enlargement# is allocated to #public parking garage# #use#, a #development# or #enlargement# on a #zoning lot# with more than 50 percent of its #zoning lot# area located within the Theater Subdistrict Core shall meet the following requirements:

(a) If the new #floor area# of the #development# or #enlargement# generated by that portion of the #zoning lot# located within the Theater Subdistrict Core exceeds 60,000 square feet, then an amount of floor space on the #zoning lot# equal to five percent of the amount by which such new #floor area# exceeds 50,000 square feet shall be allocated to #uses# listed in Section 81-723 (Entertainment-related uses).

Except as provided in paragraphs (b), (f) and (g) of this Section, the amount of floor space specified shall be located on the same #zoning lot# as the #development# or #enlargement# for which that floor space is provided to meet the requirements of this Section.

(b) A maximum of 75 percent of the amount of floor space specified in paragraph (a) of this Section may be located on a separate #zoning lot#, with the remainder located on the same #zoning lot# as the #development# or #enlargement#, by authorization of the City Planning Commission provided, upon examination of proposed plans, the Commission finds that:

(1) one of the following conditions exists:

(i) more than 50 percent of the area of the separate #zoning lot# is located within the Theater Subdistrict Core;

(ii) the separate #zoning lot# is located within the Theater Subdistrict and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, and #uses# accessory thereto, or a combination thereof, as listed in Section 81-723, and that the separate #zoning lot# is located within the Theater Subdistrict; or

(iii) the separate #zoning lot# is located within an area bounded by West 42nd Street, Sixth Avenue, West 57th Street, a line 175 feet west of Ninth Avenue, West 52nd Street and a line 150 feet west of Eighth Avenue, and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto, not including administrative office space, where such floor space occupies no less than 25,000 square feet;

(2) the floor space located on the separate #zoning lot# is in addition to any floor space provided to meet the requirements of this Section for any other #development# or #enlargement#;

(3) the floor space located on the separate #zoning lot# is constructed or renovated specifically for the purpose of meeting the requirements of this Section and has not been utilized for any of the #uses# listed in Section 81-723 at any time during the two-year period immediately prior to the date on which this authorization, as described in paragraph (b) of this Section, is granted; and

(4) the #use# located on the separate #zoning lot# achieves a reasonable distribution of entertainment-related #uses# and locations of such #uses#.

(c) Except as provided in this paragraph (c), floor space allocated to entertainment-related #uses# listed in Section 81-723, accommodating any number of occupants, shall be classified under

Sections 27-254 to 27-258 (Title 27, Chapter 1, Subchapter 3, Article 8 - Occupancy Group F-Assembly) of the 1968 Building Code or Section BC 303 of the 2008 Building Code, as applicable, and shall meet all relevant requirements of Sections 27-522 to 27-549 (Title 27, Chapter 1, Subchapter 8-Places of Assembly) of the 1968 Building Code or Section BC 1024 of the 2008 Building Code, as applicable.

Alternatively, where floor space in an existing #building# is allocated to #uses# listed in Section 81-723 in order to meet the requirements of this Section, the Commission may, by authorization, modify or waive the Code requirements of this paragraph (c) if, upon examination of proposed plans, it finds that:

(1) the existing #building# does not otherwise require structural alteration to accommodate the entertainment-related #uses#; and

(2) two plaques will be provided prior to the issuance of any certificate of occupancy for the floor space so allocated to be affixed, as follows:

(i) the first in a prominently visible location either to the exterior wall of the #building# at ground level adjacent to the main entry or in the main lobby stating that floor space in the #building# is provided to meet the requirements of this Section; and

(ii) the second either on or immediately adjacent to the corridor or lobby side of the main door to the space itself stating that such floor space is located within that part of the #building#.

Each plaque shall indicate in letters, not less than one inch high, the amount of entertainment-related floor space in square feet, the floor or floors on which it is located, the category of #use# under Section 81-723 to which it is dedicated, and the name and street address of the #development# or #enlargement# for which it partially fulfills the requirements of this Section.

(d) The certificate of occupancy for the #development# or #enlargement# shall record and specifically describe all floor space allocated to meet the requirements of this Section and shall require the permanent reservation of this space for such purposes as a condition of the certificate of occupancy.

If a portion of the amount of the specified floor space is located on a separate #zoning lot#, no certificate of occupancy for the #development# or #enlargement# shall be issued until a certificate of occupancy has been issued for that floor space provided on the separate #zoning lot# and all other floor space allocated to fulfill the requirements of this Section.

The certificate of occupancy for the #development# or #enlargement# shall identify the amount and location of such specified floor space provided on the separate #zoning lot#. The certificate of occupancy of the separate #zoning lot# shall identify the #development# or #enlargement# for which the specified floor space is provided and the amount and location of that floor space on the separate #zoning lot#. Both certificates of occupancy shall require the permanent reservation of the floor space provided on the separate #zoning lot# for #uses# which meet the requirements of this Section.

An amount of floor space allocated in an existing #building# to meet the requirements of this Section may be reallocated to another location, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict. Such reallocation shall be made provided that the Commission finds, by authorization, that all of the requirements of this Section are still met and that the Commission has received sufficient assurances that the certificates of occupancy of the #development# or #enlargement# and the #building# to which the floor space has been reallocated, will be amended within a period of time after the date of such authorization specified therein to accord with the provisions of this Section.

(e) A written declaration shall be recorded against the #zoning lot# of the #development# or #enlargement# and against the separate #zoning lot#, which contains an agreement that the floor space provided on the separate #zoning lot# shall be used solely for entertainment-related #uses# for the life of the #development# or #enlargement#.

If floor space allocated to entertainment-related #uses# on the separate #zoning lot# is reallocated in accordance with the provisions of paragraph (d) of this Section, the agreement contained in the written declaration shall be amended so that the #zoning lot# on which the newly allocated floor space is located complies with paragraph (d).

(f) If a certificate of occupancy for floor space to be located on a separate #zoning lot#, pursuant to the provisions of paragraph (b) of this Section, is not reasonably anticipated to be issued prior to the date upon which the #development# or #enlargement# would otherwise be eligible for issuance of a certificate of occupancy, the Commission may also authorize the waiver of any or all of the provisions of paragraphs (b)(3), (d) and (e) of this Section, provided that:

(1) the owner or lessee of the #development# or #enlargement#, or an affiliate thereof, will make or cause to be made a financial contribution, through payment or repayment of the costs thereof, which will facilitate on such separate #zoning lot#, the #development# of a #building# that will consist predominantly of either entertainment-related #uses# and #uses# accessory thereto or #community facility# #uses# where at least 25,000 square feet of such floor space allocated to meet the requirements of this Section shall be allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto not including administrative office space;

(2) the Department of City Planning has received a fully executed copy of a written declaration against such separate #zoning lot#, requiring that the floor space allocated to meet the requirements of this Section and located on the separate #zoning lot# shall

be used solely for entertainmentrelated #uses# and #uses# #accessory# thereto for the life of the #development# or #enlargement#. Prior to the release of the financial contribution, pursuant to paragraph (f)(3) of this Section, such declaration shall be filed and duly recorded in the borough office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section;

(3) such financial contribution will be deposited in a trust and agency account, to be released upon a determination made in writing by the Chairperson of the City Planning Commission, made in consultation with the Commissioner of Buildings, that all work on foundations has been completed for such #building#; and

(4) the prospective operator of the entertainmentrelated #uses# in the #building# on such separate #zoning lot#:

(i) has made substantial financial and constructionrelated commitments towards the development of the #building#, including, at a minimum, commitments for site acquisition, such as a purchase agreement, deed or ground lease, and architectural agreements for the design of the floor space; and

(ii) has secured, or has implemented a fundraising plan to secure, the funding necessary for the development of the #building#, other than the financial contribution by the owner or lessee of the #development# or #enlargement#.

Where the Commission makes the findings set forth in paragraphs (f)(1) through (f)(4) of this Section, inclusive, a certificate of occupancy may be issued for the #development# or #enlargement# requiring the provision of such floor space, notwithstanding that no certificate of occupancy has been issued with respect to the floor space located on the separate #zoning lot#.

(g) In the event that all work on foundations of the #building# on the separate #zoning lot# has not been completed within three years of the grant of an authorization provided under the provisions of paragraph (f) of this Section, the owner or lessee of the #development# or #enlargement# shall, in accordance with the terms of the written declaration recorded against the #development# or #enlargement# at the time of the grant of such authorization, apply to the Commission for:

(1) an extension of the authorization for up to one additional year for good cause shown; or

(2) a new authorization, under paragraph (b) of this Section, for alternative floor space consisting of entertainment-related #uses# to be located on a separate #zoning lot# as necessary to meet the requirements of this Section.

In granting such authorization for alternative floor space, the Commission may waive the provisions of paragraph (b)(3) of this Section, provided the floor space was not utilized for any of the #uses# listed in Section 81-723 at any time during the two-year period immediately prior to the date on which the authorization was originally granted under paragraph (b) of this Section.

(h) Floor space allocated in an existing #building# on a separate #zoning lot#, pursuant to an authorization granted under paragraph (f) of this Section, may be reallocated to another location, provided that the Commission finds, by authorization, that all applicable requirements of this Section are met, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict.

(i) All #uses# satisfying the requirements of this Section shall be subject to the locational requirements of Section 81-72 (Use Regulations Modified).

81-723 - Entertainment-related uses

LAST AMENDED
6/6/2024

In the Theater Subdistrict, references to entertainment-related #uses# shall include the following #uses#, as applicable:

From Use Group III

Museums

From Use Group VI

Eating or drinking establishments

From Use Group VIII

Art galleries

Art, music, dancing or theatrical studios

Auditoriums

Historical exhibits

Production or entertainment studios

Theaters.

81-73 - Special Sign and Frontage Regulations

LAST AMENDED

5/13/1982

81-731 - Special regulations for signs, transparency, banners and canopies

LAST AMENDED
6/6/2024

Within that area of the Theater Subdistrict whose boundaries are described in Section 81-72 (Use Regulations Modified), the following provisions apply along #wide street# frontages:

(a) The provisions of Section 81-42 (Retail Continuity Along Designated Streets) shall apply, except that any underlying transparency requirement shall be modified such that any clear, unobstructed openings in the surface of a #street wall# provided for a through #block# connection provided in accordance with the requirements of paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be treated as transparent glazed surfaces.

(b) Canopies (as defined in the Building Code) and awnings shall not be permitted on the exterior of any #building#.

For the purposes of this Section, any #signs# which do not comply with the regulations of this Section may be continued for one year after May 13, 1982, provided that after the expiration of that period such #non-conforming# #sign# shall terminate; a #sign# which the Chairperson of the City Planning Commission certifies as an integral part of the #building# shall not be required to terminate.

81-732 - Special Times Square signage requirements

LAST AMENDED
2/2/2011

The provisions of this Section shall apply to all #developments# and #enlargements# on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway in the Theater Subdistrict.

No building permit shall be issued by the Department of Buildings for any portion or all of a #development# or #enlargement# on a #zoning lot# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway without prior submission of drawings showing that the #sign# requirements related to #surface area#, location and number of #signs# set forth in paragraphs (a), (b) and (c) of this Section have been met and that electrical power is provided in amounts and locations sufficient to illuminate all such required #signs# to the illumination levels specified herein. Such drawings shall include, at a scale of 1/16 inch equals one foot, a plan, elevations of #narrow streets# and Seventh Avenue and/or Broadway and cross-sections showing setbacks on Seventh Avenue, Broadway and #narrow streets#. These drawings shall show, for all the #signs# required under this Section, their number and for each, its #surface area# and location and shall list each requirement and the actual dimensions or areas achieved in the design.

Temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate more than 50 percent of the total #floor area# of the #development# or #enlargement# shall not be issued by the Department of Buildings until 50 percent of the aggregate #surface area# of #signs# required under paragraph (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate more than 90 percent of the total #floor area# of the #development# or #enlargement# shall not be issued by the Department of Buildings until 90 percent of the aggregate #surface area# of #signs# required under paragraphs (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Neither temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate 100 percent of the total #floor area# of the #development# or #enlargement# nor a first permanent certificate of occupancy for the #development# or #enlargement# shall be issued by the Department of Buildings until all of the #signs# required under this Section have been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Notwithstanding the foregoing requirements relating to the granting of certificates of occupancy, the City Planning Commission may, prior to January 1, 2003, certify to the Commissioner of Buildings that compelling circumstances warrant the waiver of any or all such provisions. In granting any such waiver, the Commission shall establish a completion schedule, not to exceed one year from the date of such certification, for the installation and operation of all requisite #signs# in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section. The Commission, as it deems appropriate, shall also require security for performance under the schedule and may prescribe other conditions to address the delay in installation and operation of requisite #signs#.

(a) All #developments# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway shall provide #signs# meeting all of the following requirements:

(1) At least one #illuminated sign# shall be provided for each ground floor establishment with a #street# frontage on Seventh Avenue, Broadway or a #narrow street# for the full length of the #zoning lot# frontage or the first 100 feet from Seventh Avenue or Broadway, whichever is less. With the exception of theater #signs#, each required #illuminated sign# shall be located directly behind the clear, untinted, transparent material with which the #street wall# is required to be glazed under Section 81-731 (Special regulations for signs, transparency, banners and canopies). There shall be no obstructions between the #sign# and the glazing material.

(2) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 12 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.

No portion of any #illuminated sign# required under this paragraph, (a)(2), shall be located:

(i) further than 40 feet from the Broadway or Seventh Avenue #street line#;

(ii) below a height of 10 feet above #curb level# or above the top of the #street wall# of the #building# before setback as defined in Section 81-75 (Special Street Wall and Setback Requirements).

There shall be a minimum of one #sign# with a #surface area# of not less than 100 square feet for each 25 linear feet, or part thereof, of #zoning lot# #street# frontage on Seventh Avenue or Broadway.

(3) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 50 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Broadway or Seventh Avenue, except that for any one #zoning lot#, the required minimum aggregate #surface area# shall not exceed 12,000 square feet.

No portion of any #illuminated sign# required under this paragraph (a)(3) shall be located:

(i) further than 40 feet from the Seventh Avenue or Broadway #street line# except that, for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and at least one #narrow street#, the areas of required #signs# specified in

paragraph (a)(3)(ii) of this Section may be located without distance limit from the Seventh Avenue or Broadway #street line#;

(ii) below a height of 10 feet or above a height of 120 feet above #curb level#, except that for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and 47th Street, a minimum of 25 percent of the minimum aggregate #surface area# required under this Section or 7,500 square feet, whichever is greater, shall comprise #signs# no portion of which shall exceed 250 feet in height above #curb level#, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its #surface area# measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane; and, for other #zoning lots# with #street# frontage on Seventh Avenue, Broadway and a #narrow street# a maximum of 25 percent of the minimum aggregate #surface area# required under this Section may comprise #signs# located without height limit provided that each such #sign# faces the intersection of the center lines of 45th Street and Broadway and its #surface area# is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane.

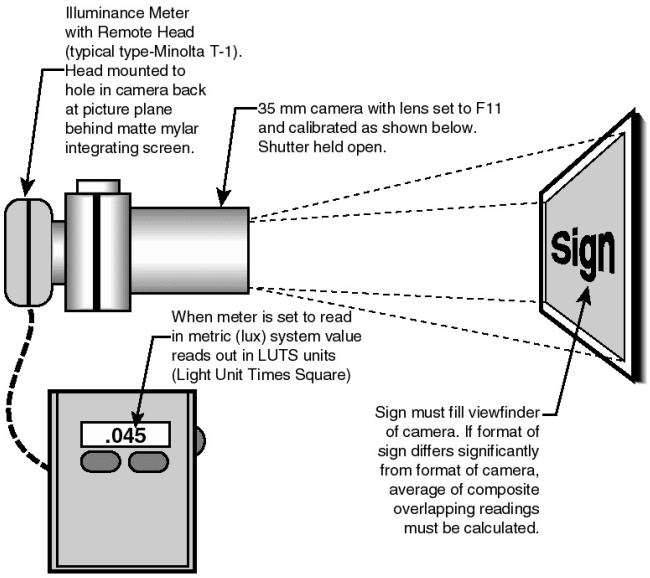
Where a #zoning lot# is located at the intersection of Seventh Avenue or Broadway and one or more #narrow streets#, at least 60 percent of the minimum aggregate #surface area# of signage required under this paragraph, (a)(3), shall be located within 50 feet of the #narrow streets#. Where a #zoning lot# is located at two such intersections, at least 15 percent of the minimum aggregate #surface area# required under this subsection shall be within 50 feet of each #narrow street#. Where a #zoning lot# is located at three or more such

intersections, at least seven percent of the minimum aggregate #surface area# required under this Section shall be within 50 feet of a #narrow street# at each intersection of that #narrow street# and Seventh Avenue or Broadway.

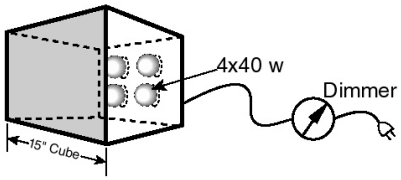
There shall be a minimum of one #illuminated sign# with a #surface area# of not less than 1,000 square feet for each 50 linear feet, or part thereof, of #street# frontage on Seventh Avenue or Broadway, except that for any one #zoning lot# no more than five #signs# shall be required.

With the exception of #signs# defined in paragraph (a)(3)(ii) of this Section as facing the intersection of the centerlines of 45th Street and Broadway, at least 75 percent of the #surface area# of #signs# required under this paragraph, (a)(3), shall be placed at an angle in plan view of not more than 45 degrees to the Seventh Avenue or Broadway #street line#.

#Signs# required under this paragraph, (a)(3), shall, when installed on the #building# and set in operation, meet at a minimum the requirements set out in paragraphs (a)(3)(iii), (iv) and (v) of this Section. The illumination standards contained therein for each #sign# shall be measured with an apparatus (to be known as a Light Unit Times Square or "LUTS" meter) comprising an illuminance meter attached to a 35 millimeter single lens reflex camera body and fitted with a lens of appropriate focal length in accordance with the diagrams herein (see Illustrations of Sign Brightness Measurement System - LUTS Meter). The lens shall be set at F-stop 11.



The LUTS meter must be calibrated prior to use. Although the lens is nominally set to F11, the actual light transmission value may differ especially with long focal length zoom lenses



To calibrate, build a lightbox as shown above. The front of the box shall be 1/4" #2447 opal plexiglass; the other five interior sides shall be painted matte white.

Four standard 40 watt 120 volt incandescent lamps shall be mounted on the back of the box and wired through a dimmer.

In a dark room adjust the dimmer so that the plexiglass is illuminated to a brightness (exitance) of 125 Footlamberts as measured with an accurate luminance meter (e.g. Minolta LS100, Photo Research 1500).

Using the measuring lens of the LUTS meter set to the appropriate focal length, fill the viewfinder with the lightbox, and adjust the aperture until the meter reads 1.5 LUTS. If different lenses or degrees of zoom are to be used, calibrate the meter for each condition and record the appropiate aperture settings.

SIGN BRIGHTNESS MEASUREMENT SYSTEM

(LUTS Meter)

(81-732a3ii)

The LUTS Meter shall be calibrated against a reference standard (See illustrations of Sign Brightness Measurement System - LUTS Meter). Alternative measuring equipment may be employed provided such equipment

provides identical measurement against the reference standard described herein.

In measuring the brightness of the whole of a #sign# under the provisions of paragraphs (a)(3)(iii) and (iv) of this Section, the illumination level of the #sign# shall be determined by pointing the LUTS Meter at the #sign# so that the entire #sign# completely fills the viewing frame of the meter. If, because of the shape of the #sign#, the entire #sign# cannot be viewed within the viewing frame, readings may be taken of discrete portions of the #sign# separately, provided, however, that no more of the #sign# than is absolutely necessary to measure the entire #sign#, may be included in more than one such reading. Readings of portions of a #sign# shall be averaged to obtain the average illumination level of the entire #sign#.

In measuring the brightness of a portion of a #sign# required to meet the incident illumination standards specified in paragraphs (a)(3)(iii) and (iv) of this Section, the illumination level of that portion of the #sign# shall be determined by pointing the LUTS Meter at that portion so that the entire portion completely fills the viewing frame of the meter. If, because of the shape or configuration of that portion of the #sign#, the entire portion cannot be viewed within the viewing frame, readings may be taken of discrete sections of that portion separately, provided, however, that no more of the portion than is absolutely necessary to measure the entire portion, may be included in more than one such reading. Readings of sections of that portion of the #sign# shall be averaged to obtain the average illumination level of the entire portion.

If the illumination of a required #sign# or portion thereof is measured prior to its installation on the #building#, all measurements shall be taken in an

interior environment with an ambient air temperature of between 65 and 75 degrees Fahrenheit and no ambient light. For all readings, the LUTS meter shall be located so that its relationship to the #sign# or portion thereof is identical to that described below for taking measurements when the same #sign# or portion thereof is installed on the #building#.

If the illumination of a required #sign# or portion thereof is measured after its installation on the #building#, all measurements shall be taken at night when the ambient air temperature, at a height above #street# level equal to that of the center of the #sign#, is between 65 and 75 degrees Fahrenheit. To measure the illumination level of a #sign# or portion thereof, an imaginary line shall be established which is perpendicular in plan view to the surface of the #sign# or portion thereof and connects its center to a point from which the #sign# or portion thereof is actually visible and which is five feet above #street# level and 60 or more feet away from the #sign#. The LUTS meter shall be located along this line at the furthest distance from the #sign# or portion thereof at which a reading may be obtained by the method specified above.

The duration of one complete operating cycle of any #sign# required under this paragraph (a)(3) which is animated, in whole or in part, shall not exceed five minutes.

During any one complete operating cycle of any such #sign#, the aggregate time for which such #sign# is unlit shall not exceed 10 percent of the operating cycle and in no case shall exceed 15 seconds. In addition, no single continuous time period during which such a #sign# is unlit shall exceed three seconds. During any one complete operating cycle of any such #sign#, the brightness levels specified below in paragraphs (a)(3)(iii) and (iv) shall be attained for an aggregate time of not less than 20 percent of the operating

cycle and in no case shall be less than l0 seconds. In addition, the #surface area# of any #sign# required to be continuously animated, either in whole or in part and either electrically or mechanically, shall exhibit visual changes clearly discernable by an observer at #street# level at intervals not exceeding 30 seconds.

(iii) A minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph, (a)(3), shall comprise #signs# each of which shall attain for a minimum of 25 percent of its #surface area# at least 1.5 LUTS incident illumination measured as specified in this paragraph, (a)(c), by means of electric lamps, such as neon tubes, incandescent lamps or cathode ray tubes, which are exposed directly to view. All of the remainder of each such #sign# shall attain at least 0.2 LUTS incident illumination measured as specified by means of electric lamps exposed directly to view and/or luminous surfaces comprising translucent material lit from behind by electric lamps.

In addition, each of the #signs# required to meet the standards of this paragraph (a)(3)(iii) shall have either: a minimum of 20 percent of its #surface area# continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character or by means of #flashing sign# #surface area# serving as a field or background thereto; or, a minimum of 50 percent of its #surface area# continuously mechanically animated.

(iv) In addition, a minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph (a)(3) shall comprise #signs# each of which shall attain for all of its #surface area# at least 0.4 LUTS incident illumination measured as specified by means of luminous surfaces comprising translucent material lit from behind by electric lamps.

Alternatively, but also in addition to paragraph (a)(3)(iii) of this Section, a minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph (a)(3) shall achieve the same incident illumination levels for the same amounts of #surface area# as specified in paragraph (a)(3)(iii).

In addition, each of the #signs# required to meet the standards of this paragraph (a)(3)(iv) shall have either: a minimum of 20 percent of its #surface area# continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character or by means of #flashing sign# #surface area# serving as a field or background thereto; or, a minimum of 50 percent of its #surface area# continuously mechanically animated.

(v) The provisions of paragraphs (a)(3)(iii) and (iv) of this Section may be modified or waived upon certification by the Chairperson of the City Planning Commission that the dynamic character and attractiveness of the #sign# or #signs# for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the #zoning lot# will produce an effect at least equal to that achieved through the application of paragraphs (a)(3)(iii) and (iv).

Except for an individual #sign# meeting the illumination requirements of paragraphs (a)(3)(iii) and (iv) for at least 50 percent of its #surface area#, for all of the #signs# required under this paragraph (a)(3), all #surface area# not complying with paragraphs (a)(3)(iii) and (iv) shall be lighted with an average level of illuminance across the entirety of that #surface area# of 75 foot candles and with an average to minimum illuminance ratio of not greater than 3.0 to 1.0.

(vi) For #zoning lots# that contain 15,000 square feet or more of #lot area#, the provisions of paragraphs (a)(2) and (a)(3)(ii) of this Section may be modified or waived, upon certification by the Chairperson that:

(a) the #sign# or #signs# for which the modification or waiver is granted are affixed to a #building# that contains a "listed theater" as designated in Section 81-742 (Listed theaters), and a portion of such theater is located within 100 feet of the #street line# of Seventh Avenue or Broadway; and

(b) such #sign# or #signs# provide visual interest that furthers the purposes of the #illuminated sign# requirements set forth in Section 81-73 (Special Sign and Frontage Regulations), inclusive, in a manner that is at least equal to that achieved through the application of paragraphs (a)(2) and (a)(3)(ii).

(4) One marquee #illuminated sign# and one additional projecting identification #illuminated sign# are required for each theater on a #zoning lot#. A group of motion picture theaters under single ownership and operation shall be treated as one theater for the purposes of this requirement.

Each required marquee shall have a minimum area in plan of 500 square feet and each projecting identification #sign# shall have a minimum #surface area# of 200 square feet. Marquees and identification #signs# may count towards meeting the minimum aggregate #surface area# requirements of paragraph (a)(2) or (a)(3) of this Section, provided that they comply with the locational requirements therein.

(5) #Signs# which do not meet the locational requirements of paragraph (a)(2) or (a)(3) are permitted, but shall not count towards meeting minimum aggregate #surface area#

requirements.

(6) Required minimum aggregate #surface areas# of #signs# for #zoning lots# with #street# frontage on both Seventh Avenue and Broadway shall be calculated by including both those #street# frontages and any #narrow street# frontages up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.

(7) All required #illuminated signs# shall at a minimum remain lit from dusk until 1:00 a.m. daily.

All of the #surface area# of #signs# required under paragraphs (a)(2) and (a)(3) shall be visible from a height of five feet above #street# level at any point 60 feet from the Seventh Avenue or Broadway #street line# of the #zoning lot# on which they are required to be provided.

At least 50 percent of the minimum aggregate #surface area# of #signs# required under paragraph (a)(3) shall comprise #signs# each of which shall be legible during daylight hours from a minimum distance of 60 feet when viewed from ground level at a point perpendicular in plan to the center of the #sign#.

(b) For #enlargements# which add #floor area# amounting to a #floor area ratio# of at least 1.0, the #sign# requirements of this Section shall apply as follows:

(1) If the #enlargement# involves an increase in #floor area#, minimum aggregate #surface areas# of required #signs# shall be determined in the same manner as for #developments# on the basis of the length of the #zoning lot's# frontage as set forth in paragraphs (a)(2), (a)(3) and (a)(6) of this Section.

(2) All other requirements for #signs# required for #enlargements# shall be as provided for #developments# in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) and (a)(7) of this Section.

(3) The provisions of paragraphs (a)(1) or (a)(2) may be modified or waived upon certification by the Chairperson of the City Planning Commission that such modification or waiver results from compelling necessity.

(c) #Zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway comprising #developments# or #enlargements# and existing #buildings# to remain shall meet the requirements of paragraph (a) of this Section for #developments# or paragraph (b) for #enlargements# on the basis of the configuration and #street# frontages of the entire #zoning lot#.

There shall be no reduction in the aggregate #surface area# of #signs# on any existing #buildings# to remain. A #non-conforming# #sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#.

81-733 - Special signage regulations for portions of the west side of Eighth Avenue

LAST AMENDED
10/31/2017

For a #corner lot#, or portions thereof, bounded by two #wide streets# on the west side of Eighth Avenue within the Eighth Avenue Corridor of the Theater Subdistrict, the #sign# provisions for C6-7 Districts pursuant to Section 32-60 (SIGN REGULATIONS) shall apply only to such #corner lot# portion, with the following modifications:

(a) no #sign# shall function with sound; and

(b) #illuminated signs# may face both #wide streets#, or be parallel to the #street line# of one #wide street#.

81-734 - Special permit to modify sign and frontage regulations on small zoning lots

LAST AMENDED
11/25/2025

In the Theater Subdistrict, for #zoning lots# that contain 10,000 square feet or less of #lot area#, the City Planning Commission may allow, by special permit, modification to the #sign# provisions of this Chapter, inclusive, provided that the Commission finds that the modified #sign# is consistent with general goals for the Theater Subdistrict set forth in Sections 81-00 (General Purposes) and 81-71 (General Provisions).

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

81-74 - Special Incentives and Controls in the Theater Subdistrict

LAST AMENDED
5/13/1982

81-741 - General provisions

LAST AMENDED
8/14/2025

(a) Certifications

(1) The transfer of development rights from any "granting site" in accordance with the provisions of Section 81-744 (Transfer of development rights from listed theaters) shall be permitted upon certification by the City Planning Commission.

(2) In the Theater Subdistrict, modifications of the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries), shall be permitted upon certification of the Chairperson of the Commission.

(b) Authorizations by the City Planning Commission

The transfer of development rights from any "granting site" in accordance with the provisions of paragraph (b) of Section 81-744 shall be permitted by authorization by the Commission.

(c) Special permit by the City Planning Commission

In the Theater Subdistrict, the Commission may allow, by special permit:

(1) demolition of a theater where permissible under the provisions of Section 81-742 (Listed theaters);

(2) a #floor area# bonus for rehabilitation of an existing theater in accordance with the provisions of Section 81-745 (Floor area bonus for rehabilitation of existing listed theaters); and

(3) transfer of development rights from a #zoning lot# occupied by a designated landmark in accordance with the provisions of Section 81-747 (Transfer of development rights from landmarks).

(d) Required assurances

All special permits, authorizations or certifications involving preservation of existing theaters shall be subject to the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use).

(e) Limits on total additional #floor area#

Except as otherwise provided in Section 81-212 (Special provisions for transfer of development rights from landmark sites), the total additional #floor area# permitted on the #zoning lot# by such special permit, authorization or certification, together with all bonus #floor area# or #floor area# derived from transferred development rights under other provisions of this Chapter, shall in no event exceed the maximum amount permitted by certification, authorization or special permit as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings).

(f) Limitations on non-theater-related bonuses in C6-4 or C6-5 Districts

For #zoning lots# or portions thereof in C6-4 or C6-5 Districts, the total amount of #floor area# derived from non-theater-related bonuses or other special #floor area# allowances, pursuant to provisions of this Chapter other than those in Sections 81-744, 81-745, 81-746 or 81-747, shall not exceed a #floor area ratio# of 2.0.

(g) Theater-related bonus #floor area# for #residences# in C6-4 and C6-5 Districts

For #zoning lots# or portions thereof in C6-4 or C6-5 Districts, some or all of the bonus #floor area# or other special #floor area# allowances permitted pursuant to the provisions of Sections 81-744, 81-745, 81-746 or 81-747, relating to the preservation or rehabilitation of existing theaters, may be allocated to a #residential building# or the #residential# portion of a #mixed building#, provided that the total #residential# #floor area ratio# with such #floor

area# allowances shall not exceed 12.0.

(h) Theater Subdistrict Fund

In furtherance of the purposes of this Section, the Theater Subdistrict Council shall establish a separate interest-bearing account (the "Theater Subdistrict Fund" or "Fund") for the deposit and administration of the revenues received by the Theater Subdistrict Council generated by the transfer of development rights pursuant to Section 81-744. Upon receipt of any revenue generated pursuant to such Section, the Theater Subdistrict Council shall notify the Comptroller, the Speaker and the Department of City Planning, and promptly deposit such revenues into the Theater Subdistrict Fund and shall expend such revenues and any interest accumulated thereon in the following manner:

(1) a portion of any such revenues shall be reserved, sufficient in the judgment of the Theater Subdistrict Council but in no event less than 20 percent of such revenues, to undertake the ongoing periodic inspection and maintenance report requirements pursuant to paragraph (c) of Section 81-743. The Theater Subdistrict Council may petition the City Planning Commission for a reduction in the percentage of such reserve and the Commission may grant such reduction if, in its judgement, a lesser percentage will be sufficient to carry out the purposes of this paragraph; and

(2) the remainder of such revenue shall be used for activities chosen by the Theater Subdistrict Council furthering the objectives and purposes of this Section, which activities may include judicial or administrative proceedings instituted by the Theater Subdistrict Council against any property owner or lessee to enforce the obligations of such owner or lessee pursuant to any restrictive declaration entered into in connection with a transfer of development rights pursuant to Section 81-744. Notwithstanding the foregoing, funds shall not be used for the physical repair and preservation of theaters.

The Theater Subdistrict Council shall provide an annual report to the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission indicating the amounts and dates of any deposits to the Theater Subdistrict Fund in the immediately preceding calendar year, the balance of the Theater Subdistrict Fund at the close of the calendar year, the amounts expended on activities within the Theater Subdistrict and the nature of those activities. The Theater Subdistrict Council shall maintain complete, accurate and detailed records, with supporting documentation, in respect to all deposits to and withdrawals from the Theater Subdistrict Fund, and shall make such records available to the City of New York, the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission upon reasonable notice and during business hours for inspection and copying.

81-742 - Listed theaters

LAST AMENDED
6/6/2024

(a) Designation of listed theaters

"Listed theaters" are theaters to which special provisions of this and other Sections as set forth in 81-741 (General provisions) apply, and are predominantly free-standing theaters with full stage and wings. The theaters as identified on August 6, 1998, in the table in this Section, are designated as "listed theaters."

LISTED THEATERS

Theater Name	Address	Block Number	Lot Number
Ambassador	215 West 49th St.	1021	15
Barrymore	243 West 47th St.	1019	12
Belasco	111 West 44th St.	997	23
Biltmore	261 West 47th St.	1019	5
Booth	222 West 45th St.	1016	15
Broadhurst	235 West 44th St.	1016	11
Broadway	1681 Broadway	1024	46
Brooks Atkinson	256 West 47th St.	1018	57
City Center	131 West 55th St.	1008	15
Cort	138 West 48th St.	1000	49
Ed Sullivan	1697 Broadway	1025	43

*Empire	236 West 42nd St.	1013	50
Eugene O'Neill	230 West 49th St.	1020	53
Forty-Sixth St.	226 West 46th St.	1017	48
Golden	252 West 45th St.	1016	58
*Harris	226 West 42nd St.	1013	45
Helen Hayes	240 West 44th St.	1015	51
Henry W. Miller	124 West 43rd St.	995	45
Hudson	139 West 44th St.	997	15
Imperial	249 West 45th St.	1017	10
*Liberty	234 West 42nd St.	1013	49
Longacre	220 West 48th St.	1019	50
Lunt-Fontanne	205 West 46th St.	1018	20
Lyceum	149 West 45th St.	998	8

*Lyric	213 West 42nd St.	1014	39
Majestic	245 West 44th St.	1016	5
Mark Hellinger	237 West 51st St.	1023	11
Martin Beck	302 West 45th St.	1035	37
Music Box	239 West 45th St.	1017	11
Nederlander	208 West 41st St.	1012	30
Neil Simon	250 West 52nd St.	1023	54
*New Amsterdam	214 West 42nd St.	1013	39
*New Amsterdam-Roof Garden	214 West 42nd St.	1013	39
*New Apollo	234 West 43rd St.	1014	20
Palace	1564 Broadway	999	63
Plymouth	236 West 45th St.	1016	51

Ritz	225 West 48th St.	1020	14
Royale	242 West 45th St.	1016	55
St. James	246 West 44th St.	1015	54
*Selwyn	229 West 42nd St.	1014	17
Shubert	225 West 44th St.	1016	15
Studio 54	254 West 54th St.	1025	58
*Times Square	219 West 42nd St.	1014	20
*Victory	209 West 42nd St.	1014	25
Virginia	245 West 52nd St.	1024	7
Winter Garden	1634 Broadway	1022	2

* Indicates theaters which do not qualify as a “granting site" pursuant to Section 81-744

In the case of an existing legitimate theater that received a #floor area# bonus pursuant to regulations in effect prior to May 13, 1982, no provisions of this amendment shall be construed as changing any previously existing responsibility of the owner or lessee of such theater for continuance of its #use# as a legitimate theater.

(b) Restrictions on demolition of listed theaters

No demolition permit shall be issued by the Department of Buildings for any theater listed in this Section as a “listed theater," unless:

(1) it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Article 216 of the New York City Administrative Code;

(2) it has been designated a landmark by the Landmarks Preservation Commission and a notice to proceed has been issued to the owner pursuant to Section 25-309 of Title 25, Chapter 3, of the New York City Administrative Code permitting demolition that contemplates removal of the theater from theater #use#; or

(3) the City Planning Commission, by special permit, allows its demolition in accordance with the provisions of paragraph (c) of this Section.

(c) Special permit for demolition of listed theaters

The City Planning Commission may allow, by special permit, the demolition of a theater designated as a "listed theater" pursuant to this Section, provided the Commission finds that the demolition of the theater structure will not unduly diminish the character of the Theater Subdistrict as a cultural, entertainment and theatrical showcase. In making this determination, the Commission may consider any or all of the following:

(1) the current physical characteristics of the theater that affect its suitability as a legitimate theater, including but not limited to seating capacity, configuration and location;

(2) the history of the theater's #use# as a legitimate theater, presenting legitimate attractions to the general public;

(3) the likelihood of its future #use# for legitimate theater production under reasonable terms and conditions prevailing in the theater industry; and/or

(4) that the applicant's plans, if any, for replacement of the theater structure with a #development# or #enlargement# contain replacement #uses# supportive of the character of the Theater Subdistrict.

As a condition of the special permit, there shall exist a legal commitment binding upon all parties in interest of the #zoning lot# containing the theater that any #development# or #enlargement# on a #zoning lot# containing a portion or all of the former site of the "listed theater", that floor space at least equivalent in amount to the total #floor area# of the theater shall be reserved or devoted exclusively to #uses# described in Section 81-723 (Entertainment-related uses) and meeting the requirements of paragraphs (b) and (c) of Section 81-722 (Requirements for entertainment-related uses) for the life of such #development# or #enlargement#. Notwithstanding the foregoing, if the area of the #zoning lot# containing the theater is less than 20,000 square feet and the Commission finds that the allocation of floor space at least equivalent in amount to the total #floor area# of the theater to #uses# described in Section 81-723 is impractical or unreasonable, the Commission may permit a reduction in the amount of area allocated to such #uses#.

Any #development# or #enlargement# on a #zoning lot# containing a portion or all of the former site of a "listed theater" must, however, meet the requirements of paragraphs (b) and (c) of Section 81-722 whether or not the #zoning lot# is located within the area described in that Section.

81-743 - Required assurances for continuance of legitimate theater use

LAST AMENDED
10/7/2021

Prior to the issuance of any special permit under the provisions of Sections 81-745 (Floor area bonus for rehabilitation of existing listed theaters) or 81-747 (Transfer of development rights from landmarks), or the issuance of a certification, authorization or special permit under the provisions of Sections 66-51 (Additional Floor Area for Mass Transit Station Improvements), 81-744 (Transfer of development rights from listed theaters), or 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries) the following conditions shall exist:

(a) a signed lease from a prospective theater operator, or a written commitment from the owner of the theater if such owner is also the operator, for occupancy of the theater and its operation as a legitimate theater for a period of not less than five years;

(b) a licensed engineer's and/or architect's report certifying either that the theater is physically and operationally sound so as to permit its use as a legitimate theater or, if it is determined that the theater is not physically or operationally sound, a plan and program for the upgrade of the theater to put it in condition of physical and operational soundness. For the purposes of this Section, physical and operational soundness shall include the structural integrity of the exterior and interior elements of the #building# to the extent that they relate to the theater, compliance with applicable electrical and fire safety codes, and compliance with applicable building code standards.

In the event that the theater has been designated as a landmark or an interior landmark by the Landmarks Preservation Commission, physical and operational soundness shall include preserving the integrity of existing significant architectural features identified in the Landmarks Preservation Commission designation report. In such case, a licensed engineer

and/or architect with knowledge of historic preservation and credentials acceptable to the Landmarks Preservation Commission shall prepare a report documenting the condition of such significant architectural features and, if determined to be necessary, a plan and program to preserve such significant features in a state of good physical repair and sound proper condition. Any certification report regarding a landmark or interior landmark theater shall be submitted concurrently to the Landmarks Preservation Commission and the Chairperson of the City Planning Commission;

(c) A plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work;

(d) a legal commitment providing for inspection and ongoing maintenance of the theater to ensure its continued availability for theater use. Such inspection shall be conducted every five years by a licensed engineer and/or architect or by the Theater Subdistrict Council, and a report issued to the Chairperson of the City Planning Commission and notice of such report shall be published in the City Record. Such report shall also be issued to the Theater Subdistrict Council unless the Theater Subdistrict Council has performed such inspection, and, in the event the theater has been designated a landmark or an interior landmark, such report shall also be issued to the Landmarks Preservation Commission and notice of such report shall be published in the City Record. Such reports shall describe the condition of the theater and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater and to maintain the condition of any landmark architectural features and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(e) a legal commitment for continuance of its #use# as a legitimate theater for the life of the related #development# or #enlargement#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner, lessee of the theater and their successors and assigns, a certified copy of which shall be submitted to the City

Planning Commission. The filing of such declaration and the posting of any bond or other security required by the declaration and receipt of such certified copy shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

81-744 - Transfer of development rights from listed theaters

LAST AMENDED
12/5/2024

For the purposes of the Theater Subdistrict:

A "listed theater" shall mean a theater designated as listed pursuant to Section 81-742 (Listed theaters).

A "granting site" shall mean either a #zoning lot# or that portion of a #zoning lot# occupied by a "listed theater" and comprised of those block and lot numbers specified for such theater pursuant to the table in Section 81-742, as such block and lots existed on January 12, 1998. However, a "granting site" shall not include any #zoning lot# occupied by a "listed theater" located within the geographical area covered by the 42nd Street Development Land Use Improvement Project, adopted by the New York State Urban Development Project in 1984, as such Project has and may be subsequently amended.

A "receiving site" shall mean a #zoning lot# or the portion of a #zoning lot# located within the Theater Subdistrict to which development rights of the "granting site" are transferred. However, no portion of a "receiving site" shall be located within the 42nd Street Development

Project Area. In addition, for #zoning lots# containing "listed theaters," that portion of the #zoning lot# occupied by the "listed theater" and comprised of the block and lot numbers specified for such theater, pursuant to the table in Section 81-742, shall not be included in the "receiving site."

Any "receiving site" divided by a district boundary or Theater Subdistrict Core boundary may locate #bulk# in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).

(a) Transfer of development rights by certification

The City Planning Commission shall allow, by certification, a transfer of development rights from a "granting site" to a "receiving site," except that any "granting site," or portion thereof, located outside the Theater Subdistrict, may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, provided that:

(1) the maximum amount of #floor area# transferred from a "granting site" is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or 81-214 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such "granting site" as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the "granting site" and #floor area# attributed to the "granting site" that has been previously used or transferred;

(2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# or #enlarged# on the #zoning lot# containing the "granting site" by

the amount of #floor area# transferred;

(3) the maximum amount of #floor area# transferred to a “receiving site” shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such “receiving site” by more than 20 percent;

(4) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met; and

(5) appropriate legal documents are executed ensuring that a contribution in an amount equal to 10 dollars* per square foot of transferred #floor area# be deposited in the Theater Subdistrict Fund established pursuant to paragraph (h) of Section 81-741 (General provisions) at the earlier of either the time of closing on the transfer of development rights pursuant to this Section or the filing for any building permit for any #development# or #enlargement# that anticipates using such development rights.

The Commission shall review such amount no more than once every three years and no less than once every five years and shall adjust the amount to reflect any change in assessed value of all properties on #zoning lots# wholly within the Theater Subdistrict.

(b) Transfer of development rights by authorization

The City Planning Commission shall allow, by authorization, an additional transfer of development rights beyond the amount of #floor area# transfer permitted by certification in paragraph (a) of this Section from a "granting site" to any portion of a “receiving site” located within the Eighth Avenue Corridor, except that any “granting site,” or portion thereof, located outside the Theater Subdistrict may not transfer development rights to any portion of a “receiving site” within the Special Clinton District, subject to the following conditions:

(1) the maximum amount of such additional #floor area# transfer to that portion of a "receiving site" located within such Corridor shall not exceed the maximum total

#floor area ratio# with as-of-right #floor area# allowances in the Theater Subdistrict set forth in Section 81-211 by more than 20 percent; and

(2) such transfer complies with the conditions and limitations set forth for the transfer of development rights in paragraph (a) of this Section.

In order to grant such authorization, the Commission shall find that such #development# or #enlargement#:

(i) relates harmoniously to all structures and #open space# in its vicinity in terms of scale, location and access to light and air in the area; and

(ii) serves to enhance or reinforce the general purposes of the Theater Subdistrict.

Any application pursuant to paragraphs (a) and/or (b) of this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Commission shall not grant any such certification or authorization prior to sixty days after such referral and sixty days after the date any reports required to be submitted to the Landmarks Preservation Commission pursuant to Section 81-743, paragraph (b), or the Theater Subdistrict Council pursuant to Section 81-71 (General Provisions) have been so submitted.

(c) Requirements for Application

An application filed with the Chairperson of the City Planning Commission for the transfer of development rights by certification pursuant to paragraph (a) of this Section, or with the City Planning Commission for the transfer of development rights by authorization pursuant to paragraph (b) of this Section, shall be made jointly by the owners of the "granting site" and the “receiving site” and shall include:

(1) a site plan and #floor area# zoning calculations for the “granting site” and the “receiving site” and, for authorizations and/or special permit applications, any such

other information as may be required by the Commission;

(2) a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with a notice of the restrictions limiting further #development# or #enlargement# of the "granting site" and the "receiving site." The notice of restrictions shall be filed by the owners of the respective lots in the Borough Office of the Register of the City of New York, indexed against the "granting site" and the "receiving site," a certified copy of which shall be submitted to the Chairperson. Receipt of the certified copy shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the "receiving site."

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the lots from which and the lots to which such transfer is made.

(3) demonstrations of compliance with the requirements of Section 81-743 and paragraph (a)(5) of this Section, including all necessary legal documents. Issuance of any building permit, including any foundation or alteration permit, shall be conditioned upon the filing of such legal documents in the Borough Office of the Register of the City of New York and receipt by the Commission of certified copies of same as required pursuant to Section 81-743.

A separate application shall be filed for each transfer of development rights to an independent "receiving site."

* The contribution of 10 dollars per square foot of transferred #floor area# was adjusted by rule on November 15, 2006, to $14.91 per square foot; on December 10, 2011, to $17.60 per square foot; and on July 15, 2022, to $24.65 per square foot

81-745 - Floor area bonus for rehabilitation of existing listed theaters

LAST AMENDED
8/14/2025

The City Planning Commission by special permit may authorize bonus #floor area# for substantial rehabilitation or restoration of any theater listed as a "listed theater" in Section 81-742 (Listed theaters), in accordance with the provisions of this Section.

(a) Conditions for rehabilitation bonus

As a condition for the issuance of a special permit under the provisions of this Section, the following requirements shall be satisfied:

(1) Location of #development#

The #development# or #enlargement# for which a theater rehabilitation bonus is granted is located on the same #zoning lot# as the "listed theater."

(2) Qualification of substantial rehabilitation

Substantial rehabilitation work qualifying for a #floor area# bonus shall consist of major structural changes for the purpose of improving a theater's design and its commercial viability for legitimate theater #use#, or historic restoration of the interior of a theater designated as an interior landmark.

Substantial rehabilitation may include, without limitations, such work as expanding stage wings, re-raking the orchestra, increasing rehearsal, dressing room or lobby and ancillary spaces, improving accessibility beyond applicable legal requirements, or historic restoration. It may also include reconversion to legitimate theater #use# of an

original legitimate theater currently in other #use#. Substantial rehabilitation does not mean normal theater maintenance, painting or improvements to mechanical systems alone.

(3) Timing and commitment

(i) there shall be a contractual commitment or commitments for the construction work involved in the substantial rehabilitation;

(ii) the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be satisfied; and

(iii) a rehabilitation bonus shall not be granted for a substantial rehabilitation completed before May 13, 1982.

(b) Amount of rehabilitation bonus

The amount of bonus #floor area# granted for a qualifying theater rehabilitation shall be at the discretion of the Commission after consideration of the following findings:

(1) how and to what extent the proposed rehabilitation will improve the theater's suitability for #use# as a legitimate theater;

(2) how the proposed rehabilitation will contribute toward satisfying the needs of the Theater Subdistrict;

(3) whether the bonus #floor area# will unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area; and

(4) whether the distribution and location of such #floor area# bonus will adversely affect the surrounding area by restricting light and air or otherwise impair the essential character or future development of the surrounding area.

Such bonus #floor area# shall not exceed 20 percent of the basic maximum #floor area# permitted on the #zoning lot# containing the #development# or #enlargement# by the regulations of the underlying district, except that in the case of an underlying C6-4 or C6-5 District, the bonus #floor area# shall not exceed 44 percent of the basic maximum #floor area# permitted in such underlying district, and except that in the case of a #zoning lot# located partially in a C6-5.5 District and partially in a C6-7T District, the Commission may allow bonus #floor area# to be utilized anywhere on the #zoning lot#.

For purposes of applying the provisions of Section 11-42 (Lapse of Authorization or Special Permit by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to a special permit granted pursuant to this Section, "substantial construction" shall mean substantial rehabilitation, as described in paragraph (b) of this Section, of the subject theater for which a #floor area# bonus has been granted to a related #development# or #enlargement#.

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

81-746 - Additional provisions for zoning lots divided by district or subdistrict core boundaries

LAST AMENDED
2/2/2011

(a) For any #zoning lot# which includes a "listed theater" as set forth in Section 81-742 (Listed theaters) or is, or contains, a "receiving site" pursuant to Section 81-744 (Transfer of development rights from listed theaters), and which is divided by a boundary between districts with different basic maximum #floor area ratios# as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), the Chairperson of the City Planning Commission, by certification, shall allow modifications of the provisions of

Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows.

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

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

(2) the number of such #dwelling units# or #rooming units#, if any, to be located on either side of the district boundary shall not exceed the number permitted by the applicable district regulations; and

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

The Chairperson's certification approving modification of the provisions for such #zoning lots# divided by district boundaries shall state the total amount of #floor area#, including #floor area# of any existing theater, to be provided on the #zoning lot# as a whole and the portion thereof to be located in each district, and the amount authorized herein to be located across the district boundary from the district in which the theater is located.

Notice of the restrictions upon further development of each portion of the #zoning lot# shall be recorded by the owner against the #zoning lot# in the Office of the Register of the City of New York (County of New York) and a certified copy shall be submitted to the Commission.

(b) Notwithstanding any other provisions of this Resolution, for any #zoning lot# which is divided by a boundary of the Theater Subdistrict Core as defined in Section 81-71 (General

Provisions) and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Theater Subdistrict Core, the applicable underlying #bulk# regulations shall be modified, as follows:

(1) #floor area#, including bonus #floor area#, or #dwelling units# permitted by the applicable district regulations on that portion of the #zoning lot# within the Theater Subdistrict Core may be located on the portion of the #zoning lot# outside the Core, provided that the number of such #rooms#, if any, to be located outside of the Core shall not exceed the number permitted by the applicable district regulations; and

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

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

81-747 - Transfer of development rights from landmarks

LAST AMENDED
12/5/2024

The City Planning Commission by special permit may authorize development rights to be transferred from a #granting lot# to a #receiving lot# proposed for #developments# or #enlargements# within the #surrounding area# in accordance with the provisions of Section 81-213 (Special provisions for transfer of development rights from landmark sites in certain areas).

The limitations on development rights transferred to #receiving lots# from #granting lots#, including sites of landmark theaters, are set forth in Section 81-213.

Where development rights are proposed to be transferred and exercised in accordance with the provisions of Section 81-213, as modified by this Section, the Commission shall find that:

(a) within the #surrounding area#, the series of intervening lots in common ownership leading to the #receiving lot# includes lots, identified by the Commission, which are occupied by "listed theaters" or by #uses# which directly support neighborhood theater business, such as, but not limited to, rehearsal space, recording facilities or theater costume rental facilities and that such #uses# will be continued or replaced by other legitimate theaters or theater supportive #uses# as evidenced by covenants binding the owners of such lots, their successors and assigns to provide for such continuation or replacement; or

(b) useful circulation improvements or other public facilities will be provided and maintained on one or more of the lots comprising the series of intervening lots to accommodate pedestrian or vehicular traffic generated by legitimate theaters.

The Commission shall require the owner of any intervening lot on which special #use# restrictions are applicable or on which circulation improvements or other public facilities are to be provided and maintained to sign a written declaration of restrictions setting forth the obligations of the owner, his successors and assigns and providing a performance bond for the completion of any required improvements. The declaration of restrictions shall be recorded in the Office of the Register of the City of New York (County of New York) and the Commission shall be provided with a certified copy.

The provision of Section 81-213 empowering the Commission to grant variations in the front height and setback regulations is modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications).

Compliance with the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be a condition for issuance of a special permit under the provisions of this Section.

81-75 - Special Street Wall and Setback Requirements

LAST AMENDED
8/6/1998

#Buildings# located on #zoning lots#, or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor, shall comply with the regulations of this Section. The height of all #buildings or other structures# shall be measured from #curb level#.

81-751 - Special street wall and setback regulations within the Theater Subdistrict Core

LAST AMENDED
6/6/2024

#Buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, or located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor shall comply with the requirements of this Section and, in all other respects related to height and setback, with the provisions of Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), and either Section 81-26 (Height and Setback

Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation). The #street wall# location rules of Section 81-43 shall also apply, except as modified in this Section.

With the exception of #signs# and parapets not exceeding four feet in height, no obstructions are permitted to penetrate the mandatory #street wall# height limits or setback requirements for #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway set forth in this Section.

For the purposes of this Section, #signs# are permitted as exceptions to the special #street wall# and setback requirements contained herein, except that above the top of a #street wall# before setback required under this Section, no #sign# may be located closer than six feet to the Seventh Avenue or Broadway #street wall# before setback. #Signs# located below the top of a required #street wall# before setback, as defined in this Section, may project across a #street line# up to 10 feet. Marquees are not subject to the requirements of this Section.

(a) With the exception of #buildings# located on #zoning lots# between Seventh Avenue and Broadway, #buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue or Broadway shall meet the following requirements:

(1) The #street walls# of any #building# shall have a minimum #street wall# height before setback of 50 feet above #curb level# and a maximum #street wall# height before setback of 60 feet above #curb level# on all #street# frontages, except that:

(i) if the #zoning lot# contains a complete #wide street# #block# frontage, #wide street# #street walls# within 25 feet of the #street line# of a #narrow street# and #narrow street# #street walls# shall have a minimum #street wall# height before setback of 30 feet above #curb level#; and/or

(ii) if the #zoning lot# contains a theater listed in the table in Section 81-742 (Listed theaters) and the theater is retained as part of a #development# or

#enlargement#, the maximum #street wall# height above #curb level# before setback of a #narrow street# #street wall# which is a reconstruction or replacement of an existing #narrow street# #street wall# of the theater shall be equal to the height above #curb level# of that existing theater #street wall# and the same maximum #street wall# height above #curb level# shall apply only for the width of that existing theater #street wall#.

(2) Above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 15 feet along all #narrow street# frontages of the #zoning lot#.

(3) For #zoning lots# greater than 15,000 square feet in area:

(i) Above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 50 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#.

(ii) Alternatively, above the required #street wall# height before setback, the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# at least 50 feet from the #street line# of any #narrow street# and with aggregate area per floor not exceeding 10 square feet for each linear foot of #zoning lot# #street# frontage on Seventh Avenue or Broadway may extend forward of the 60 foot #setback line#, provided that no portion is closer than 35 feet to the Seventh Avenue or Broadway #street line#.

(iii) Alternatively, if the #building# contains a “listed theater” designated pursuant to Section 81-742 and if any portion of the theater is within 100 feet of the #street line# of Seventh Avenue or Broadway, above the required #street wall# height before setback the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the

#zoning lot#, except that a portion of the #building# with aggregate area per floor not exceeding the lesser of 4,500 square feet or 30 square feet for each linear foot of #zoning lot# #street# frontage on Seventh Avenue or Broadway, may extend forward of the 60 foot #setback line#, provided that no portion is closer than 20 feet to the Seventh Avenue or Broadway #street line#, 15 feet to the #street line# of the #narrow street# on which the theater has frontage and 50 feet to any other #narrow street# #street line#.

In addition, one or more #signs# affixed to any such #building# may project up to 10 feet across the #street line# and rise to a height of 120 feet above #curb level#. Balconies and terraces, including railings or parapets, may be located within the required setback area behind such #signs#. For the purposes of applying the definition of #floor area# in Section 12-10, #signs# projecting across the #street line# shall not constitute an enclosure, and the requirements of Section 32-41 (Enclosure Within Buildings) shall not apply to such balconies or terraces, provided that a portion of any such balcony or terrace is used for an entertainment-related #use# listed in Section 81-723 (Entertainment-related uses) or an accessory #use#.

(4) For #zoning lots# 15,000 square feet in area or less, above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 35 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#.

(5) Above the required #street wall# height before setback, a portion of any such #building# up to a height of 120 feet above #curb level# may occupy area forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section but not closer than 20 feet to the Seventh Avenue or Broadway #street line#, provided that:

(i) 90 percent of any #narrow street# #street wall#, higher than 60 feet above #curb level# and forward of the setbacks required in paragraphs (a)(3) or

(a)(4) of this Section is covered with #illuminated signs#.

(ii) In addition, 90 percent or 6,000 square feet, whichever is less, of any Seventh Avenue or Broadway #street wall# higher than 60 feet above #curb level# and forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section is covered with #illuminated signs#.

For the purposes of this Section, a portion of a #street wall# shall be deemed to be covered with an #illuminated sign# if such #sign# obscures that portion of the #street wall# from view at #street# level at a point perpendicular in plan to the #sign# and 60 feet from the #street line# of the #narrow street# for paragraph (a)(5)(i) of this Section, and of Seventh Avenue or Broadway for paragraph (a)(5)(ii)

Neither temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising, in aggregate, more than 50 percent of the total #floor area# of the #development# or #enlargement#, nor a first permanent certificate of occupancy for the #development# or #enlargement#, shall be issued by the Department of Buildings until all of the requirements as set forth in this Section at the time of issuance of such certificates of occupancy have been met and all #illuminated signs# required under this Section have been installed and put in operation.

(b) The #street wall# of any #building# on a #zoning lot# between 43rd and 50th Streets and between Seventh Avenue and Broadway shall have a minimum #street wall# height of 50 feet on all #street# frontages.

(c) For #zoning lots# located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor, the #street wall# of any #building# or portion of a #building# within the Theater Subdistrict Core shall have a minimum #street wall# height of 50 feet or the height of the #building#, whichever is less, and a maximum #street wall# height of 60 feet within 15 feet of the #narrow street# #street line#.

81-752 - Special street wall and setback regulations within the Eighth Avenue Corridor

LAST AMENDED
12/5/2024

#Buildings# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section 81-71, and east of Eighth Avenue, shall comply with the requirements of this Section, and except as superseded by this Section, with the provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings), and either Section 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation).

#Buildings# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section 81-71, and west of Eighth Avenue shall comply with the requirements of this Section. The provisions of Sections 81-25, 81-26 and 81-27 shall not apply.

The provisions of paragraphs (a) and (b) of this Section shall apply to #developments#, #enlargements# and alterations, where such alterations change the height, width or location of a #street wall#. For purposes of applying #street wall# location provisions, all streets shall be considered as #wide streets#.

(a) #Street wall# location and minimum and maximum heights before setbacks

(1) On Eighth Avenue and 42nd Street, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that recesses shall be permitted below a height of 15 feet. The #street walls# shall extend up to a minimum base height of 50 feet or the height of the #building#, whichever is less. The maximum height of #street walls# within 10 feet of the #wide street# #street line# shall be 150 feet beyond 15 feet of a #narrow street# #street line# and 85 feet within 15 feet of a #narrow street# #street

line#.

(2) On a #narrow street# east of Eighth Avenue, and on a #narrow street# west of and within 100 feet of Eighth Avenue, the #street wall# location provisions of paragraph (a)(1) of this Section shall apply and maximum height of #street walls# within 15 feet of the #narrow street# #street line# shall be 85 feet.

On a #narrow street# west of and beyond 100 feet of Eighth Avenue, the maximum height of #street walls# within 15 feet of the #narrow street# #street line# shall be 66 feet. However, no #street wall# need be provided where at least 70 percent of the entire frontage of the #zoning lot# along such #narrow street# is occupied by #street walls# located on the #street line#.

(3) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #wide street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

(b) Special #street wall# regulations for #buildings# adjacent to listed theaters

For #buildings# that are adjacent to a theater listed pursuant to Section 81-742 (Listed theaters), the maximum height of the #street wall# of the #building# facing the same #street# as the "listed theater" shall be 60 feet within 15 feet of the #street line#.

(c) Additional regulations applying west of Eighth Avenue

West of Eighth Avenue, at any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall be subject to the provisions of Sections 23-435 (Tower regulations) and 23-442 (Special provisions for certain community districts) applicable to an R10X District.

81-80 - SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT

LAST AMENDED
5/13/1982

81-81 - General Provisions

LAST AMENDED
10/17/2007

The regulations of Sections 81-82 to 81-85, inclusive, relating to Special Regulations for the Fifth Avenue Subdistrict are applicable only in the Fifth Avenue Subdistrict, whose boundaries are shown on Map 1 in Appendix A of this Chapter. They supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

81-82 - Special Regulations on Permitted and Required Uses

LAST AMENDED
6/6/2024

In order to preserve, protect and enhance the character of the Fifth Avenue Subdistrict as the showcase of New York and national retail shopping, and to allow for #uses# that are consistent with the character of the Fifth Avenue Subdistrict as a major shopping and tourist destination, the following special limitations are imposed on the location and kinds of #uses# and #signs# permitted within the Fifth Avenue Subdistrict.

(a) Minimum retail space requirement

Any #zoning lot#, or portion thereof, located within the Fifth Avenue Subdistrict shall contain:

(1) #uses# listed under Use Group VI; and

(2) #uses# listed under Art Galleries and Studios in Use Group VIII;

with a #floor area ratio# of not less than 1.0.

In order to count toward the requirement, retail or service establishments shall be located on levels up to but not exceeding a height of six #stories# or 85 feet, whichever is less, or not more than five feet below #curb level#.

(b) Lobby restriction

The provisions of Section 81-42 (Retail Continuity Along Designated Streets) shall apply, except that where a #building# has #ground floor level# frontage on Fifth Avenue, and frontage on another #street#, no lobby shall be permitted on the Fifth Avenue frontage.

(c) Sign regulations

The following special #sign# regulations apply to existing as well as new establishments or #uses#:

(1) The aggregate area of all #signs# in ground floor store windows are restricted to not more than one-third of the window area. Below a level of 10 feet above #curb level#, #signs# shall not be permitted on the exterior of any #building#.

(2) The display of banners or pennants from the exteriors of #buildings# is prohibited.

For the purposes of this Section, any #signs#, including banners and pennants, which do not comply with the above regulations may be continued for one year after April 28, 1983, provided that after the expiration of that period, such #non-conforming# #sign# shall terminate. A #sign# which the Chairperson of the City Planning Commission certified as an integral part of the #building# shall not be required to terminate.

81-83 - Special Street Wall Requirements

LAST AMENDED
2/2/2011

The #street wall# of any #building# with frontage on Fifth Avenue shall extend without setback from the Fifth Avenue #street line# for at least 90 percent of the entire length of the #front lot line#. The #street wall# shall reach a minimum required height of 85 feet and shall not exceed a height of 125 feet at or within 10 feet of the #street line#.

Where a #building# occupies less than an entire #block# front of Fifth Avenue frontage, the height of the #street wall# at the #street line# shall be not more than 10 feet above or below the height of an adjacent existing #building# at the #street line#. If the #building# is on an #interior lot# between two adjacent existing #buildings# of different heights, the height of such #building's# #street wall# at the #street line# shall be not more than 10 feet above or below the #street wall# height of one of the adjacent existing #buildings# at the #street line#. However, this shall not be construed to permit a #street wall# height of less than 85 feet or more than 125 feet at the #street line#. At the required height of the #building's# #street wall# at the #street line#, the #street wall# must extend continuously without setback for at least 75 percent of its required width and no portion of its required width shall be set back more than 10 feet from the #street line#.

For the purpose of calculating the maximum #street wall# height on the #narrow street# frontage of a #corner lot# by the weighted average method, as set forth in paragraph (b) of Section 81-262 (Maximum height of front wall at the street line), the maximum #street wall# height generally applicable along the #narrow street# shall be averaged with a height of 150 feet for the first 100 feet from the #street line# intersection, provided that no actual #street wall# either on the Fifth Avenue or on the #narrow street# frontage shall exceed a height of 125 feet at the #street line#.

Below the minimum required #street wall# height, recesses whose depth shall be measured in all cases from the #street line#, shall be permitted only as follows: no recesses greater than 10 feet deep shall be permitted; recesses up to 10 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the #street wall# below the minimum required #street wall# height; in addition, recesses up to two feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height; and recesses up to one foot deep shall not be limited in their aggregate area. For the area above the minimum required #street wall# height, recesses are not restricted.

Above a height of 125 feet, a #street wall# shall be set back not less than 10 feet from the #street line#.

81-84 - Mandatory Regulations and Prohibitions

LAST AMENDED
6/6/2024

The following requirements listed in this Section shall apply to all #developments#, #enlargements#, #extensions# or changes of #use# within the Subdistrict:

(a) Plaza location

No #public plaza#, or any part thereof, shall be permitted on or within 50 feet of the Fifth Avenue #street line#.

(b) Off-street parking regulations

No off-street parking facilities are permitted within the Fifth Avenue Subdistrict.

(c) Off-street loading regulations

In no event shall access to #accessory# off-street loading berths be permitted on or within 50 feet of the Fifth Avenue #street line#. Beyond 50 feet from the Fifth Avenue #street line#, where three or more #accessory# loading berths are required, such berths shall be located below #street# grade. Access to such berths, however, shall be permitted at #street# grade.

#Interior lots# with a frontage only on Fifth Avenue or only on a #wide street# shall not contain loading berths.

81-85 - Transfer of Development Rights From Landmark Sites

LAST AMENDED
12/5/2024

For #developments# or #enlargements#, in addition to the provisions of Sections 75-42 (Transfer of Development Rights from Landmark Sites) and 81-212 (Special provisions for transfer of development rights from landmark sites), the City Planning Commission may modify or waive the requirements of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), inclusive, and the requirements of Section 81-84 (Mandatory Regulations and Prohibitions).

In granting such special permit, the Commission shall find that the permitted transfer of #floor area# and modification or waiver of mandatory plan elements will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with surrounding landmark #buildings or other structures#.

81-90 - SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT

LAST AMENDED
12/5/2024

In order to conform with the existing scale and character of the Preservation Subdistrict, any #zoning lot# located in the underlying C5-P District shall be limited to a maximum #floor area ratio# of 8.0, except as permitted in Sections 81-211 (Maximum floor area ratio for non-residential or mixed buildings) or 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building).

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

Mandatory #street walls# are required as follows:

> The #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #front lot line# to a minimum height of 72 feet above the #curb level#, or the full height of 72 feet above the #curb level#, or the full height of the #building#, whichever is less. Above a height of 85 feet, the #street wall# shall be set back at least 15 feet from the #street line# and shall be subject to the #sky exposure plane# regulations of Section 33-432 (In other Commercial Districts) applicable in C5 Districts. The provisions of Sections 33-44 (Alternate Front Setbacks) and 33-45 (Tower Regulations) are not applicable in the Preservation Subdistrict.

On application, the City Planning Commission may grant special authorization for minor modifications of the mandatory #street wall# provisions of this Section as applied to an #enlargement#, upon the applicant's showing of compelling necessity. Such authorization, however, may in no event include modification of permitted #floor area# regulations.

For #qualifying affordable housing# or #qualifying senior housing#, the height and setback provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings) shall apply as alternate regulations to the provisions of this Section.

Appendix A - Midtown District Plan Maps

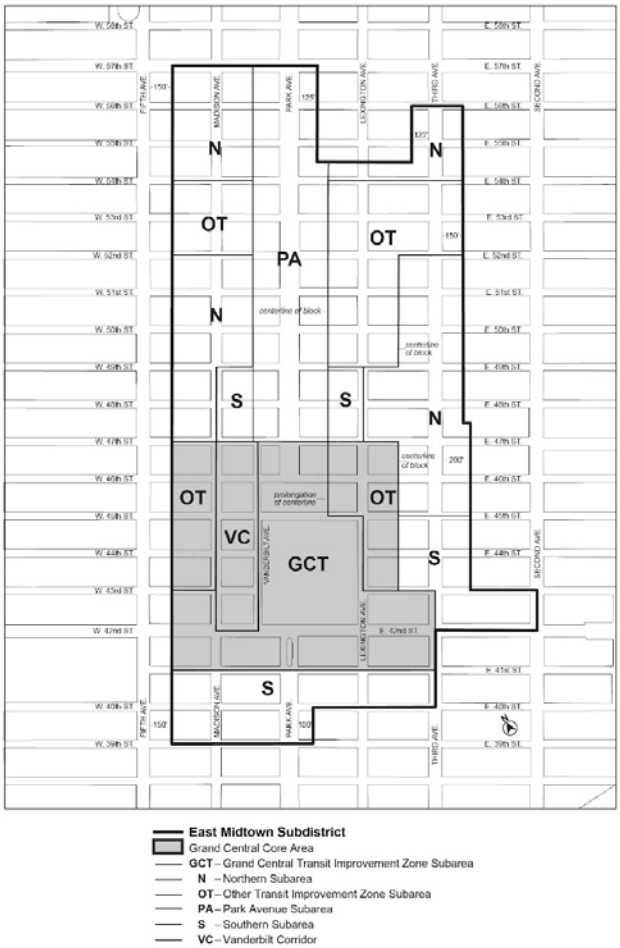
LAST AMENDED
8/14/2025

(8/14/25)

Map 1: Special Midtown District and Subdistricts (81-A1)

(8/9/17)

Map 2: Special East Midtown Subdistrict and Subareas (81-A2)



(8/14/25)

Map 3: Retail and Street Wall Continuity (81-A3)

(8/14/25)

Map 4: Subway Station and Rail Mass Transit Facility Improvement Areas (81-A4)

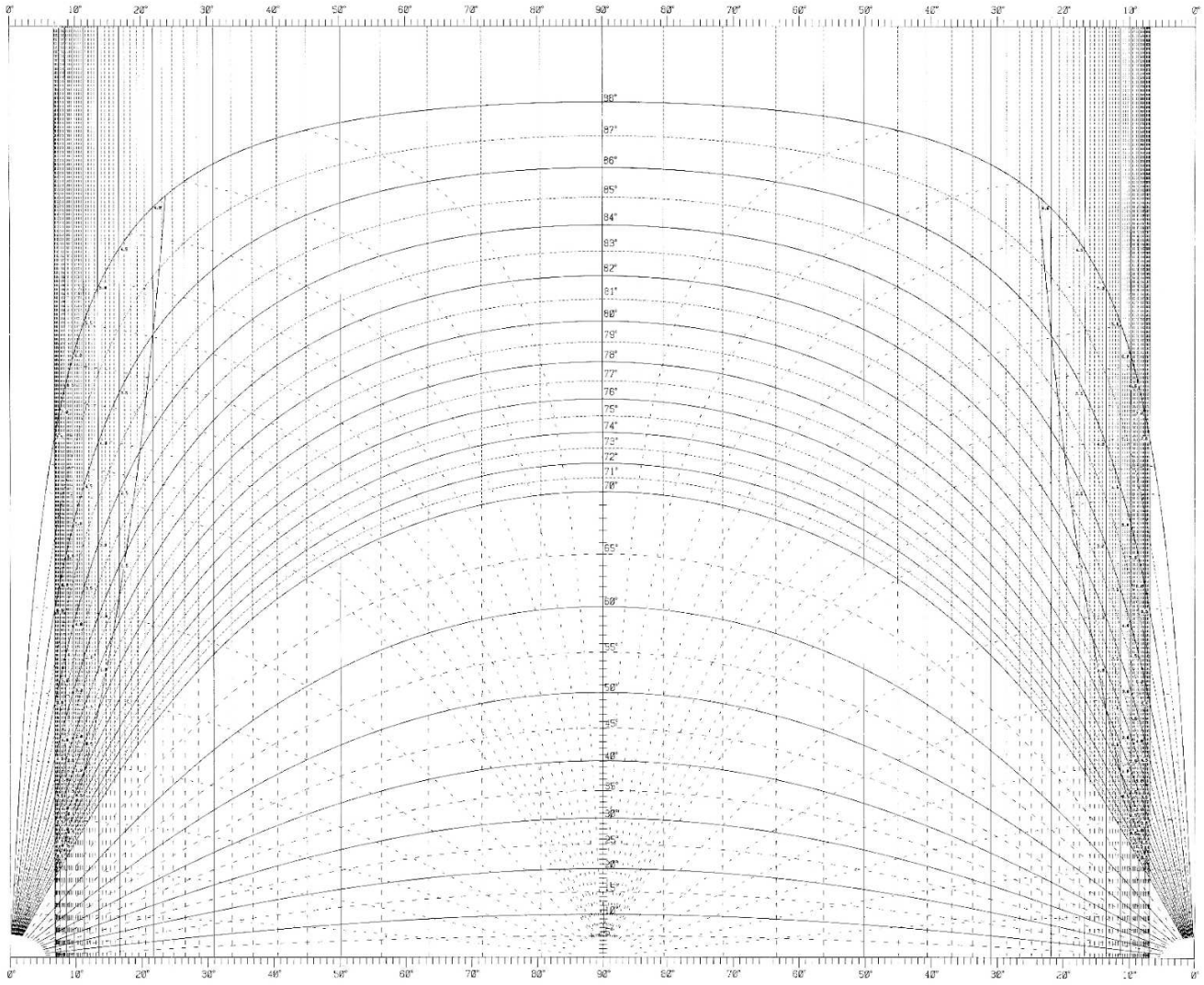
Appendix B - Daylight Evaluation Charts

LAST AMENDED
8/9/2017

(8/26/92)

Chart 1. Daylight Evaluation Diagram - 60 Foot Street (81-B1L&R)

(A high resolution PDF of this chart is available at
http://www1.nyc.gov/site/planning/zoning/graphic-files.page)

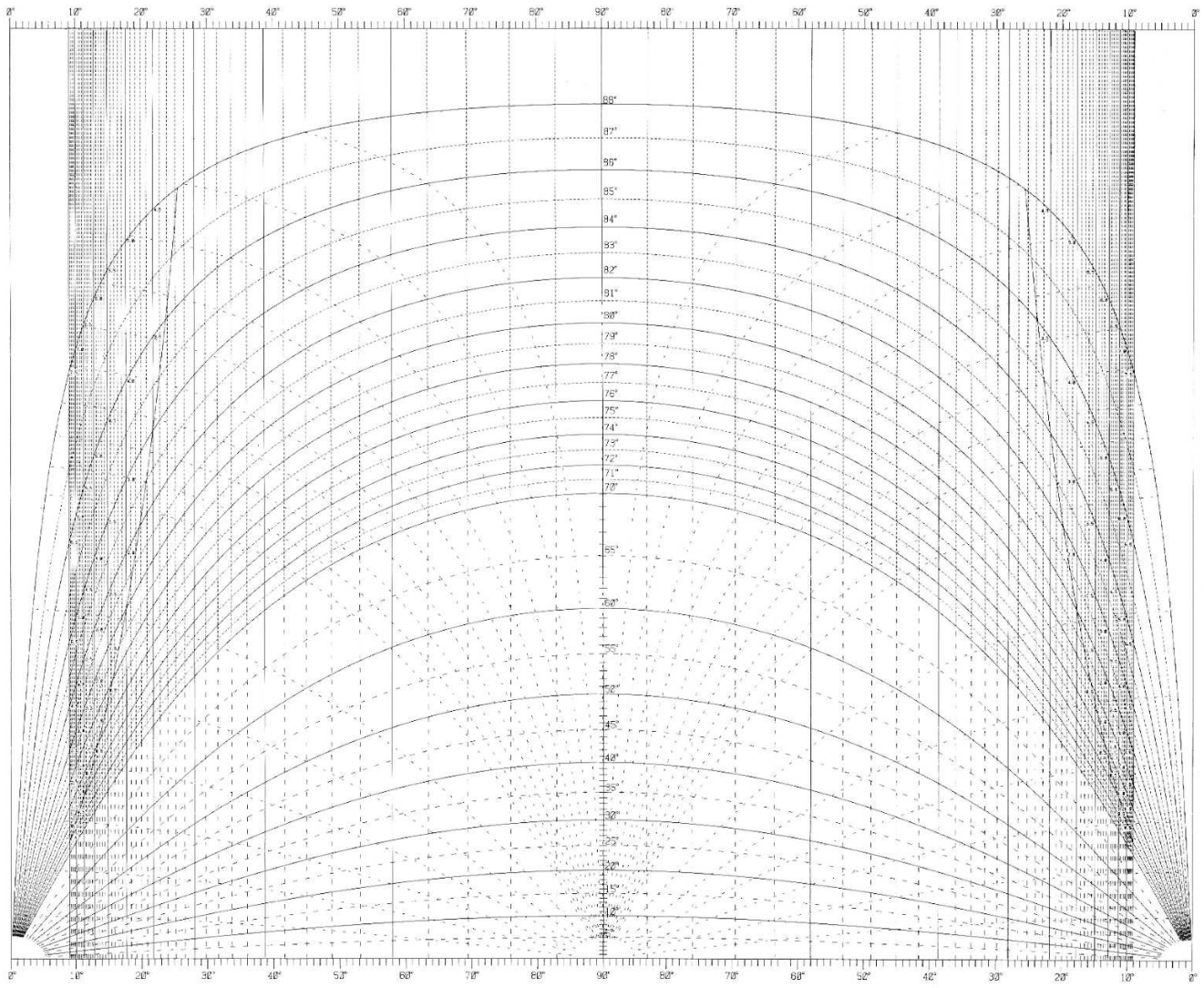


Daylight Evaluation Diagram, 60 Foot Street

(8/26/92)

Chart 2. Daylight Evaluation Diagram - 75 & 80 Foot Streets (81-B2L&R)

(A high resolution PDF of this chart is available at
http://www1.nyc.gov/site/planning/zoning/graphic-files.page)

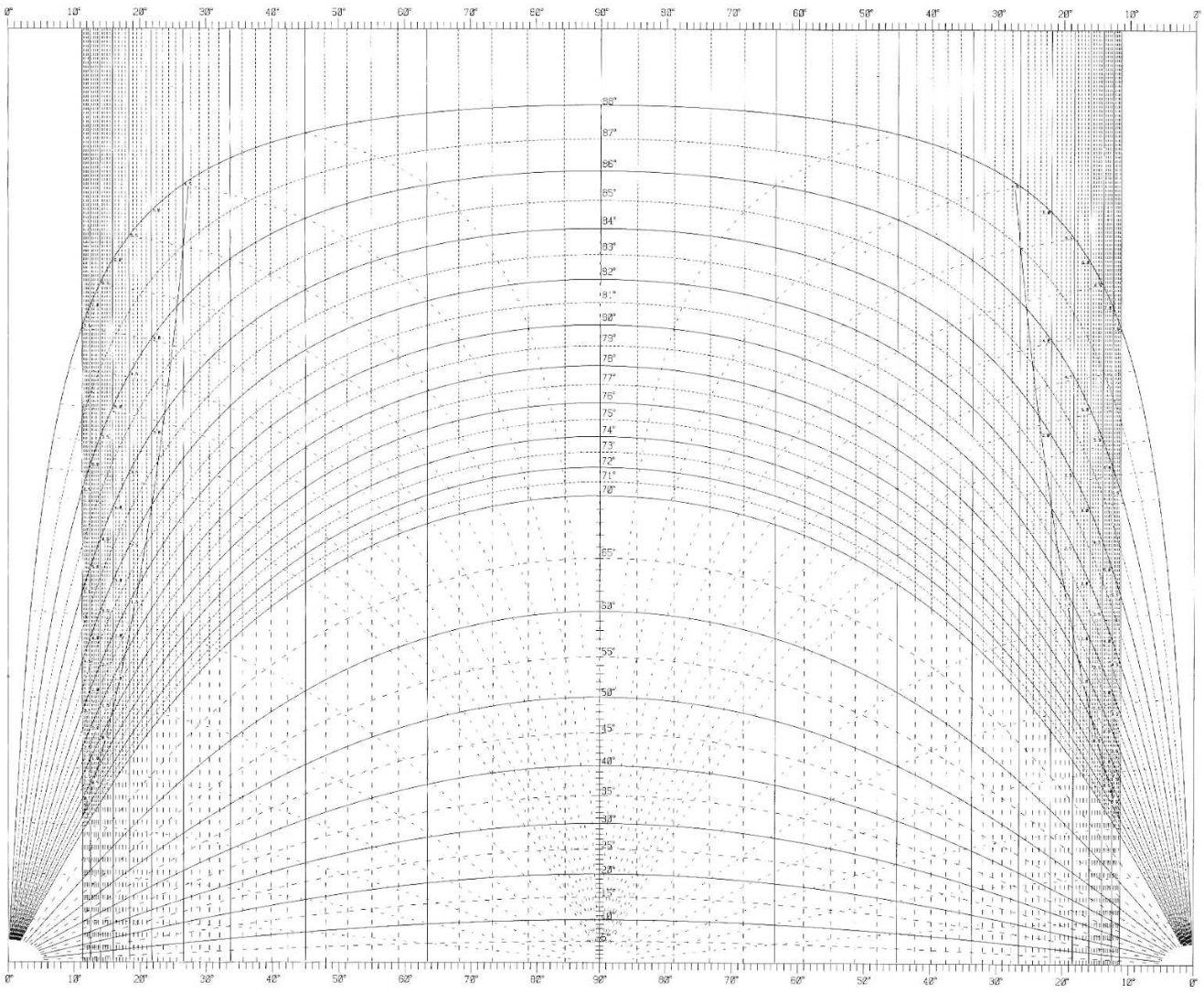


Daylight Evaluation Diagram, 75 and 80 Foot Street

(8/26/92)

Chart 3. Daylight Evaluation Diagram - 100 or more Foot Streets (81-B3L&R)

(A high resolution PDF of this chart is available at
http://www1.nyc.gov/site/planning/zoning/graphic-files.page)

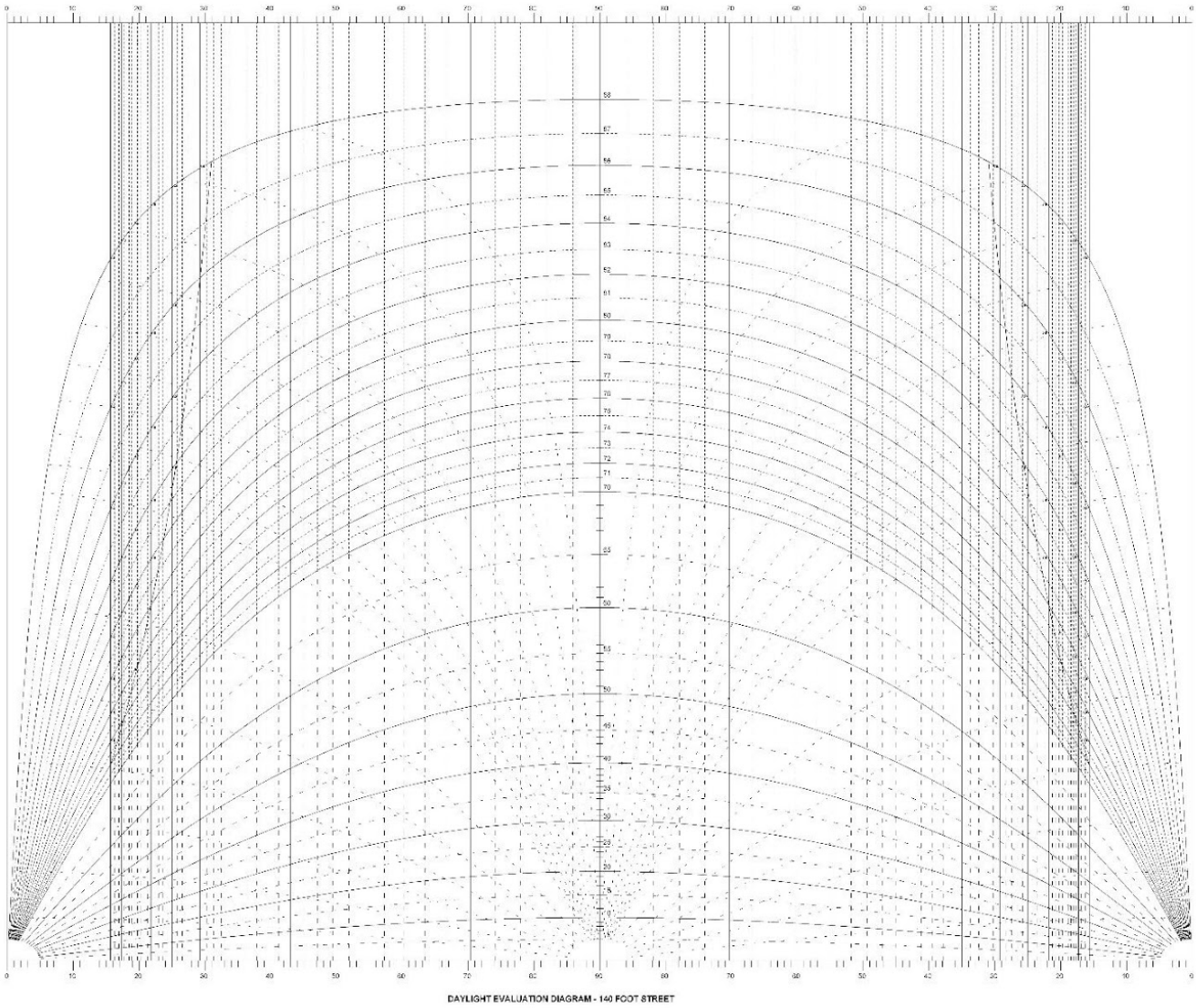


Daylight Evaluation Diagram, 100 or More Foot Street

(8/9/17)

Chart 4. Daylight Evaluation Diagram Park Avenue - 140 Foot Street (81-B4L&R)

(A high resolution PDF of this chart is available at
http://www1.nyc.gov/site/planning/zoning/graphic-files.page)



Daylight Evaluation Diagram, Park Avenue

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Special Lincoln Square District (L)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 2 - Special Lincoln Square District (L)

82-00 - GENERAL PURPOSES

LAST AMENDED
4/24/1969

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

(a) to preserve, protect and promote the character of the Special Lincoln Square District area as the location of a unique cultural and architectural complex - an attraction which helps the City of New York to achieve preeminent status as a center for the performing arts, and thus conserve its status as an office headquarters center and a cosmopolitan residential community;

(b) to improve circulation patterns in the area in order to avoid congestion arising from the movements of large numbers of people; improvement of subway stations and public access thereto; including convenient transportation to, from and within the district; and provision of arcades, open spaces, and subsurface concourses;

(c) to help attract a useful cluster of shops, restaurants and related amusement activities which will complement and enhance the area as presently existing;

(d) to provide an incentive for possible development of the area in a manner consistent with the aforegoing objectives which are an integral element of the Comprehensive Plan of the City of New York;

(e) to encourage a desirable urban design relationship of each building to its neighbors and to Broadway as the principal street; and

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

82-01 - Definitions

LAST AMENDED
6/6/2024

For the purposes of this Chapter, matter in italics shall include those defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions) or in this Section.

Development

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section 12-10 (DEFINITIONS).

82-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66- 11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

82-03 - Requirements for Applications

LAST AMENDED
2/9/1994

An application to the City Planning Commission for the grant of a special permit or an authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and the proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the Commission for its determination as to whether or not a special permit or an authorization is warranted. Such information shall include, but not be limited to, justification of the proposed #development# in relation to the general purposes of the #Special Lincoln Square District#.

82-04 - District Plan

LAST AMENDED
2/9/1994

The District Plan for the #Special Lincoln Square District#, included as Appendix A, identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.

The District Plan also identifies #blocks# with mandatory #front lot line# #street walls#. The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.

82-10 - MANDATORY DISTRICT IMPROVEMENTS

LAST AMENDED
2/9/1994

The provisions of this Section specify mandatory or optional physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.

82-11 - Special Provisions for Optional Arcades

LAST AMENDED
2/9/1994

Any #development# located on a #zoning lot# with a #lot line# which coincides with either of the following #street lines# - the east side of Broadway between West 61st and West 65th Streets or the east side of Columbus Avenue between West 65th and West 66th Streets - may contain an #arcade# as defined in Section 12-10, except that:

(a) the #arcade# shall extend the full length of the #zoning lot# along the #street lines# described above; however, the required #arcade# along the east side of Columbus Avenue may be terminated at a point 40 feet south of West 66th Street;

(b) the exterior face of #building# columns shall lie along the #street lines# described above;

(c) the minimum depth of the #arcade# shall be 15 feet (measured perpendicular to the exterior face of the #building# columns located on the #street line#) and the minimum height of the #arcade# along the center line of its longitudinal axis shall not be less than 20 feet;

(d) the #arcade# shall contain no permanent obstruction within the area delineated by the minimum width and height requirements of this Section except for the following:

(1) unenclosed cafes, provided that there is at least a six foot wide unobstructed pedestrian way adjacent to the #street wall#. In no event may such cafes be enclosed at any time; and

(2) structural columns not exceeding two feet by three feet provided that the longer dimension of such columns is parallel to the #street line#, that such columns are spaced at a minimum of 17 feet on center, and that the space between such columns and the face of the #street wall# is at least 13 feet wide. No other columns shall project beyond the face of the #street wall# ;

(e) no #signs# may be affixed to any part of the #arcade# or #building# columns except on a parallel to the #street wall# projecting no more than 18 inches therefrom parallel to the #street line# along which the #arcade# lies; and

(f) the #arcade# shall be illuminated only by incandescent lighting to a standard of average eight foot-candle intensity with a minimum five foot-candle intensity at any point within the #arcade#.

82-12 - Mandatory Off-street Relocation of a Subway Stair

LAST AMENDED
10/17/2007

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Sections 37-41 (Standards for Location, Design and Hours of Public Accessibility) and 37-42 (Administrative Procedure for a Subway Stair Relocation or Renovation).

82-13 - Special Provisions for a Transit Easement

LAST AMENDED
10/7/2021

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

82-20 - SPECIAL USE AND SIGN REGULATIONS

LAST AMENDED
6/6/2024

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, special #ground floor level# streetscape and #sign# regulations apply.

82-21 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS) shall apply, except that #ground floor level# #street# frontages facing Broadway, Columbus Avenue or Amsterdam Avenue, or portions thereof, shall be considered #Tier C street frontages#.

82-22 - Location of Floors Occupied by Commercial Uses

LAST AMENDED
6/6/2024

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

82-23 - Supplementary Sign Regulations

LAST AMENDED
6/6/2024

No permitted #sign# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.

Within Subdistrict B, permitted #signs# facing upon West 65th Street shall not exceed a height of 40 feet above #curb level#, and permitted #signs# facing upon Broadway between West 65th Street and West 66th Street shall not exceed a height of 60 feet above #curb level#. However, #signs# facing in an easterly or southerly direction upon that portion of the public place designated on the City Map that is located within an area bounded by West 65th Street and the prolongation of the south side of West 64th Street shall not exceed a height of 40 feet above the level of such public place.

82-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

The underlying bulk provisions shall apply, except as modified in this Section, inclusive.

82-31 - Floor Area Ratio Regulations

LAST AMENDED
12/5/2024

The underlying #floor area# provisions shall apply except that:

(a) Within Subdistrict A, for any #building# in a C4-7 District, the maximum permitted #commercial# #floor area# shall be 100,000 square feet. However, the City Planning

Commission may grant, by special permit, additional #commercial# #floor area# pursuant to the provisions of Section 82-311 (Commercial floor area increase by special permit).

(b) No #floor area# bonuses shall be permitted within the #Special Lincoln Square District# except that for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

82-311 - Commercial floor area increase by special permit

LAST AMENDED
12/5/2024

The City Planning Commission may by special permit allow the #commercial# #floor area ratio# permitted on a #zoning lot# pursuant to Section 82-31 (Floor Area Ratio Regulations) within Subdistrict A to be increased to 10.0 for #commercial# #uses#. As a condition for such special permit, the Commission shall find that:

(a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;

(b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;

(c) the additional #bulk# devoted to #commercial# #uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and

(d) 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 prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on the character of the surrounding area.

82-32 - Height and Setback Regulations

LAST AMENDED
12/5/2024

Within the Special District, all #buildings# shall be subject to the height and setback regulations of Section 35-63 (Height and Setback Requirements in Commercial Districts with R6 Through R12 Equivalency), except as follows:

(a) for any portion of a building that qualifies as a "tower", the provisions of Section 82-321 (Special tower coverage and setback regulations) shall apply;

(b) #street wall# provisions shall be modified in Section 82-322 (Street walls along certain street lines);

(c) permitted obstructions above a required setback shall be modified pursuant to the provisions of Section 82-323 (Permitted obstructions within required setback areas); and

(d) special height limitations at certain locations shall apply, pursuant to the provisions of Section 82-324 (Special height limitations).

82-321 - Special tower coverage and setback regulations

LAST AMENDED
12/5/2024

The requirements set forth in Section 23-435 (Tower regulations) for any #building#, or portion thereof, that qualifies as a "tower" shall apply, except as modified in this Section.

(a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate not less than 30 percent of the #lot area# of a #zoning lot#. However, any #story# located within the highest 15 percent of the tower may cover less than 30 percent of the #lot area# of a #zoning lot# provided that the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# directly below the highest 15 percent of the tower.

(b) At all levels at or above a height of 85 feet from #curb level#, the minimum required setback of the #street wall# of a tower shall be at least 15 feet from the #street line# of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.

(c) At least 60 percent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located partially or entirely below a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

For the purposes of determining the permitted tower coverage in Block 3, as indicated on the District Plan in Appendix A of this Chapter, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

82-322 - Street walls along certain street lines

LAST AMENDED
12/5/2024

(a) On a #zoning lot# with a #front lot line# along Broadway or Columbus Avenue as indicated on the District Plan in Appendix A of this Chapter, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply and except that the #street wall# shall rise without setback to a height of 85 feet above #curb level#.

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20 foot setback at a height of 85 feet above #curb level#.

(b) On a #zoning lot# in Block 1, as indicated on the District Plan in Appendix A of this Chapter, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to the designated frontages, except that:

(1) the #street wall# located on the south side of West 63rd Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less; and

(2) the #street wall# shall extend along Columbus Avenue and/or Broadway for no more than one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then set back 20 feet.

(c) On a #zoning lot# in Block 2, as indicated on the District Plan the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that:

(1) the #street wall# located on the north side of West 66th Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less; and

(2) the #street wall# shall extend on Broadway and/or Columbus Avenue for no more than one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then set back 20 feet.

(d) On a #zoning lot# in Block 3, as indicated on the District Plan, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that for purposes of applying the base heights the #street wall# shall extend to the base heights outlined in an R10A District.

(e) Recessed fenestration and special architectural expression lines in the #street wall# are required per articulation allowances of paragraph (d) of Section 23-431 or Section 35-631.

In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street within Blocks 1 and 2, the #street wall# shall provide, at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

82-323 - Permitted obstructions within required setback areas

LAST AMENDED
12/5/2024

Above a height of 85 feet above #curb level#, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section 23-413 (Permitted obstruction in certain districts) provided that, along a #wide street#, or on a #narrow street# within 50 feet of a #wide street# the #building# shall

contain special architectural expression lines at a height of 85 feet above #curb level#.

82-324 - Special height limitations

LAST AMENDED
12/5/2024

On Block 1 or 2, as indicated on the District Plan in Appendix A of this Chapter, the maximum height of a #building or other structure# shall not exceed 275 feet above #curb level#, except that the maximum #building# heights may be increased by 15 percent, provided that the gross area of any such #story# located above the maximum #building# height does not exceed 90 percent of the gross area of that #story# directly below the highest 15 percent of the #building#.

The underlying allowances for permitted obstructions above such maximum height limit shall apply.

82-33 - Modification of bulk regulations by special permit

LAST AMENDED
12/5/2024

The City Planning Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot#, and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines#, provided the Commission finds that such modifications are necessary to:

(a) facilitate good design;

(b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-10 (MANDATORY DISTRICT IMPROVEMENTS) are applicable; or

(c) incorporate a #floor area# allowance pursuant to paragraph (b) of Section 82-31 (Floor Area Regulations) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.

82-40 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/5/2024

The regulations of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section. In addition, the entrances and exits to all off-street loading berths shall not be located on a #wide street# except by authorization as set forth in this Section.

(a) #Accessory# off-street parking spaces

#Accessory# off-street parking spaces are permitted only by the applicable special permit of the City Planning Commission pursuant to Section 13-45 (Special Permits for Additional Parking Spaces), inclusive.

(b) Curb cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets# where such curb cuts are needed for off-street

loading berths, provided the location of such curb cuts meets the findings in Section 13-441.

(c) Waiver of loading berth requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

(1) be hazardous to traffic safety;

(2) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or

(3) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

82-50 - EXISTING PUBLICLY ACCESSIBLE OPEN AREAS

LAST AMENDED
12/5/2024

No existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of public amenities).

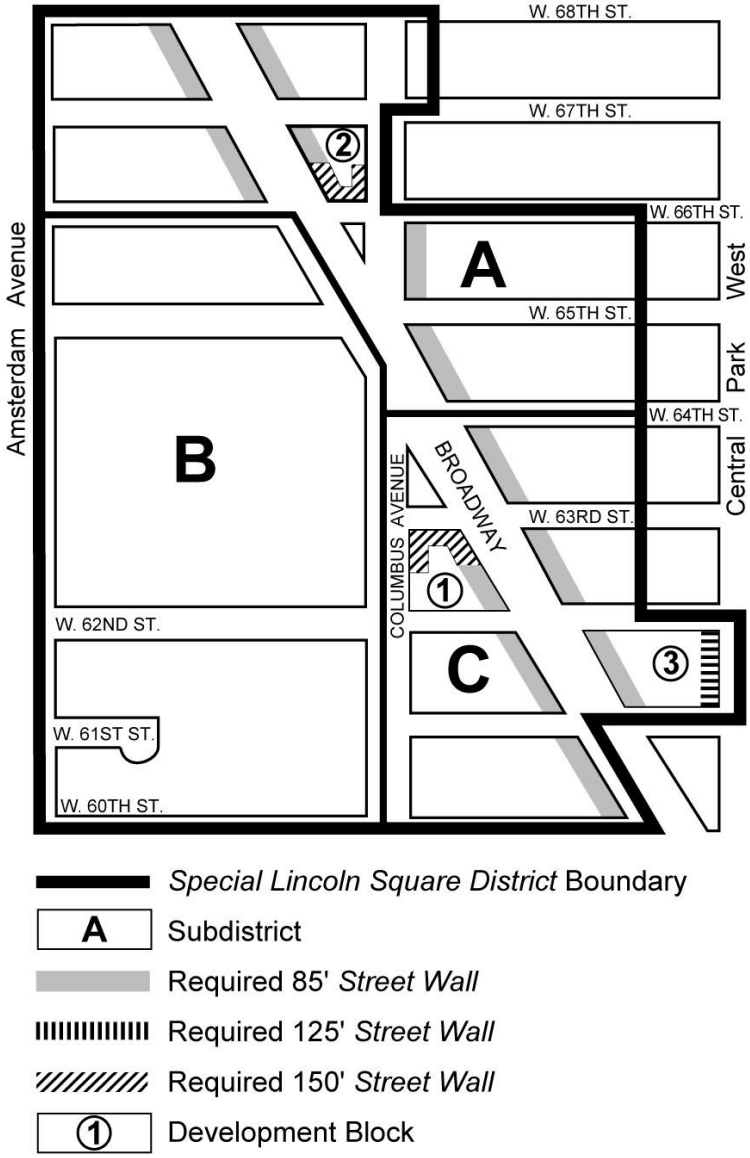
Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification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

with the standards under which such #floor area# bonus was granted.

Appendix A - Special Lincoln Square District Plan

LAST AMENDED

2/9/1994



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Special Limited Commercial District (LC)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 3 - Special Limited Commercial District (LC)

83-00 - GENERAL PURPOSES

LAST AMENDED
10/9/1969

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

(a) to preserve, protect, and enhance the character of Historic Districts as the location of many of the city's most valued cultural assets;

(b) to improve circulation patterns in the areas in order to avoid congestion arising from the movements of large numbers of people;

(c) to help attract a useful cluster of shops, restaurants, cultural attractions and related activities which will complement and enhance the areas as presently existing; and

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

83-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS).

83-02 - General Provisions

LAST AMENDED
10/7/2021

#Special Limited Commercial Districts# may only be mapped in #Commercial Districts# within areas, or portions of areas, designated by the Landmarks Preservation Commission as "Historic Districts" pursuant to Chapters 8A or 63 of the New York City Charter and Chapter 8A of the New York City Administrative Code.

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Limited Commercial District# and in accordance with the provisions of this Chapter, certain specified #use#, #sign# and enclosure regulations of the districts on which #Special Limited Commercial Districts# are superimposed are made inapplicable, and are superseded by the #use#, #sign# and enclosure regulations of the #Special Limited Commercial District# as set forth in this Chapter.

In addition to meeting the #use#, #sign# and enclosure regulations as set forth in this Chapter, each #building# shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

83-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/6/2024

Within the #Special Limited Commercial District#, the #use# regulations applicable to a C2-5 District set forth in Section 32-10 (USE ALLOWANCES), inclusive, shall apply. In addition, the regulations applicable to a C1 District shall apply for the enclosure regulations of Section 32-41 (Enclosure Within Buildings), inclusive, the #sign# regulations of Section 32-60 (SIGN REGULATIONS), inclusive, and the #use# allowances and modifications available by special permit of the Board of Standards and Appeals and the City Planning Commission, pursuant to Article VII, Chapters 3 and 4, respectively.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Special Battery Park City District (BPC)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 4 - Special Battery Park City District (BPC)

84-00 - GENERAL PURPOSES

LAST AMENDED
1/8/1997

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

(a) to strengthen the business core of Lower Manhattan by improving the working environment;

(b) to provide major additional space for expansion of office uses and their ancillary facilities;

(c) to broaden the regional choice of residence by introducing new housing in the vicinity of the major employment center of Lower Manhattan;

(d) to achieve a harmonious visual and functional relationship with adjacent areas;

(e) to create an environment which will be lively and attractive and provide daily amenities and services for the use and enjoyment of the working population and the new residents;

(f) to take maximum advantage of the beauty of the Hudson River waterfront, thereby best serving the downtown business community, the new residential population and providing regional recreation as well; and

(g) to promote the most desirable use of land and direction of building development in the Lower Manhattan area.

84-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), in this Section or Section 84-021 (District Plan). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Esplanade

The "Esplanade" is a #public park# extending along all waterfront edges of the #Special Battery Park City District#. The #Esplanade# is shown in the District Plan in Appendix 1.

Mandatory front building wall lines

"Mandatory front building wall lines" are imaginary lines extending through Zone A and Zone C of the #Special Battery Park City District# which, except as shown in Appendices 2.1 and 3.1 of this Chapter, coincide with #street lines# and with which #building# walls must generally coincide, as provided in Sections 84-132 and 84-332 (Mandatory front building walls).

Special height locations

"Special height locations" are designated areas in Zone A and Zone C of the #Special Battery Park City District# subject to the regulations in Appendices 2.2 and 3.2 of this Chapter, in accordance with Sections 84-135 and 84-333 (Limited height of buildings).

84-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and in order to achieve the purpose of the #Special Battery Park City District#, a special set of regulations is established for the #Special Battery Park City District# controlling #use#, #bulk#, #accessory# off-street parking facilities and #accessory# off-street loading facilities.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

84-021 - District Plan

LAST AMENDED
1/8/1997

The District Plan is set forth in Appendix 1. Each #block# shall be considered a single #zoning lot# for the purposes of the #Special Battery Park City District#.

84-022 - Incorporation of Appendix 1, Appendix 2 and Appendix 3

LAST AMENDED
1/8/1997

Appendix 1 (District Plan), Appendix 2 (Zone A South Residential Neighborhood) and Appendix 3 (Zone A North Residential Neighborhood and Zone C) are hereby incorporated as integral parts of the provisions of this Chapter. In the event of an inconsistency or need for clarification between Appendix 1 or Appendix 2 or Appendix 3 and the written specifications in this Chapter, in each such case the written specifications in this Chapter shall govern.

84-023 - Subdistricts

LAST AMENDED
1/8/1997

In order to carry out the purposes and provisions of this Chapter, the #Special Battery Park City District# is divided into three subdistricts: Zone A, Zone B and Zone C. The location and boundaries of the subdistricts are shown on the District Plan in Appendix 1.

84-03 - Use Regulations (For Zone A and Zone C)

LAST AMENDED
8/17/2005

The #uses# permitted shall be constructed and located so that no exhaust vents or chimneys open onto any #street# or park or onto the #Esplanade#.

84-10 - ZONE A GENERAL DISTRICT REGULATIONS

LAST AMENDED
2/2/2011

Zone A is designed generally to provide for residential development with ancillary retail and service #uses#, and #transient hotels# as permitted pursuant to Section 84-12. Zone A is divided into six subzones: A-1, A-2, A-3, A-4, A-5 and A-6. The location and boundaries of the subzones are shown in Appendices 2 and 3 of this Chapter.

84-11 - General Provisions

LAST AMENDED
12/5/2024

Except as expressly modified by the provisions of this Chapter, the regulations applying to an R10 District shall apply in subzones A-1, A-2, A-3, A-5 and A-6 of the #Special Battery Park City District#.

Notwithstanding any other provision of this Resolution, #developments# and #enlargements# may only be constructed in subzone A-4 in accordance with certifications given by the City Planning Commission. #Residential# #open space# in subzone A-4 shall be subject to the provisions of Sections 12-10 (DEFINITIONS) and 23-311 (Permitted obstructions in all yards, courts and open areas). All other provisions of this Chapter with respect to Zone A shall not apply to #developments# or #enlargements# in subzone A-4 unless otherwise indicated.

84-12 - Use Regulations

LAST AMENDED
6/6/2024

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Section 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial# #uses#, the provisions set forth in Section 32-422 (Location of floors occupied by commercial uses) applicable to a C6 District shall apply. However, such provisions shall be modified as follows:

(a) the limitations set forth in paragraph (a) of such Section need not apply; and

(b) the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

Notwithstanding any other provisions of this Resolution, #uses# listed under Use Groups VI, VII or VIII shall be limited in size to 10,000 square feet of #floor area# per establishment, with the exception of grocery and convenience retailers listed under Use Group VI. In addition, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel# #uses# where permitted pursuant to Section 32-153 (Use Group V – uses subject to additional conditions), or both #residential# and hotel #uses#.

84-121 - Uses along Esplanade

LAST AMENDED
6/6/2024

#Uses# fronting on the #Esplanade# shall be limited to the #uses# listed under Use Groups I, II and III, except that in the areas indicated as permitted #commercial# locations in Appendix 2.3, in the lowest #story# other than a #basement# in any #building#, eating or drinking establishments listed

under Use Group VI shall be permitted.

84-122 - Uses permitted within public open space areas

LAST AMENDED
2/27/2001

Public open space areas located between Murray Street and Warren Street, as indicated in Appendix 3.6, shall be improved at or above grade for use by the public as open areas for passive and/or active recreational #uses#.

84-123 - Streetscape regulations

LAST AMENDED
6/6/2024

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3 of this Chapter, the underlying #ground floor level# streetscape provisions for a C2 District, set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply.

84-13 - Bulk Regulations

LAST AMENDED
12/5/2024

#Residential# and #community facility# #bulk# regulations otherwise applicable in R10 Districts are modified to the extent set forth in this Section and Sections 84-131 through 84-135, inclusive.

The regulations otherwise applicable in R10 Districts are superseded by the regulations set forth in Sections 84-131 (Floor area regulations), 84-132 (Mandatory front building walls), 84-133 (Front wall recess), 84-134 (Mandatory arcades) and 84-135 (Limited height of buildings).

The provisions of Sections 23-343 (Rear yard equivalent requirements) and 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), and Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments) and Chapter 9 (Special Regulations Applying to Large-scale Community Facility Developments), are not applicable.

The provisions of Section 23-371 (Distance in between buildings) may be modified by the Battery Park City Authority. Prior to the granting of any such modification, the Authority shall make the following findings:

(a) that such modification will aid in achieving the general purpose and intent of the #Special Battery Park City District#, as set forth in Section 84-01;

(b) that such modification will not unduly increase the #bulk# of #buildings#, the density of population or the intensity of #use# on any #zoning lot# to the detriment of the occupants of #buildings# on such #zoning lot# or nearby #zoning lots# ;

(c) that such modification will not adversely affect the #buildings# on the #zoning lot# or nearby #zoning lots# by restricting access to light and air; and

(d) that if an open area is provided, at any level, between two #buildings#, it shall have a width of not less than eight feet.

84-131 - Floor area regulations

LAST AMENDED
12/5/2024

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #zoning lot#:

(a) in subzones A-1 and A-5 shall not exceed 12.0; and

(b) in subzones A-2, A-3 and A-6 shall not exceed 8.0, except that for #qualifying affordable housing# or #qualifying senior housing#, the permitted #floor area ratio# shall be 9.60. In addition, within subzone A-6, the #floor area ratio# for the #zoning lot# on the southeast corner of Chambers Street and North End Avenue may be increased from 8.0 to a maximum of 12.0, provided that such additional #floor area# is occupied by a #school#.

The #floor area# bonus provisions with respect to R10 Districts shall not apply.

84-132 - Mandatory front building walls

LAST AMENDED
2/2/2011

Except as set forth in paragraphs (g) and (i) of this Section, where Appendices 2.1 or 3.1 show a requirement for a #building# in Zone A to be built to a #mandatory front building wall line#, any such #building# shall have a mandatory front #building# wall coincident with and constructed along such #mandatory front building wall line#, which shall rise without setback for a height above #curb level#, as specified in this Section, except that, at #building# entrances, openings below the second #story# ceiling in the mandatory front #building# walls will be permitted to provide access to courtyards:

(a) except as set forth in paragraph (d) of this Section, with respect to any 60–85 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 60 feet nor more than 85 feet;

(b) with respect to any 110–135 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 110 feet nor more than 135 feet. However, a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level# ;

(c) on the portion of any #zoning lot# designated as a #special height location# in Appendix 2.2, a height of not less than the applicable amount set forth in paragraphs (a) or (b) of this Section and not more than the maximum height indicated in Appendix 2.2 or in paragraph (d)(1) of Section 84-135 (Limited height of buildings);

(d) with respect to any #zoning lot# south of West Thames Street, east of South End Avenue, north of Third Place and west of Battery Place, a height of not less than 18 feet nor more than 85 feet above #curb level# ;

(e) with respect to any 110–135 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 135 feet;

(f) with respect to any 110–230 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 230 feet, except that:

(1) the width of the mandatory front #building# wall in excess of a height of 135 feet shall not exceed 120 feet along any frontage;

(2) where the width of the #mandatory front building wall line# along #street lines# intersecting North End Avenue exceeds 100 feet, the mandatory front #building# wall in excess of a height of 135 feet shall not exceed a width of 75 feet along North End Avenue. However, the width of the mandatory front #building# wall along #street lines# intersecting North End Avenue may be reduced to not less than 100 feet in order to accommodate landscaping and other improvements within or adjacent to the

public open space areas shown in Appendix 3.6;

(3) a setback of 10 feet at a height of 135 feet is required along all street frontages, except Park Place West; and

(4) a setback of not less than five feet and not more than 10 feet is required in other locations at a height of 135 feet, as shown in Appendix 3.1;

(g) with respect to any 150–250 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 150 feet nor more than 250 feet, except that the height may not exceed either 150 feet for more than 120 feet or 75 percent of the length of the site's western property line, whichever is less, and a setback of not less than five feet and not more than 10 feet is required at a height of 150 feet. Where Appendix 3.1 shows a requirement for a #building# to be built to a #mandatory front building wall line# along frontage on River Terrace, any such #building# may have a mandatory front #building# wall coincident with and constructed along a line set back one and one-half feet from the #street line# along River Terrace to accommodate landscaping treatment as required by the Battery Park City Authority;

(h) on the portion of any #zoning lot# designated as a #special height location# in Appendix 3.2, a height of not less than the applicable amount set forth in paragraphs (e), (f) or (g) of this Section and not more than the height shown in Appendix 3.2; and

(i) on the #zoning lot# south of First Place and west of Battery Place, the eastern mandatory front #building# wall may be located within 30 feet from the eastern #mandatory front building wall line#, and the southern mandatory front #building# wall may be reduced in width up to 30 feet along the southern #mandatory front building wall line# within 30 feet from the intersection with the eastern #mandatory building wall line#.

Subject to the provisions of Section 84-133 (Front wall recesses), the mandatory front #building# wall requirements set forth in this Section shall also apply to all #buildings# along all #street lines# within 50 feet of their intersection with any #mandatory front building wall line#. For the next 20 feet along

the #street line#, the mandatory front #building# wall requirements are optional except that, for any #building# north of Vesey Street and Vesey Place, the mandatory front #building# wall requirements are optional for the next 25 feet. The height limit of 85 feet shall apply along #street lines# or to #buildings# not subject to the mandatory front #building# wall requirements.

84-133 - Front wall recesses

LAST AMENDED
12/5/2024

Front wall recesses for architectural or decorative purposes are permitted, except in an #arcade# required in Section 84-134 (Mandatory arcades), provided that below the level of the second #story# ceiling the depth of such recess does not exceed 20 feet. At any #story# above the level of the second #story# ceiling, recesses to the amount of 25 percent of the aggregate area of the wall at each #story# are permitted, provided the depth of any such recess does not exceed 10 feet. All recesses shall be subject to the applicable provisions of Section 23-353 (Outer court regulations).

84-134 - Mandatory arcades

LAST AMENDED
2/2/2011

Appendix 2.4 (Mandatory Arcades) specifies those #zoning lots# where an #arcade#, as defined in Section 12-10 (DEFINITIONS), shall be provided; and:

(a) the #arcade# shall extend the full width of the #zoning lot# along the indicated #street lines# or other lines, except where otherwise indicated in Appendix 2.4; and

(b) the minimum unobstructed depth of the #arcade# shall be 12 feet, and the minimum height of the #arcade# shall be 20 feet above #curb level#.

84-135 - Limited height of buildings

LAST AMENDED
12/5/2024

For the purposes of this Section, the term "#buildings#" shall include #buildings or other structures#. No portion of any #building# may be built to a height greater than 85 feet above #curb level#, except that:

(a) any portion of a #building# required to have an exterior wall coincident with a 110–135 foot #mandatory front building wall line#, as provided in Section 84-132 (Mandatory front building walls), may be built to a height of up to 135 feet above #curb level# ;

(b) any portion of a #building# required to have an exterior wall coincident with a 110–230 foot #mandatory front building wall line#, as provided in Section 84-132 and subject to the requirements contained in paragraph (f) therein, may be built to a height of up to 230 feet above #curb level# ;

(c) portions of a #building# required to have an exterior wall coincident with a 150–250 foot #mandatory front building wall line#, as provided in Section 84-132, may be built to a height of up to 250 feet above #curb level# ;

(d) on the portion of any #zoning lot# designated as a #special height location# in Appendices 2.2 or 3.2, a #building# may be built to the height above #curb level# indicated in Appendices 2.2 or 3.2, subject to the following:

(1) on any #building# south of First Place and east of Battery Place, with a mandatory front #building# wall, the area of which, below the level of the second story ceiling, occupies 100 percent of the frontage along its #mandatory front building wall line#, a height of not more than 450 feet, provided, however, that a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level#;

(2) on #zoning lots# located north of First Place, south of Third Place, and east of Battery Place, #special height locations# not to exceed heights of 135 feet or 360 feet above #curb level# are permitted as indicated in Appendix 2.2, provided that a setback of 10 feet is provided at a height of 85 feet above #curb level# along any #narrow street# frontage;

(3) on the #zoning lot# at the southeast corner of Chambers Street and North End Avenue, the #special height location# indicated in Appendix 3.2 shall apply only if such #zoning lot# is occupied by #school# and #residential uses# and the portion of the #building# above a height of 135 feet above #curb level# does not exceed a #lot coverage# of 40 percent; and

(4) on the #zoning lot# at the northeast corner of Murray Street and North End Avenue, a #special height location# of 320 feet above #curb level# is permitted as indicated in Appendix 3.2, subject to the requirements contained in Section 84-132, paragraph (f);

(e) Any portion of a #building# that exceeds an established height limit shall be subject to the following provisions:

(1) The obstructions set forth in Section 23-41 and 33-42, as applicable, along with heliostats, may penetrate a maximum height limit.

(2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the

Commission finds that:

(i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (e)(1) of this Section;

(ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and

(iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top; and

(f) in #special height locations# in Appendices 2.2 and 3.2 of this Chapter, no portion of a #building#, including permitted obstructions, shall exceed a height of 450 feet above #curb level#.

84-14 - Parking Regulations and Curb Cuts

LAST AMENDED
1/8/1997

84-141 - Accessory off-street parking spaces

LAST AMENDED
12/5/2024

Except as provided in Section 84-142 (Accessory off-street parking spaces for buildings containing hotel uses), #accessory# off-street parking spaces may be provided only for #residential uses# subject to the provisions of this Section. The ownership requirement for #accessory# off-street parking is satisfied by an interest commensurate with the interest of the principal #use#. Such #accessory# parking spaces shall be #completely enclosed#. No portion of any #accessory# parking facility may be constructed at a height of more than 23 feet above #curb level#. Except as otherwise provided in this Section, no #accessory# off-site parking shall be permitted.

#Accessory# parking facilities shall be constructed so that no exhaust vents open onto any #street# or park or onto the #Esplanade# and so that no portion of the facility, other than entrances and exits, is visible from adjoining #zoning lots#, #streets# or parks or the #Esplanade#.

The City Planning Commission may, upon application, authorize permitted #accessory# off-street parking spaces to be located anywhere within Zone A without regard for #zoning lot lines#, provided that the Commission shall find that:

(a) the #accessory# off-street parking spaces and required curb cuts are located within subzones A-1, A-2 or A-3 for #zoning lots# within subzones A-1, A-2 or A-3, or within subzones A-5 or A-6 for #zoning lots# in subzones A-5 or A-6, as indicated in Appendices 2 and 3; parking setbacks in Appendices 2.5 and 3.4; and curb cut locations in Appendices 2.6 and 3.5;

(b) such #accessory# off-street parking spaces will be conveniently located in relation to the #buildings# containing #residences# to which such off-street spaces are #accessory#, and provided that all such spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory# ;

(c) such location of #accessory# off-street parking spaces will permit better site planning;

(d) such #accessory# off-street parking facility shall contain parking spaces #accessory# to #residential uses# only; and

(e) such parking facility complies with the findings in paragraphs (b)(1), (b)(2), (b)(3) and (b)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

Whenever off-street parking spaces are authorized to be located without regard to #zoning lot lines# in accordance with the provisions of this Section, the number of spaces generated by each #building# shall be recorded in that building's certificate of occupancy (temporary and permanent). In addition, any certificate of occupancy for the #accessory# off-street parking facility shall state the number of parking spaces authorized to be relocated from each #zoning lot#.

84-142 - Accessory off-street parking spaces for buildings containing hotel uses

LAST AMENDED
5/8/2013

For the #zoning lot# south of First Place and east of Battery Place, #accessory# off-street parking spaces for hotel #uses# may be provided at the rate established for #transient hotels# in Section 13-12 (Permitted Parking for Non-residential Uses) or 13-13 (Permitted Parking for Zoning Lots With Multiple Uses), as applicable.

84-143 - Off-street loading

LAST AMENDED
6/6/2024

Enclosed #accessory# off-street loading berths shall be provided in conformity with the requirements set forth in the following table and under rules and regulations promulgated by the Commissioner of Buildings for the #uses# listed in the table.

REQUIRED OFF-STREET LOADING BERTHS

Type of #Use#	For #Floor Area# (in square feet)	Required Berths
Food and beverage retailers	First 8,000	None
	Next 17,000	1
	Next 15,000	1
	Each additional 15,000 or fraction thereof	1
#Transient hotels#	First 100,000	None
	Next 200,000	1
	Each additional 300,000 or fraction thereof	1

84-144 - Location of curb cuts

LAST AMENDED

2/2/2011

Curb cuts are permitted only in the areas or locations indicated in Appendices 2.6 and 3.5. The aggregate width of all curb cuts provided for any #zoning lot# shall not exceed 20 feet, except that:

(a) for the #zoning lot# bounded to the north by a mapped public place, to the west by North Park, to the south by Chambers Street, and to the east by Marginal Street, the aggregate width of all curb cuts shall not exceed 40 feet;

(b) for the #zoning lot# bounded by Warren Street to the north, River Terrace to the west, North End Avenue to the east and Park Place West to the south, the aggregate width of all curb cuts shall not exceed 30 feet, comprised of two 15 foot curb cuts;

(c) for the #zoning lot# bounded by Murray Street to the north, River Terrace to the west, North End Avenue to the east and Vesey Place to the south, the aggregate width of all curb cuts shall not exceed 40 feet, including a 25 foot wide curb cut to the #accessory# off-street parking facility;

(d) for the #zoning lot# south of First Place and east of Battery Place, the aggregate width of all curb cuts shall not exceed 50 feet;

(e) for each #zoning lot# located on the east side of Battery Place:

(1) between First Place and Second Place, the aggregate width of all curb cuts shall not exceed 40 feet;

(2) between Second Place and Third Place, the aggregate width of all curb cuts shall not exceed 50 feet; and

(f) for the #zoning lot# south of First Place and west of Battery Place, the aggregate width of all curb cuts shall not exceed 24 feet.

84-20 - ZONE B

LAST AMENDED
2/2/2011

Zone B is designed to provide for commercial and mixed development with ancillary retail and service uses, in accordance with the Large Scale Commercial Development Plan which is attached as an exhibit to the Master Lease for Battery Park City dated June 6, 1980, as amended. Alignment of the pedestrian bridge at Liberty Street shall connect or allow for connection at the easterly line of West Street with a pedestrian connection to be provided on the southerly side of Liberty Street, as provided in this Section. In addition, the pedestrian bridge at the World Trade Center crossing shall connect or allow for connection with the World Trade Center at the easterly line of West Street. The pedestrian bridges are shown on the District Plan in Appendix 1.

84-30 - ZONE C

LAST AMENDED
1/8/1997

84-31 - General Provisions

LAST AMENDED
2/2/2011

Zone C is designed to provide for commercial and mixed use development, parking and ancillary retail and service uses, as permitted pursuant to this Chapter. Zone C is divided into two subzones: C-1 and C-2. The location and boundaries of the subzones are shown in Appendix 3 of this Chapter. Except as

expressly modified by the provisions of this Chapter, the regulations applying to a C6-6 District shall apply in Zone C of the #Special Battery Park City District#.

84-32 - Use Regulations

LAST AMENDED
6/6/2024

Use regulations applicable in C6-6 Districts shall apply. In addition, public parking facilities, subject to the provisions of Section 84-341 (Off-street parking), shall be permitted.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, for a C6 District shall apply.

84-33 - Bulk Regulations

LAST AMENDED
1/8/1997

#Bulk# regulations otherwise applicable in C6-6 Districts and equivalent #Residential Districts# are hereby modified to the extent set forth in this Section and Sections 84-331 through 84-333, inclusive.

The height and setback regulations otherwise applicable in C6-6 Districts, and equivalent #Residential Districts#, are superseded by the regulations set forth in Section 84-332 (Mandatory front building walls) and 84-333 (Limited height of buildings) and Appendices 3.1 and 3.2.

84-331 - Floor area regulations

LAST AMENDED
12/5/2024

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #zoning lot# shall not exceed 15.0. The #floor area ratio# for #residential uses# shall not exceed 10.0, except that for #qualifying affordable housing# or #qualifying senior housing#, the permitted #floor area ratio# shall be 12.0. The #floor area# bonus provisions shall not apply.

84-332 - Mandatory front building walls

LAST AMENDED
2/2/2011

Appendix 3.1 specifies locations where a #mandatory front building wall line# is required. #Buildings# shall have a mandatory front #building# wall coincident with and constructed along such #mandatory front building wall line# for a minimum of 80 percent of the length of the frontage required to have the mandatory front #building# wall, which shall rise without setback for a height above #curb level# not less than 110 feet nor more than 140 feet in subzone C-1, and not less than 60 feet nor more than 140 feet in subzone C-2, except that the mandatory front #building# wall on Murray Street within subzone C-2 may rise without setback to the maximum height established pursuant to Section 84-333 (Limited height of buildings) and, provided further, that the mandatory front #building# wall requirement shall not apply to the #building# frontage along a pedestrian right-of-way in subzone C-2.

However, where Appendix 3.1 shows a mandatory front wall along Murray Street, such front #building# wall may be located either along the #street line# on Murray Street or at a right angle to

North End Avenue within 30 feet from the intersection of Murray Street and North End Avenue.

At 140 feet above #curb level#, the #building# must set back at least 15 feet from the #street line# of Vesey Street, North End Avenue and Murray Street, except that there shall be no required setback along Murray Street in subzone C-2. Front wall recesses for architectural and decorative purposes are permitted in mandatory front walls, provided that:

(a) the aggregate area of front wall recesses below the maximum height of the required front wall is less than 50 percent of the required mandatory front #building# wall;

(b) the maximum depth of any recess shall be 20 feet;

(c) recesses with a depth of less than two feet shall not be considered recesses for the purposes of this Section; and

(d) recesses shall not be open to the sky.

84-333 - Limited height of buildings

LAST AMENDED
12/5/2024

The maximum height of any #building or other structure#, or portion thereof, shall not exceed 400 feet on any portion of subzone C-1 shown as a #special height location# in Appendix 3.2 of this Chapter, except that permitted obstructions, pursuant to Section 33-42, shall be allowed to penetrate a maximum height limit.

The maximum height of any #building or other structure#, or any portion thereof, located within subzone C-2 shall not exceed 180 feet above #curb level#, except that:

(a) the maximum height of any #building or other structure#, or portion thereof, shown as a #special height location#, shall not exceed the height set forth in Appendix 3.2; and

(b) Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:

(1) The obstructions set forth in Sections 23-41, inclusive, and 33-42, as applicable, may penetrate a maximum height limit.

(2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

(i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (b)(1) of this Section;

(ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and

(iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top.

(c) In no event shall the height of any #building#, including permitted obstructions, exceed 800 feet above #curb level#.

84-34 - Parking Regulations and Curb Cuts

LAST AMENDED

8/12/2004

Notwithstanding any other regulations of this Resolution, off-street parking spaces shall be permitted pursuant to this Section.

84-341 - Off-street parking

LAST AMENDED
8/12/2004

#Accessory# off-street parking spaces are not required in Zone C. However, a maximum of 300 public parking spaces are permitted in subzones C-1 and C-2 combined, provided that:

(a) such spaces shall be completely enclosed;

(b) no portion of the parking facility, other than entrances and exits, shall be visible from adjoining #zoning lots#, #streets#, parks or the #Esplanade# ;

(c) no exhaust vents shall open onto any #street# or park; and

(d) the parking facility shall not be more than 23 feet above #curb level#.

84-342 - Off-street loading

LAST AMENDED
8/12/2004

The number of required #accessory# loading berths in subzone C-2 may be reduced by up to 50 percent of the number required pursuant to Section 36-62 (Required Accessory Off-street Loading

Berths).

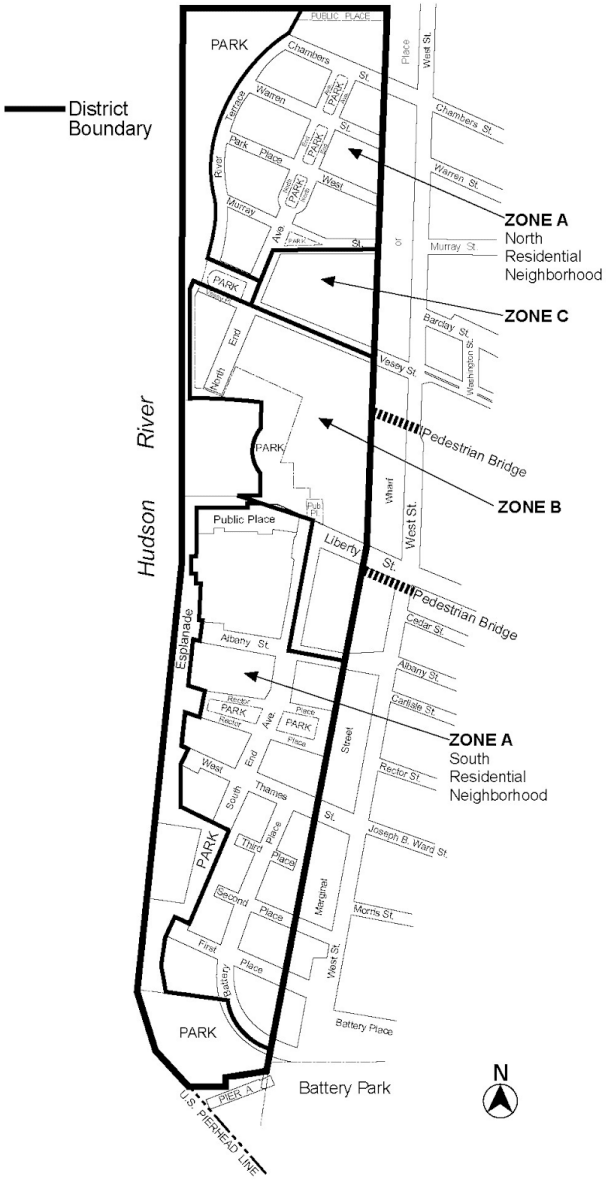
84-343 - Curb cuts

LAST AMENDED
8/12/2004

Curb cuts are permitted only in locations indicated in Appendix 3.5 and along any #street# or right-of-way not shown on Appendix 3.5. The aggregate width of all curb cuts for subzone C-1 shall not exceed 50 feet. The aggregate width of all curb cuts for subzone C-2 shall not exceed 60 feet.

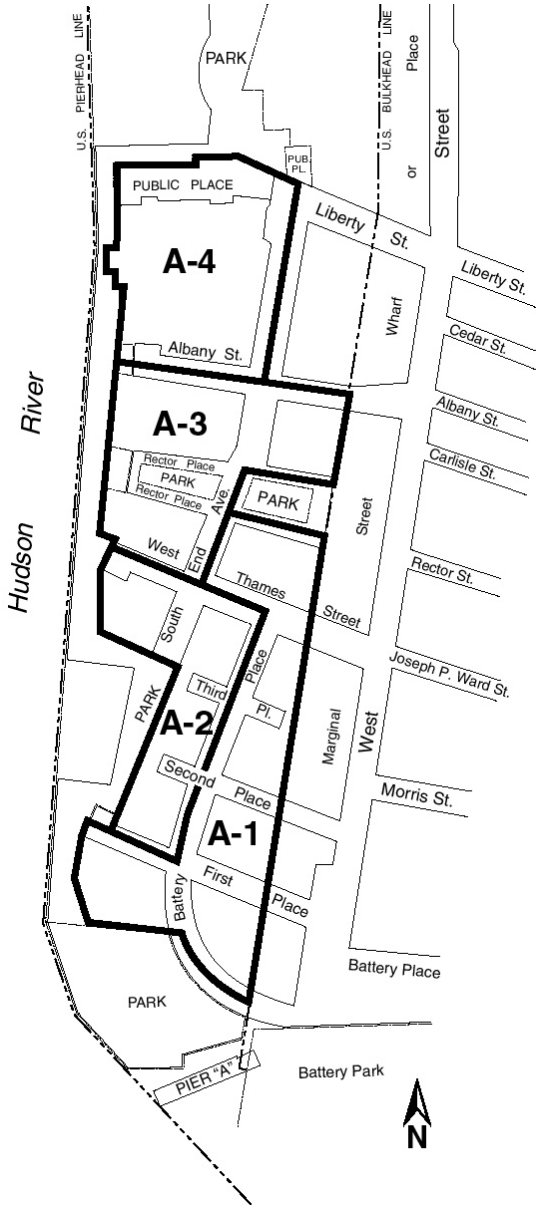
Appendix 1 - Special Battery Park City District - District Plan

LAST AMENDED8/12/2004


District Boundary
ZONE A
North
Residential
Neighborhood
ZONE C
ZONE B
Pedestrian Bridge
Pedestrian Bridge
ZONE A
South
Residential
Neighborhood
Hudson River
PARK
Chambers St.
Warren St.
Murray St.
Barclay St.
Vesey St.
Public Place
Liberty St.
Albany St.
Cedar St.
Carlisle St.
Rector St.
Thames St.
Joseph B. Ward St.
Morris St.
West St.
Battery Place
Battery Park
PIER A
U.S. PIERHEAD LINE
Esplanade
N

Appendix 2 - Special Battery Park City District — Zone A South Residential Neighborhood

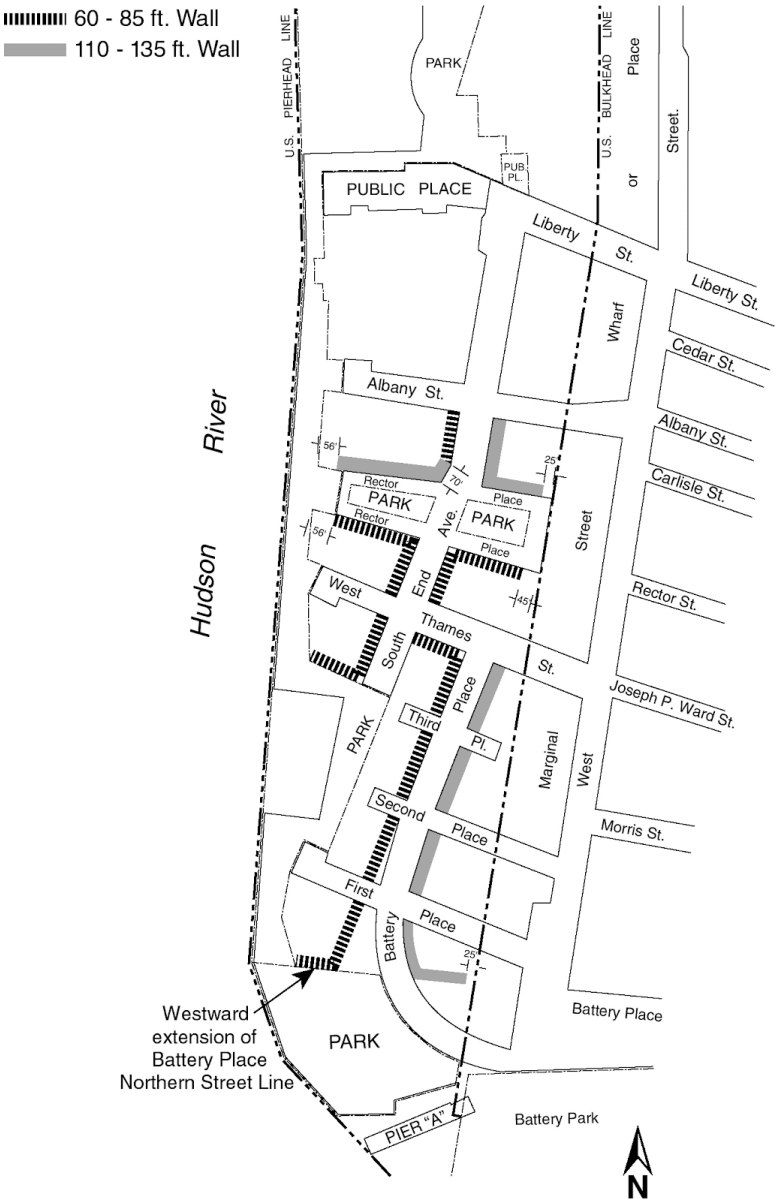
LAST AMENDED7/19/1990



Appendix 2.1 - Special Battery Park City District — Mandatory Front Building Walls

LAST AMENDED

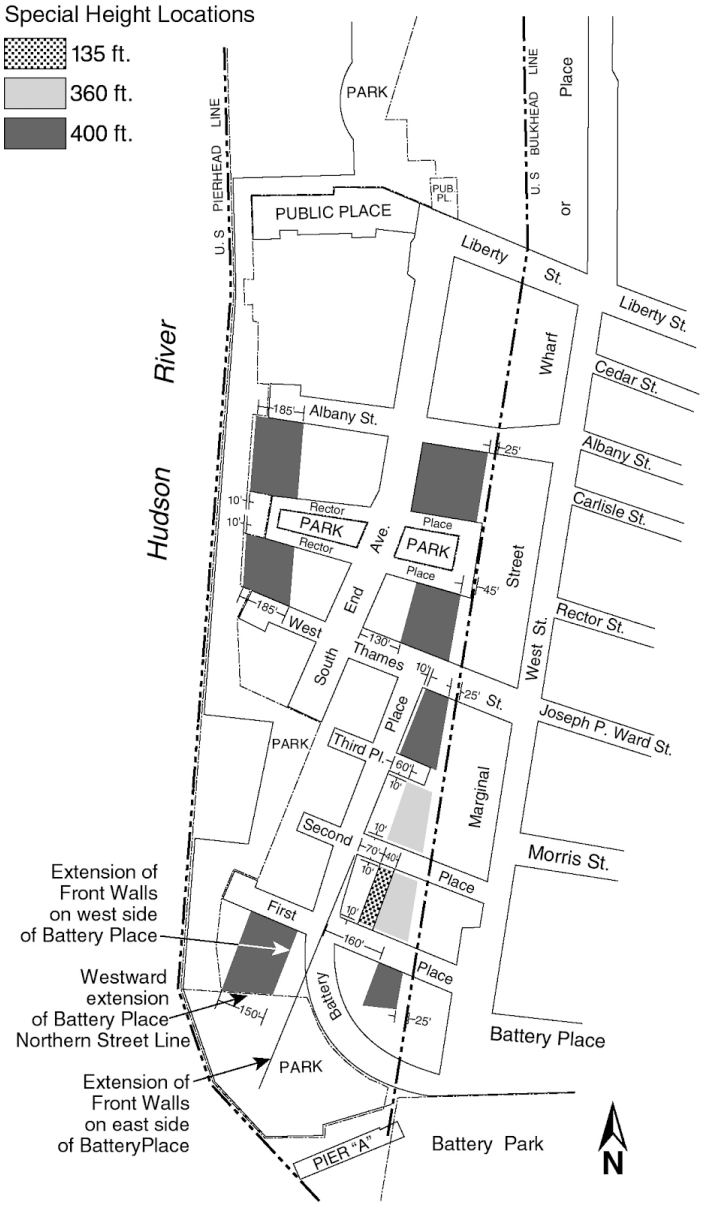
11/13/1981



Appendix 2.2 - Special Battery Park City District — Special Height Locations

LAST AMENDED

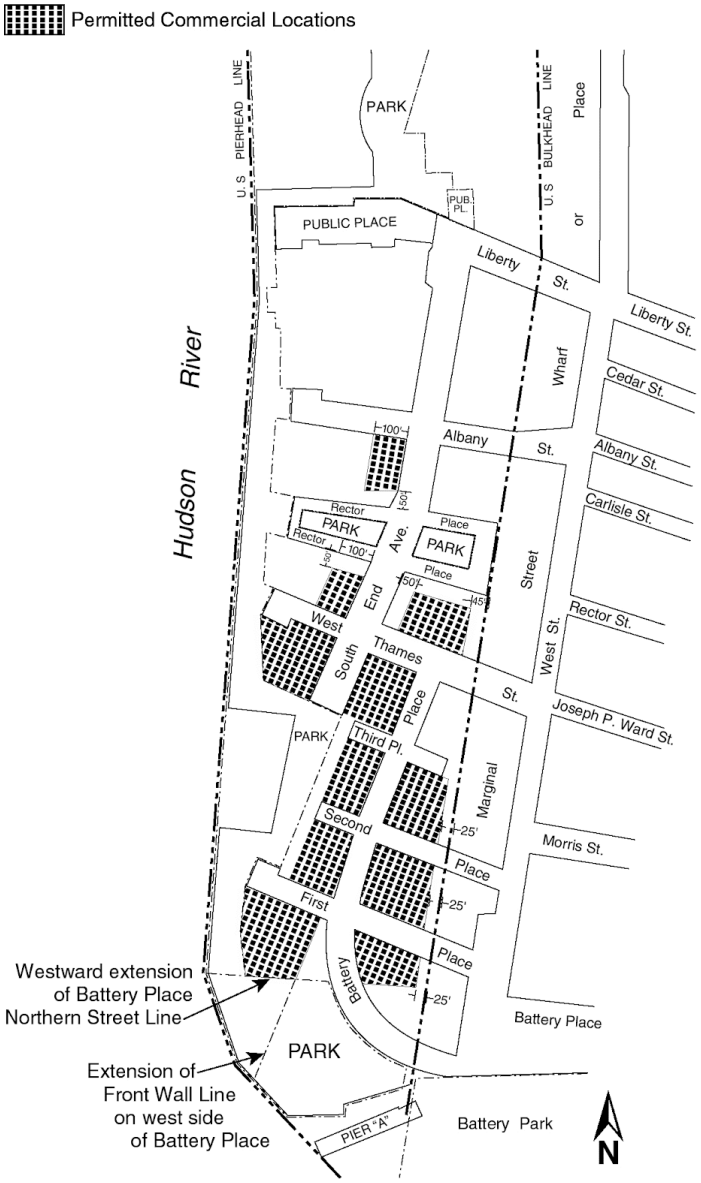
11/13/1981



Appendix 2.3 - Special Battery Park City District — Permitted Commercial Locations

LAST AMENDED

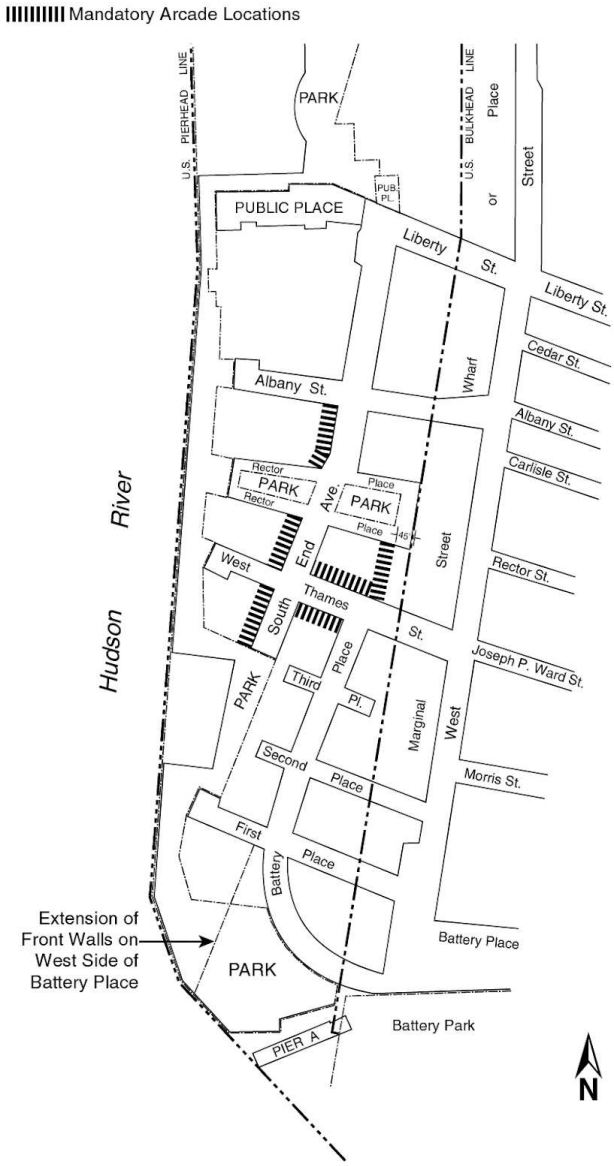
11/13/1981



Appendix 2.4 - Special Battery Park City District — Mandatory Arcades

LAST AMENDED

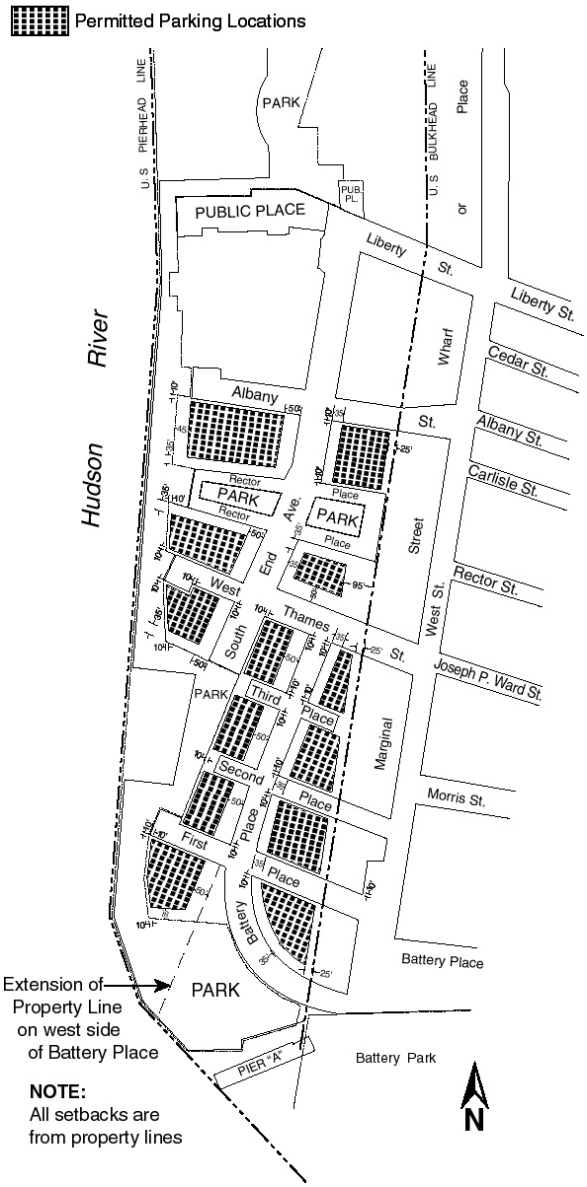
11/13/1981



Appendix 2.5 - Special Battery Park City District — Parking Setbacks

LAST AMENDED

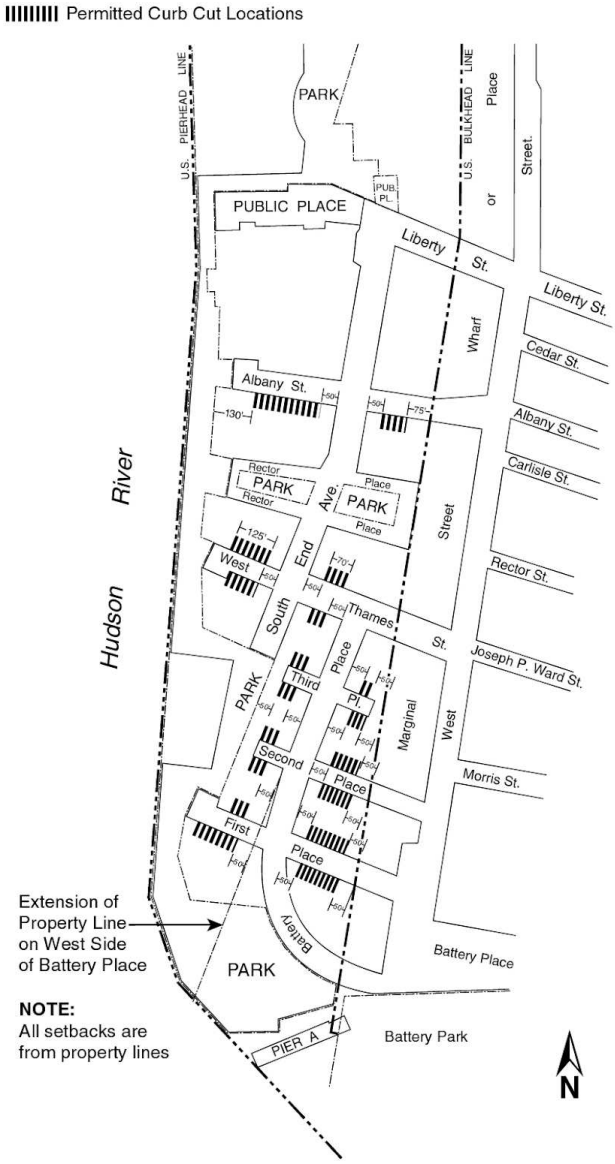
11/13/1981



Appendix 2.6 - Special Battery Park City District — Curb Cut Locations

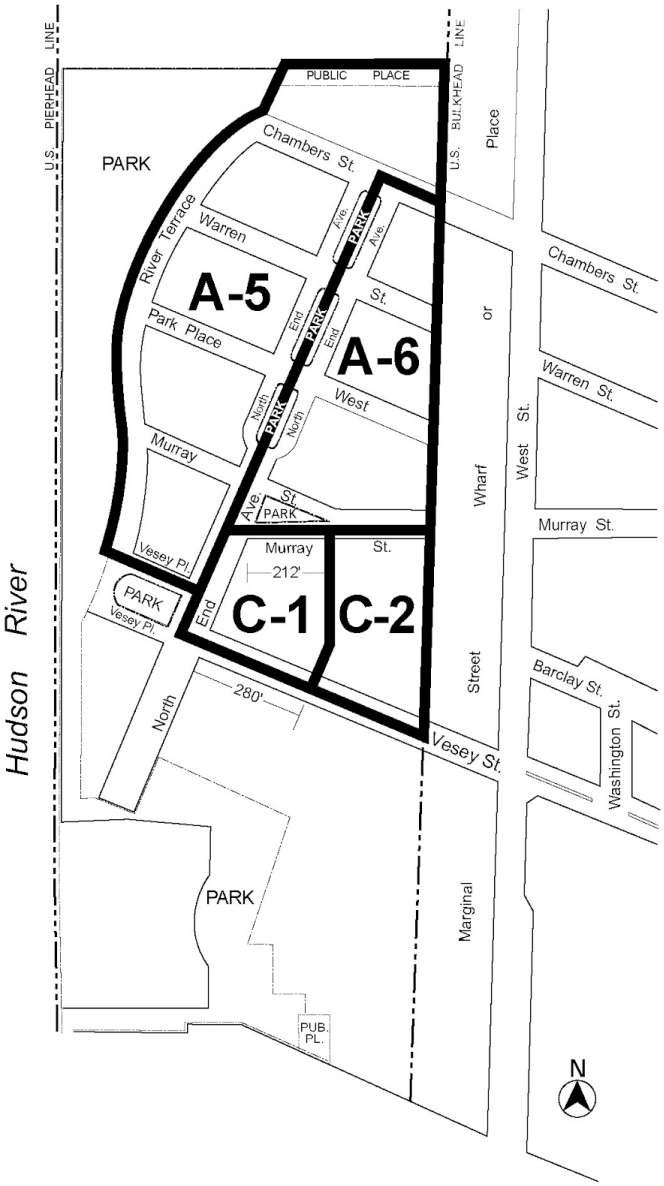
LAST AMENDED

11/13/1981



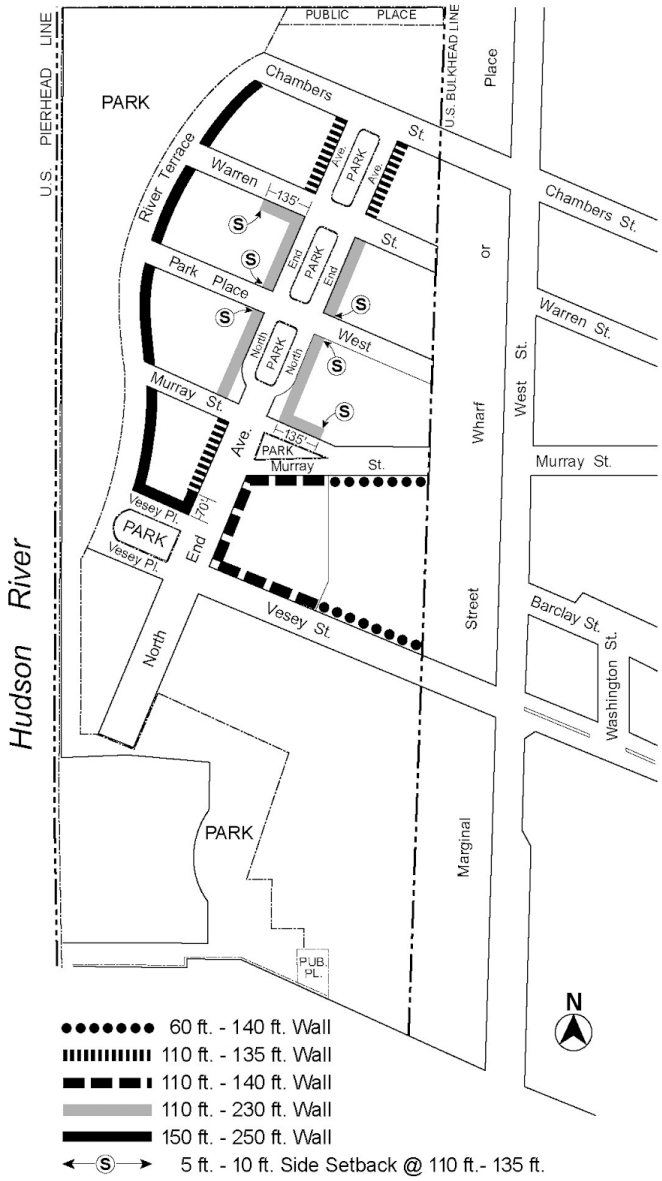
Appendix 3 - Special Battery Park City District — Zone A North Residential Neighborhood and Zone C

LAST AMENDED8/12/2004



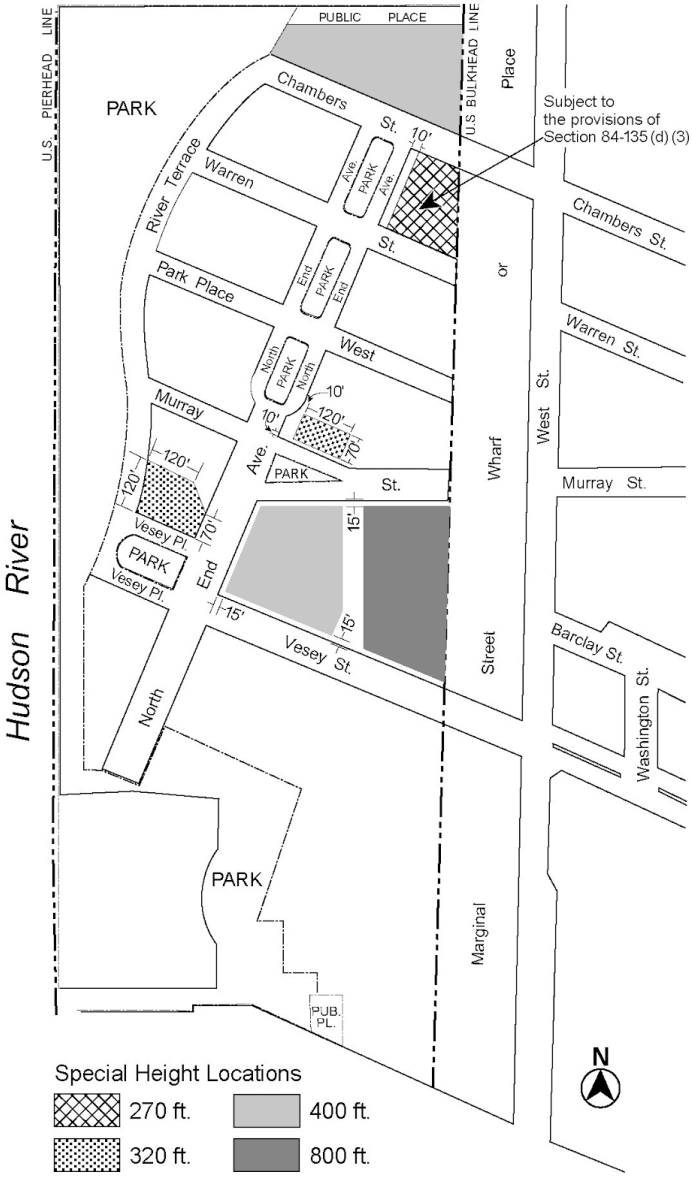
Appendix 3.1 - Special Battery Park City District — Mandatory Front Building Walls

LAST AMENDED8/12/2004



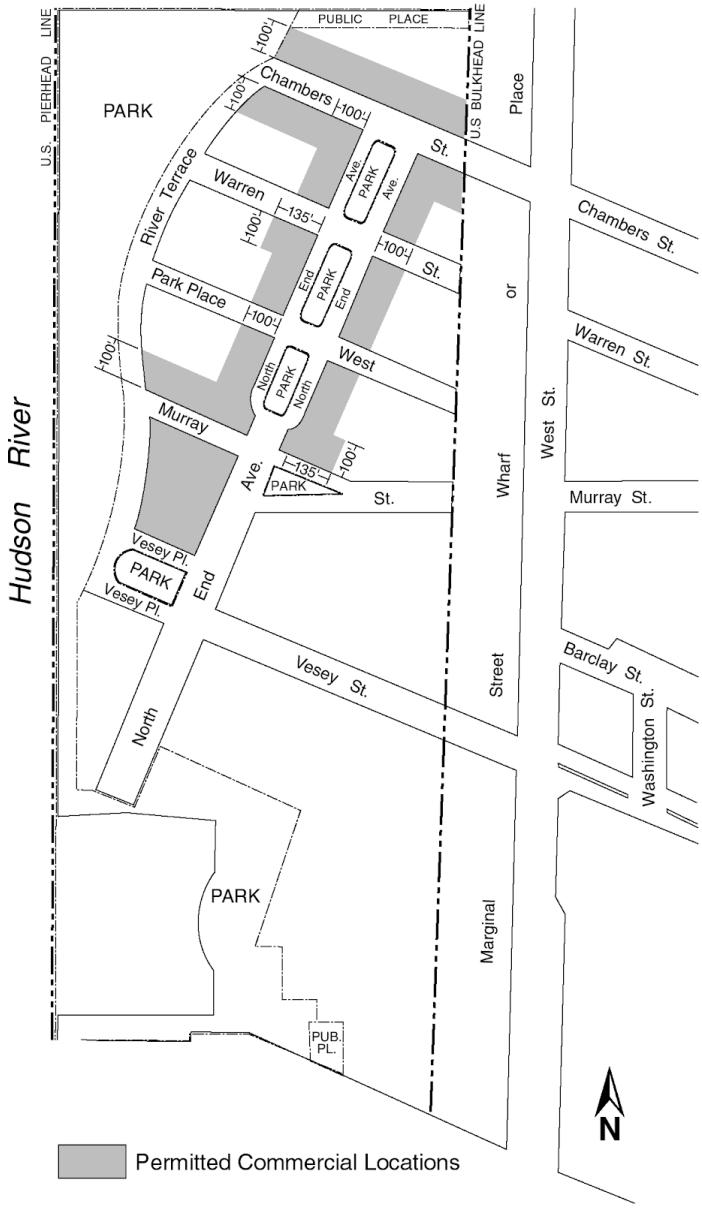
Appendix 3.2 - Special Battery Park City District — Special Height Locations

LAST AMENDED8/12/2004



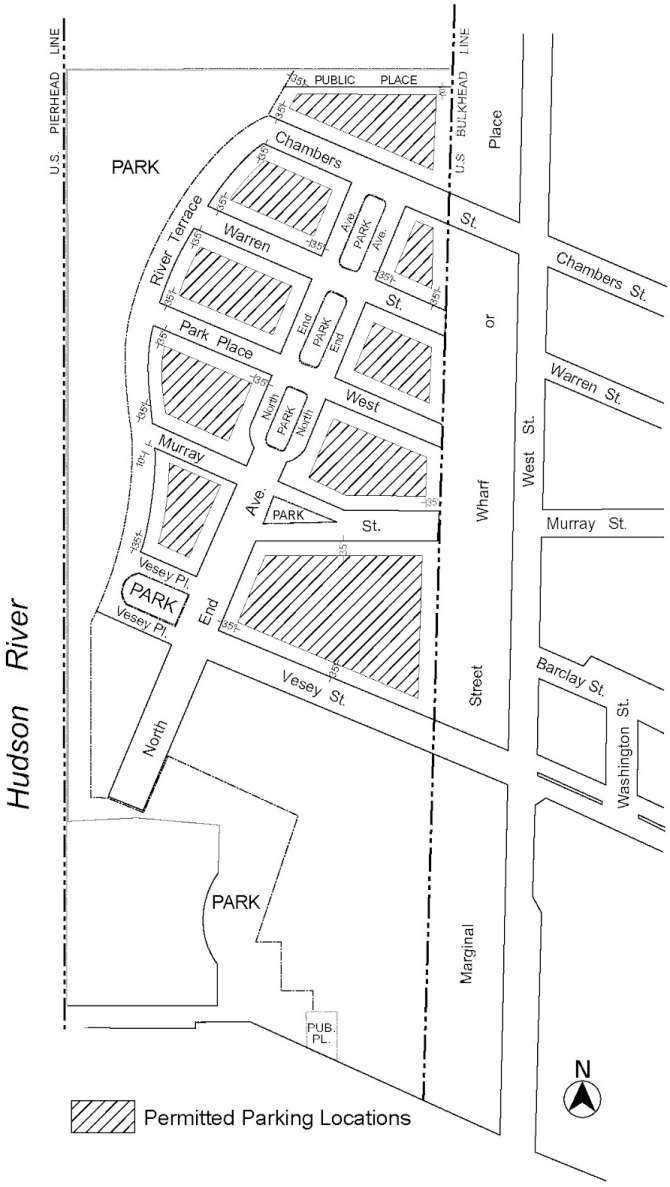
Appendix 3.3 - Special Battery Park City District — Permitted Commercial Locations

LAST AMENDED2/27/2001



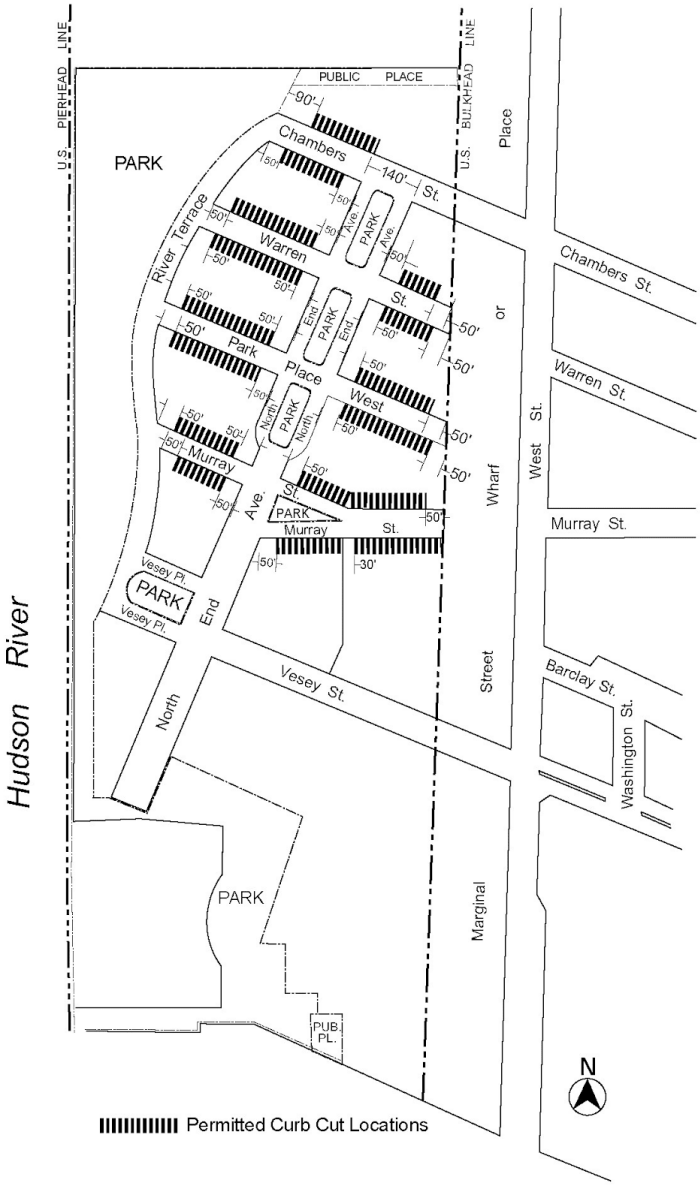
Appendix 3.4 - Special Battery Park City District — Parking Setbacks

LAST AMENDED8/12/2004



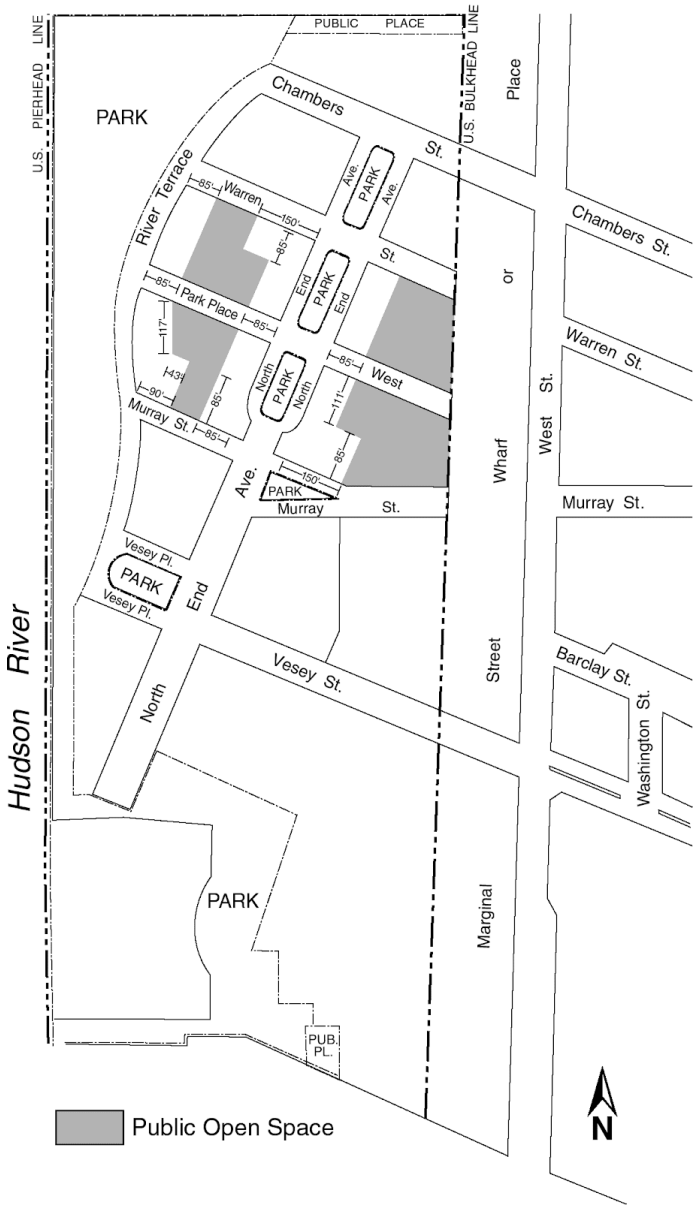
Appendix 3.5 - Special Battery Park City District — Curb Cut Locations

LAST AMENDED8/12/2004



Appendix 3.6 - Special Battery Park City District — Public Open Space Areas

LAST AMENDED2/27/2001



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Special United Nations Development District (U)

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Chapter 5 - Special United Nations Development District (U)

85-00 - GENERAL PURPOSES

LAST AMENDED
8/21/1980

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

(a) to preserve, protect and promote the character of the Special United Nations Development District adjacent to the headquarters of the United Nations, an attraction which helps the City of New York to maintain its preeminent status as a center for international organizations, as an office headquarters center and a cosmopolitan residential community;

(b) to facilitate the continued growth of the programs and activities of the United Nations and to help assure the retention of the United Nations headquarters in the City of New York;

(c) to encourage the provision of suitable office facilities for the United Nations, missions of member nations of the United Nations, and for non-governmental organizations related to the United Nations, in an attractive environment within a reasonable distance of the United Nations;

(d) to encourage the provision of housing suitable for personnel of delegations and members of the United Nations staff within a reasonable distance of the United Nations;

(e) to encourage the provision of hotel accommodations in the immediate vicinity of the United Nations suitable for visiting heads of state and other dignitaries attending the United Nations;

(f) to encourage the provision of community facilities, meeting rooms, and other facilities suitable for United Nations-related uses and purposes;

(g) to alleviate vehicular and pedestrian traffic congestion in the vicinity of the United Nations;

(h) to promote coordinated redevelopment of the area contiguous to the United Nations in a manner consistent with the foregoing objectives which are an integral element of the comprehensive plan of the City of New York;

(i) to provide freedom of architectural design in accommodating facilities for the United Nations and supporting activities within multi-use structures which produce more attractive and economic development; and

(j) to promote the most desirable use of land in this area in accordance with a well-considered plan to promote the special character of the district and its peculiar suitability for uses related to the United Nations and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

85-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS).

85-02 - General Provisions

LAST AMENDED

8/21/1980

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special United Nations Development District# and in accordance with the provisions of this Chapter, the existing district regulations are superseded and replaced by the regulations applying to a C5-3 District, except as modified by the provisions of this Chapter, for construction of any #development# in the #Special United Nations Development District#, provided that the #development# is undertaken in accordance with a development plan approved by the City Planning Commission and the Board of Estimate, which plan comprises #zoning lots# having a total area of at least 1.5 acres to be #developed# at one time or in stages, and that such #development# is undertaken by or with the consent of the party proposing such plan, and further provided that the Chairperson of the City Planning Commission certifies:

(a) for #development# commencing before January 1, 1980, that the final plans generally comply with the design concept dated January 6, 1970, on file with the Commission; or

(b) for #development# commencing after January 1, 1980, that the final plans generally comply with the amended design concept dated April 30, 1980, on file with the Commission.

85-03 - Modifications of Use Regulations

LAST AMENDED
6/6/2024

In addition to the #uses# permitted in a C5-3 District, auditoriums listed under Use Group VIII shall be permitted with any capacity, and #group parking facilities# with a capacity of 380 parking spaces shall be permitted where #accessory# to #residences#, #transient hotels#, foreign missions or United Nations-related #uses#. All such #commercial# #uses# may be located in any #mixed building# and anywhere within such #building# without regard to Section 32-42 (Location Within Buildings).

85-04 - Modifications of Bulk Regulations

LAST AMENDED
12/5/2024

Notwithstanding any other provisions of this Resolution the following modifications of #bulk# regulations are hereby granted for any #development# which the Chairperson of the City Planning Commission certifies will generally comply with the concept on file with the City Planning Commission dated January 6, 1970, for #development# commencing before January 1, 1980, or the amended design concept on file with the Commission dated April 30, 1980, for #development# commencing after January 1, 1980.

In no event shall the maximum #floor area ratio# for the #Special United Nations Development District#, taken as a whole, exceed 15.0. The #floor area ratio# of a #residential building# or the #residential# portion of a #mixed building# shall not exceed the maximum #floor area ratio# set forth in Sections 34-112, 23-22 and 35-31.

The #development# may include land in more than one #block# and the total permitted #floor area# of all #zoning lots# within such #development# may be distributed without regard for #zoning lot lines# or any #streets# separating the #zoning lots# and the #buildings# comprising such #development# may be located without regard for the applicable height and setback regulations.

In no event shall any #development# on the south side of 44th Street within the #Special United Nations Development District# contain more than 200,000 square feet of #floor area#, and no more than 61,000 square feet of #floor area# may be transferred for any such #development#.

At the time of any transfer of #floor area# in the #Special United Nations Development District#, there shall be recorded in the land records, and indexed against each tax lot from which #floor area# is removed, an instrument removing such #floor area# and stating the maximum permissible #floor area#

remaining on the tax lot after deducting the #floor area# transferred; and there shall be recorded in the land records, and indexed against each tax lot to which #floor area# is added, an instrument evidencing the transfer of the #floor area# to the tax lot benefitted and identifying by tax block and lot number and description the tax lot from which the #floor area# has been transferred. A certified copy of such instruments shall be filed with the Commission upon recordation thereof.

For the purpose of any transfer of #floor area# in the #Special United Nations Development District#, the total permitted #floor area# of any tax lot from which #floor area# is transferred shall be the maximum #floor area# permitted under this Chapter for a #commercial building#, less the total #floor area# of any #building# on the tax lot.

The minimum front setback of a #building# on any portion of 45th Street within the #Special United Nations Development District#, more than 100 feet from First Avenue, shall be not less than 10 feet from the #street line#, and required #yards# within the #Special United Nations Development District# shall not be less than 20 feet in depth.

For a #residential building# or the #residential# portions of any mixed-#use# #building# located on the north side of 44th Street within the #Special United Nations Development District#, the provisions of Sections 23-343 (Rear yard equivalent requirements) and 23-371 (Distance between buildings) shall not apply. Notwithstanding anything in this Resolution to the contrary, the minimum distance between a #residential# portion of a #building# and any other #building# on the same #zoning lot# within the #Special United Nations Development District# shall be not less than 28 feet.

For any #building# containing #residences# within the #Special United Nations Development District#, the applicable density requirements may be modified.

As a condition for granting such authorizations, in each case the Commission shall make the following findings:

(a) that the land use intensity and distribution of #bulk# of the total #development# permit better site planning and significantly achieve the specific purposes for which the #Special United Nations Development District# is established; and

(b) that all new #buildings or other structures# erected within the #Special United Nations Development District# are in compliance with the special height requirements set forth in Section 85-05 of this Chapter.

85-05 - Limited Height of Buildings

LAST AMENDED
12/6/2023

The maximum height of a #building or other structure#, including elevator or stair bulkheads, #accessory# water tanks or cooling towers, chimneys, parapets, arbors or trellises and flagpoles, located within the #Special United Nations Development District#, shall not exceed 550 feet above the established grade of the easterly side of Second Avenue midway between East 43rd and East 45th Streets. No portion of any #building# within the #Special United Nations Development District# may be built to a height greater than the present height of the United Nations Secretariat Building within 200 feet west of the westerly boundary of First Avenue. No portion of any #development# on the south side of 44th Street within the #Special United Nations Development District# may be built to a height greater than 183 feet above #curb level# or 15 #stories#, whichever is less. However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above all such height limits, subject to the provisions of Section 33-42.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Forest Hills District (FH)

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Chapter 6 - Special Forest Hills District (FH)

86-00 - GENERAL PURPOSES

LAST AMENDED
3/24/2009

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

(a) to ensure that the form of new buildings is compatible with and relates to the built character of the Forest Hills neighborhood;

(b) to preserve, protect and promote the special character of Austin Street as a regional shopping destination;

(c) to create a graduated transition from the lower-scale character of Austin Street to the higher-scale character of Queens Boulevard;

(d) to support a broad and vibrant mix of commercial and residential uses throughout the Special District;

(e) to enhance the pedestrian setting of Austin Street through appropriate ground floor uses and structural requirements; and

(f) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

86-01 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).

86-02 - General Provisions

LAST AMENDED
12/5/2024

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

86-03 - District Plan and Maps

LAST AMENDED
3/24/2009

The regulations of this Chapter are designed to implement the District Plan for the #Special Forest Hills District#. The District Plan includes the map of the #Special Forest Hills District#, which is set forth in the Appendix to this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

86-10 - SPECIAL USE REGULATIONS

LAST AMENDED
3/24/2009

86-11 - Use Modifications Along Austin Street

LAST AMENDED
6/6/2024

Within C2 Districts fronting on Austin Street in the #Special Forest Hills District#, the #use# regulations shall be modified to permit #uses# listed under Use Groups VI and VIII, pursuant to the regulations applicable to C4 Districts.

86-12 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on the District Plan map in the Appendix to this Chapter shall be considered #Tier C street frontages#.

86-13 - Location of Uses in Mixed Buildings

LAST AMENDED
6/6/2024

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraphs (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#

86-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
3/24/2009

The applicable #bulk# regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

86-21 - Special Floor Area Regulations in C4-5X Districts

LAST AMENDED
3/24/2009

In C4-5X Districts within the #Special District#, the underlying #floor area ratio# for #commercial uses# shall not apply. In lieu thereof, the provisions of Section 33-122 (Commercial buildings in all other Commercial Districts) shall be modified to permit a maximum #floor area ratio# of 5.0.

86-22 - Waiver for Rear Yards

LAST AMENDED
3/24/2009

No #rear yards# shall be required for any #commercial# or #community facility# #use# permitted within a C2-3 District in the #Special Forest Hills District#.

86-23 - Height and Setback Regulations

LAST AMENDED
12/5/2024

#Buildings or other structures# within the Special District shall comply with the height and setback regulations of Section 35-63 (Height and Setback Requirements in Commercial Districts with R6 Through 12 Equivalency) except that within the C4-5X District west of 70th Road, the minimum base height of the #street wall# shall be 40 feet.

86-30 - SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

LAST AMENDED
2/2/2011

For any #zoning lot# within the #Special Forest Hills District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, other than #floor area ratio# provisions, provided the Commission shall find that such:

(a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

(b) #use# modification will encourage a lively pedestrian environment along Austin Street;

(c) modification is the only practicable way to achieve the programmatic requirements of the development;

(d) modification will enhance the distribution of #bulk# on the #zoning lot#;

(e) modification of #bulk# will permit adequate access of light and air to surrounding #streets# and properties; and

(f) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

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

86-40 - SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
3/24/2009

The applicable parking and loading regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

86-41 - Parking Regulations for Commercial Uses

LAST AMENDED
6/6/2024

For all #commercial# #uses# located within the #Special Forest Hills District#, the parking requirements of Section 36-21 (General Provisions) pertaining to the number of #accessory# off-street parking spaces required for each type of #use# shall be modified as follows:

(a) #uses# in parking requirement category (PRC) A shall be required to provide one parking space per 400 square feet of #floor area# for all such #uses#;

(b) #uses# in PRC-B shall be required to provide one parking space per 12 persons rated capacity; and

(c) for #transient hotels#, the #floor area# used for sleeping accommodations (PRC-F2) shall be required to provide one parking space per 12 guest rooms or suites.

86-42 - Location of Off-site Accessory Parking Spaces for Residential Uses

LAST AMENDED
12/5/2024

The applicable regulations for the location of permitted off-site #accessory# parking spaces for #residential uses# in Sections 36-42 (Off-site Spaces for Residences) and 36-421 (Maximum distance from zoning lot) shall not apply in the #Special Forest Hills District#. In lieu thereof, such off-site parking spaces, which are #accessory# to a #residential use#, may also be located on any #zoning lot# within the Special District other than the #zoning lot# to which they are #accessory#.

86-43 - Modification of Parking Requirement Waivers

LAST AMENDED
12/5/2024

The waiver provisions of Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), inclusive, shall be modified within the #Special Forest Hills District#.

For any #commercial# or #community facility# #use# permitted in the Special District, the modification waiver provisions for a C4-4 or C4-5 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-21 (General Provisions) shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the regulations of Section 36-21, is fewer than 40 spaces.

The provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall apply only to #zoning lots# existing both on March 24, 2009, and on the date of application for a building permit.

86-44 - Location of Access to the Street

LAST AMENDED
3/24/2009

The waiver provisions of Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), pertaining to location of access shall be modified within the #Special Forest Hills District#, as follows:

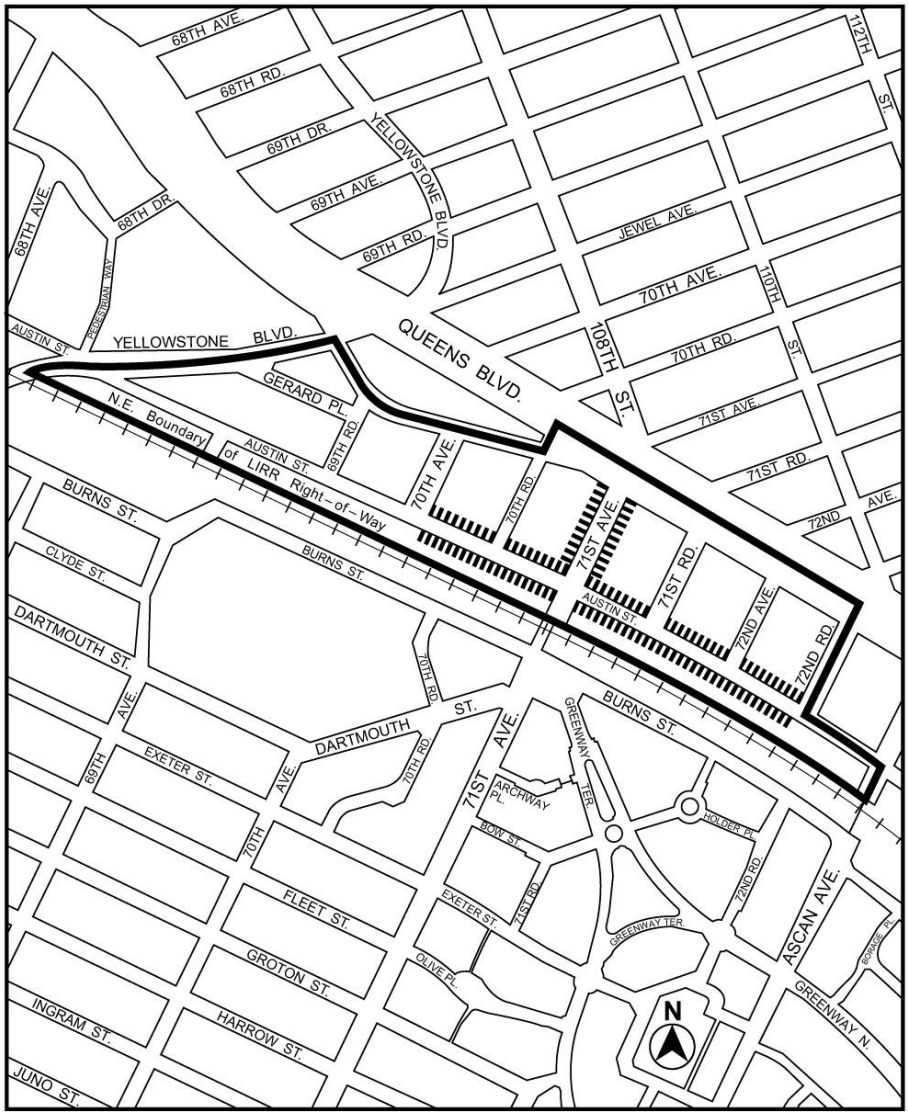
(a) curb cuts for permitted or required #accessory# off-street parking and loading spaces along Austin Street from 70th Avenue to Ascan Avenue and along 71st Avenue from Austin Street to Queens Boulevard, as shown on the map in the Appendix to this Chapter, shall not be allowed. The Chairperson of the City Planning Commission, however, may certify to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that a curb cut in that location would not be hazardous to traffic safety and would, if granted, be no wider than 20 feet; and

(b) an application for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Appendix - Special Forest Hills District Plan

LAST AMENDED3/24/2009



Special Forest Hills District Boundary

Retail Continuity Street

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Special Harlem River Waterfront District (HRW)

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Chapter 7 - Special Harlem River Waterfront District (HRW)

87-00 - GENERAL PURPOSES

LAST AMENDED
12/11/2017

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

(a) to maintain and reestablish physical and visual public access to and along the waterfront;

(b) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(c) to promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;

(d) to encourage well-designed development that complements the built character of the neighborhood;

(e) to take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;

(f) to provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms;

(g) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(h) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner that will safeguard the health and safety of people using the area; and

(i) to promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront and thus conserve the value of land and buildings and thereby protect City tax revenues.

87-01 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301, 62-11 or 64-11, or within this Section.

Ground floor level

The "ground floor level" shall mean the finished floor level of the first #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.

Major Deegan Expressway street line

The "Major Deegan Expressway street line" shall be:

(a) in the event that the portion of the Major Deegan Expressway traversing Parcels 1, 2, 3 or 4, as shown on Map 1 in the Appendix to this Chapter, has been widened after December 11, 2017, a line 22 feet west of and parallel to the as-built western edge of such Expressway structure for Parcel 1, and a line 14 feet west of and parallel to the as-built western edge of such Expressway for Parcels 2, 3, or 4; or

(b) in the event that the portion of the Major Deegan Expressway traversing Parcels 1, 2 , 3 or 4, as shown on Map 1 in the Appendix to this Chapter, has not been widened after December 11, 2017, a line connecting on:

(1) Parcel 1:

(i) a point located on the northern boundary of Parcel 1 that is 120 feet west of its intersection with the eastern parcel boundary; and

(ii) a point on the southern boundary of Parcel 1 that is 110 feet west of its intersection with the eastern parcel boundary.

(2) Parcel 2:

(i) a point located on the northern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary; and

(ii) a point located on the southern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary.

(3) Parcel 3:

(i) a point located on the northern boundary of Parcel 3 that is 74 feet west of its intersection with the eastern parcel boundary; and

(ii) a point located on the southern boundary of Parcel 3 that is 30 feet west of its intersection with the eastern parcel boundary.

(4) Parcel 4:

(i) a point located on the northern #lot line# of Parcel 4 that is 30 feet west of its eastern #lot line#; and

(ii) a point located on the eastern #lot line# of Parcel 4 that intersects with a line parallel to and 60 feet from the northern #lot line#.

87-02 - General Provisions

LAST AMENDED
12/11/2017

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control, except as specifically modified in this Chapter.

87-03 - District Plan

LAST AMENDED
12/11/2017

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into three Subdistricts comprised of parcels that consist of tax blocks and lots as follows:

Core Subdistrict - tax blocks and lots existing on June 30, 2009

Parcel 1: Block 2349, Lot 112

Parcel 2: Block 2349, Lot 100 (that portion not mapped as parkland in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President)

Parcel 3: Block 2349, Lots 46, 47, 146

Parcel 4: Block 2349, Lot 38

Parcel 5: Block 2349, Lots 15, 20

Parcel 6: Block 2349, Lots 3, 4

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2323, Lot 28

Parcel 9: Block 2323, Lots 5, 13, 18

North Subdistrict - tax blocks and lots existing on December 11, 2017

Parcel 10: Block 2539, Lot 1, portion of
Lots 2, 3

Block 2356, Lots 2, 72 and tentative
Lot 102 (existing on December 11, 2017)

South Subdistrict - tax blocks and lots existing on December 11, 2017

Parcel 11: Block 2319, Lot 55

Parcel 12: Block 2319, Lot 60

Parcel 13: Block 2319, Lots 37 and 155

Parcel 14: Block 2319, Lot 98

Parcel 15: Block 2319, Lot 99

Parcel 16: Block 2319, Lots 100 and 108

Parcel 17: Block 2319, Lot 109

Parcel 18: Block 2319, Lot 112

Parcel 19: Block 2319, Lot 2

Parcel 20: Block 2316, Lots 1 and 35

Parcel 21: Block 2319, Lot 200

The District Plan includes the following maps:

Map 1. (Special Harlem River Waterfront District, Subdistricts and Parcels)

Map 2. (Designated Non-residential Use Locations)

Map 3. (Waterfront Access Plan: Public Access Elements)

Map 4. (Waterfront Access Plan: Designated Visual Corridors)

87-04 - Applicability of District Regulations

LAST AMENDED
12/11/2017

Parcels 1, 2, 3 and 4, as shown on Map 1 (Special Harlem River Waterfront District and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009.

87-041 - Applicability of Article VI, Chapter 2

LAST AMENDED
12/5/2024

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified by the provisions of this Chapter.

For the purpose of applying the provisions of Article VI, Chapter 2, Parcels 1, 2, 3 and 4 within the Core Subdistrict, and any parcels having a boundary within 40 feet of a #shoreline# within the South Subdistrict, as shown on Map 1 (Special Harlem River Waterfront District, Subdistricts and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009 for the Core Subdistrict, and after December 11, 2017, for the South Subdistrict.

87-042 - Applicability of Article VI, Chapter 4

LAST AMENDED
12/5/2024

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

87-043 - Applicability of Article XII, Chapter 3

LAST AMENDED
12/5/2024

Within the South Subdistrict, for M1 Districts mapped with a #Residence District#, the provisions of Article XII, Chapter 3 (Special Mixed Use District) for #waterfront blocks# shall apply, except as modified in this Chapter. In the event of a conflict between the provisions of Article XII, Chapter 3

and this Chapter, the provisions of this Chapter shall control.

87-044 - Applicability of Mandatory Inclusionary Housing

LAST AMENDED
12/5/2024

The North Subdistrict, as shown on Map 1, shall be a #Mandatory Inclusionary Housing area#.

87-05 - Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

LAST AMENDED
12/11/2017

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 in the Core Subdistrict after June 30, 2009, and on any Parcel in the South Subdistrict after December 11, 2017, as shown on Map 1 in the Appendix to this Chapter, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying #floor area# regulations of this Zoning Resolution.

87-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/11/2017

The #use# regulations of the underlying districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified by the provisions of this Section, inclusive.

87-11 - Use Regulations Within the Core Subdistrict

LAST AMENDED
12/11/2017

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-111 - Vehicle storage establishments

LAST AMENDED
6/6/2024

Commercial or public utility vehicle storage, including #accessory# motor fuel pumps, listed under Use Group IX(C), open or enclosed, shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

(a) such #use# is the primary #use# on Parcel 5;

(b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and

(c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-71 (Special Public Access Provisions).

The streetscape provisions of Section 87-41, inclusive and the special height and setback regulations of Section 87-32, inclusive, shall not apply to such #use#. In lieu thereof, the applicable height and setback provisions of Article VI, Chapter 2 shall apply.

87-112 - Location of commercial space

LAST AMENDED
6/6/2024

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

87-113 - Location of underground uses

LAST AMENDED
10/17/2017

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

87-12 - Use Regulations in the North Subdistrict

LAST AMENDED

12/11/2017

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-121 - Modification of supplementary commercial use regulations

LAST AMENDED
6/6/2024

In the North Subdistrict, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply in lieu of Section 32-421 (Limitation on floors occupied by commercial uses).

In addition, the provisions of Section 32-422 shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

87-20 - SPECIAL FLOOR AREA REGULATIONS

LAST AMENDED
12/11/2017

The applicable #floor area# regulations of the underlying districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), or of Article XII, Chapter 3 (Special Mixed Use District), are modified by the provisions of this Section, inclusive.

87-21 - Floor Area Regulations in the Core Subdistrict

LAST AMENDED
12/11/2017

The provisions of this Section, inclusive, shall apply to #developments# and #enlargements# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-211 - Special floor area regulations

LAST AMENDED
12/5/2024

The maximum #floor area ratio# for #zoning lots# containing only standard #residences#, or such #residential uses# with #community facility# or #commercial# #uses#, shall be 3.33. The maximum #floor area ratio# for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing# shall be 4.0.

87-212 - Special floor area requirement for certain commercial uses

LAST AMENDED
6/6/2024

For each square foot of #commercial# #floor area# in a #building# occupied by #uses# listed under Use Groups VI or VIII an equal or greater amount of permitted #residential#, #community facility# or other permitted #commercial# #floor area# shall be provided.

However, the City Planning Commission may authorize a modification or waiver of this provision upon finding that such #building# includes:

(a) a superior site plan that enables safe and efficient pedestrian connectivity to and between establishments and publicly accessible areas;

(b) a superior parking and circulation plan that reduces conflicts between pedestrian and vehicular traffic, minimizes open parking lots and limits conflicts between curb cuts;

(c) a design that enhances and is integrated with publicly accessible areas including provision of a public entrance fronting on a #waterfront public access area#;

(d) a variety of retail establishments; and

(e) #uses# that do not unduly affect the #residential uses# in the nearby area or conflict with future land use and development of adjacent areas.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on publicly accessible areas.

87-22 - Floor Area Regulations in the North Subdistrict

LAST AMENDED
12/11/2017

Within the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for all permitted #uses#, the #floor area# provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply. However, in no event shall the maximum #floor area ratio# for any #zoning lot# exceed 4.6.

87-30 - SPECIAL HEIGHT AND SETBACK, LEGAL WINDOW AND COURT REGULATIONS

LAST AMENDED
12/11/2017

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive. The special height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive, shall not apply.

In the North Subdistrict, as shown on Map 1, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive, as applicable. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall not apply, except as specifically made applicable in this Section, inclusive.

In the South Subdistrict, as shown on Map 1, the height and setback and other bulk regulations of Article XII, Chapter 3 (Special Mixed Use District) applicable to M1 Districts mapped with an R8 District in #waterfront blocks# shall apply, except as modified in this Section, inclusive.

In all Subdistricts, the height of all #buildings or other structures# shall be measured from the #base plane#.

87-31 - Permitted Obstructions

LAST AMENDED
12/5/2024

In the Core and North Subdistricts, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

87-32 - Special Height and Setback Regulations in the Core Subdistrict

LAST AMENDED
12/11/2017

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special height and setback regulations of this Section, inclusive, and the provisions of the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as applicable, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection#, or fire apparatus access road provided in accordance with the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#. In addition, the #street line# of Exterior Street shall be modified as follows:

(a) for Parcels 1, 2, 3 and 4, the westerly #street line# along Exterior Street shall be the #Major Deegan Expressway street line# or the #street line# of Exterior Street, whichever is closest to the #shore line#; and

(b) for Parcel 1, the #street line# of East 149th Street shall be the southernmost boundary of any easement area existing on December 11, 2017, any fire apparatus access road or any private road.

For Parcels 2, 3 and 4, where a fire apparatus access road in accordance with the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads) is immediately adjacent to and contiguous with the #shore public walkway#, the fire apparatus access road shall be considered as part of the #shore public walkway#, and the #street line# shall be considered the boundary of the fire apparatus access road furthest from the #shoreline#. In addition, for Parcels 1 and 2, where a fire apparatus access road in accordance with the provisions of Section 87-61 is provided immediately adjacent to and contiguous with the northern or southern boundaries, as applicable, of the mapped parkland, the #street line# shall be considered the boundary of the fire apparatus access road furthest from the mapped parkland.

87-321 - Street wall location

LAST AMENDED
12/5/2024

In the Core Subdistrict, the following #street wall# location rules shall apply.

Along the following frontages, the #street wall# location provisions of paragraph (b) of Section 23-431 shall apply, except that the #street walls# shall extend to the minimum base heights as specified in Section 87-322 (Base heights and transition heights):

(a) On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2; and

(b) On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2.

Along other frontages, no #street wall# location provisions shall apply.

87-322 - Base heights and transition heights

LAST AMENDED
12/5/2024

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

(a) Base heights

(1) Within 50 feet of the #shore public walkway# for #street walls# fronting on, or within 50 feet of, the #shore public walkway#, the maximum base height shall be 85 feet, except that:

(i) on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for #street walls# fronting on a #shore public walkway#, at least 30 percent of the #aggregate width of street walls# fronting on the #shore public walkway#, or a contiguous #street wall# width of 60 feet, whichever is greater, shall not exceed a maximum height of 45 feet. In addition to being applied along the #shore public walkway#, such lowered #street wall# may be applied along intersecting #streets# within 100 feet of the #shore public walkway#; and

(ii) on Parcels 5 and 6, as shown on Map 1, such maximum base height shall be 45 feet.

(2) Beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#

Along all other frontages beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(3) Along, and within 50 feet of, the #Major Deegan Expressway street line#

Along, and within 50 feet of, the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 15 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(b) Required setbacks

Above such maximum base height, #street walls# shall be set back a minimum of 30 feet from the #street line# along the #shore public walkway# on Parcel 1, 15 feet from such #street line# along the #shore public walkway# on any other parcels, and a minimum of 10 feet from the #street line# along all other #streets#. Such setbacks may be modified pursuant to the provisions of Section 23-433, except that on Parcel 1 along the #shore public walkway# dormers may not exceed a depth of 15 feet.

In addition, on Parcels 1, 2, 3 and 4, in locations where the maximum base height is limited to 45 feet, #street walls# above such maximum base height shall be set back a minimum of 30 feet from the #street line#, and a minimum of seven feet from any portion of the #street wall# below such height.

(c) Maximum transition heights

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, #street walls#

above a required setback may rise to a maximum transition height of 125 feet and, along all other frontages, #street walls# above a required setback may rise to a maximum transition height of 155 feet. Such transition heights may only be exceeded where towers are provided in accordance with the provisions of Section 87-323 (Tower provisions).

87-323 - Tower provisions

LAST AMENDED
12/5/2024

All #stories# that partially or wholly exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) shall be considered a "tower" and may exceed such transition height only in accordance with the tower provisions of this Section.

(a) Maximum number of towers

For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted. The minimum separation between any two towers on the same #zoning lot# shall be 50 feet.

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322.

The dormer provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50

percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

(c) Maximum tower size

Each #story# of a tower shall not exceed a gross area of 10,000 square feet, except that any encroachment into a setback area provided in accordance with paragraph (b) of this Section need not be included in such gross area.

(d) Maximum tower width

On Parcels 1, 3, 4 and 7, as shown on Map 1 in the Appendix to this Chapter, the maximum width of any #story# of a tower facing the #shoreline# shall not exceed 130 feet, and on Parcel 2 the maximum width of any #story# of a tower facing mapped parkland shall not exceed 100 feet.

(e) Maximum height of towers

For #zoning lots# with 100,000 square feet or less of #lot area#, the maximum height of a tower shall be 300 feet, and for #zoning lots# with more than 100,000 square feet of #lot area# the maximum height of a tower shall be 400 feet.

However, for #zoning lots# with two towers, such maximum tower height of 400 feet shall apply to only one tower and a maximum tower height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between any two towers on a #zoning lot#.

(f) Tower top articulation

The uppermost three #stories# of a tower, or as many #stories# as are located entirely above a height of 300 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of

the #lot coverage# of the #story# immediately below such #stories#.

87-324 - Authorization to modify the special street line provision for Parcels 2, 3 or 4

LAST AMENDED
12/11/2017

For Parcels 2, 3 or 4, as shown on Map 1 in the Appendix to this Chapter, the City Planning Commission may authorize the modification of the definitions of #Major Deegan Expressway street line# as set forth in paragraph (b) of Section 87-01 and the associated special #street line# provision of paragraph (a) of Section 87-32 (Special Height and Setback Regulations in the Core Subdistrict), on condition that there shall be no less than 14 feet between the #street wall# of #developments# or #enlargements# and the as-built western edge of the Major Deegan Expressway. In conjunction with the modification of such #street line# provision, the special open area provisions of paragraph (a) of Section 87-416 may also be modified. In order to grant such authorization, 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# or #enlargement# that satisfies the purpose of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the benefits to the surrounding area from the modification outweigh any disadvantages that may be incurred thereby in the area; and

(d) such modification will enhance the quality of the design of the #development# or #enlargement#.

Prior to granting such authorization, the Commission shall request the Department of Transportation of the State of New York to indicate within 30 days whether said agency has any plan to widen or expand the Major Deegan Expressway or its ramps.

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

87-33 - Special Height and Setback, Legal Windows and Courts in the North Subdistrict

LAST AMENDED
12/11/2017

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as modified by the provisions of this Section, inclusive, the following provisions shall apply: a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as modified by the provisions of this Section, inclusive, the following provisions shall apply: a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

87-331 - Maximum height of buildings and setback regulations

LAST AMENDED
12/5/2024

In the North Subdistrict, #buildings or other structures#, or portions thereof, within 30 feet of a #shore public walkway#, shall not exceed the maximum base height provisions set forth in paragraph (a) of this Section. #Buildings or other structures#, or portions thereof, within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed the maximum base height provisions set forth in paragraph (b) of this Section. Except as otherwise set forth in paragraphs (a) or (b) of this Section, as applicable, such maximum heights may be exceeded only in accordance with Section 87-31 (Permitted Obstructions).

(a) Height allowances along the #shore public walkway#:

The maximum height of #buildings or other structures#, or portions thereof, located within 30

feet of a #shore public walkway# shall be as follows:

(1) such #buildings or other structures#, or portions thereof, shall not exceed 65 feet, except that 80 percent of the #street wall# of such #building or other structure#, or portion thereof, may rise to a maximum height of 85 feet; and

(2) no dormers shall be permitted.

(b) Height allowances along all other frontages

The maximum height of #buildings or other structures#, or portions thereof, located within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed a maximum height of 85 feet.

Beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets# or 15 feet of #narrow streets#, the maximum height of #buildings or other structures# shall be as set forth in Section 87-332 (Towers).

87-332 - Towers

LAST AMENDED
12/5/2024

In the North Subdistrict, the maximum height of #buildings or other structures#, or portions thereof, beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets#, or 15 feet of #narrow streets#, shall be 85 feet.

Such maximum #building# height may be exceeded by "towers" permitted in Location A or Location B. Such #towers# shall be provided in accordance with paragraphs (a) or (b) of this Section, as applicable.

For the purposes of applying the provisions of this Section, Location A shall be the portion of the North Subdistrict located within 100 feet of the northerly boundary of East 149th Street; Location B shall be the remaining portion of the North Subdistrict; and all #stories# of a #building# located partially or wholly above 85 feet shall be considered a "tower" and shall comply with the provisions of this Section. Two or more #abutting# #towers# shall be considered one #tower#.

(a) Tower in Location A

One #tower# shall be permitted, subject to the following provisions:

(1) the maximum width of any #story# of a #tower# facing a #shoreline# shall not exceed 100 feet, except that any permitted dormers need not be included in such maximum width;

(2) each #residential# #story# of such #tower#, partially or fully above the height of the base height, shall not exceed 10,000 square feet, except that any permitted dormers need not be included in such gross area;

(3) such #tower# shall not exceed a maximum #building# height of 375 feet;

(4) a #tower# that exceeds a height of 300 feet shall provide articulation in accordance with the following provisions: the gross area of any #story# located within the highest 15 percent of the #tower# shall not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of the #tower#.

(b) Towers in Location B

#Towers# shall be permitted, subject to the following provisions:

(1) no #tower# shall be located within 60 feet of a #tower# within Location A;

(2) the aggregate width of #towers# that face a #shoreline#, and are located within 100 feet of a #shore public walkway#, shall not exceed 185 feet, where such aggregate width is measured in accordance with paragraph (b)(2) of Section 62-343 (Height and setback regulations in other medium- and high-density districts);

(3) the #aggregate width of street walls# of #towers# located along the southerly boundary of the required #visual corridor# as specified in paragraph (d) of Section 87-71, shall not exceed 150 feet.

(4) such #towers# shall not exceed a maximum #building# height of 260 feet; and

(5) any #tower# that exceeds a height of 200 feet shall provide articulation in accordance with the following provisions: the gross area of any #story# located within the highest 15 percent of the #tower# shall not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of the #tower#.

87-34 - Special Height and Setback Provision in the South Subdistrict

LAST AMENDED
12/11/2017

For #zoning lots# that coincide with, or are completely within, the boundaries of Parcel 19 in the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the setback provisions of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall be modified to require an #initial setback distance# with a depth of 15 feet from the boundary of a #shore public walkway#.

87-40 - SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL

LAST AMENDED
6/6/2024

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# within the #Special Harlem River Waterfront District#, as applicable.

87-41 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# locations, in 50-foot increments designated on Map 2 (Designated Non-Residential Use Locations) in the Appendix of this Chapter, shall be considered #Tier C street frontages#, and all other frontages shall be considered #Tier B street frontages#.

For the purposes of applying such streetscape regulations, #shore public walkways#, mapped parkland, #supplemental public access areas#, #upland connections# and fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered #streets#, and #shore public walkways# and mapped parkland shall be considered #wide streets#.

87-42 - Building Entrances and Maximum Widths

LAST AMENDED
6/6/2024

On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.

On Parcels 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, a main front entrance for at least one #building#, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

(a) on Parcel 2, located no less than 95 feet from a mapped parkland; and

(b) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

87-43 - Open Parking Areas

LAST AMENDED
6/6/2024

Open parking areas shall be permitted only in the following locations:

(a) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Major Deegan Expressway street line#;

(b) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the parcel only if a commercial or public utility vehicle storage #use#, including #accessory# motor fuel pumps listed under Use Group IX(C), is #developed# or #enlarged# as the primary #use# on the parcel;

(c) on Parcel 6, a parking lot shall be permitted within 130 feet of the southern boundary of the parcel with East 138th Street; and

(d) on all parcels, open, unscreened, in tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking spaces comply with the Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of paragraph (c) of Section 25-621 (Location of parking spaces in certain districts) shall not apply. In addition, on Parcel 1, for parking lots located east of the #Major Deegan Expressway street line#, or, on Parcel 5, for parking lots used solely as a commercial or public utility vehicle storage #use#, including #accessory# motor fuel pumps listed under Use Group IX(C), the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-555 shall not apply to any parking lots provided within private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61.

87-44 - Special Open Area Provisions

LAST AMENDED
6/6/2024

(a) For Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, the open area between the #street wall# of a #building# fronting on the #Major Deegan Expressway street line# and the western edge of such Expressway, shall be subject to the provisions of Section 23-613 (Front yard planting requirements), whether the ground floor is occupied by #residential uses# or non- #residential uses#. Such provisions shall be modified by the provisions of this Section.

(1) Primary circulation path

A circulation path, with a width of at least 13 feet or the width of such open area, whichever is less, and the western edge of such path shall be provided within five feet of a #street wall# facing the #Major Deegan Expressway street line#. Such circulation path shall extend along the entire frontage of the #zoning lot#, and shall be constructed in accordance with Department of Transportation standards for sidewalks.

(2) Planting

At least 20 percent, but not more than 50 percent of the required open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet. For planting located east of the circulation path required pursuant to this paragraph (a), the maximum linear length of any individual planting bed shall not exceed 50 feet.

(3) Other amenities

The remainder of the open area may contain any combination of:

(i) streetscape amenities including, but not limited to, benches or tables and chairs;

(ii) entertainment amenities including, but not limited to, water features, playgrounds, dog runs, game tables, courts or skateboard parks; and

(iii) streetscape-enhancing amenities including, but not limited to, trees in tree pits, and lighting, or sculptural artwork.

All streetscape and entertainment amenities provided in accordance with paragraphs (a)(3)(i) and (a)(3)(ii) of this Section shall be connected to the primary circulation path required by paragraph (a) of this Section through secondary circulation paths, paved with permeable materials, each with a minimum width of six feet. Any planting associated with an amenity including, but not limited to, playgrounds and dog runs, as applicable, may exceed the amount set forth in paragraph (b) of this Section.

Any open area not otherwise allocated to amenities or secondary circulation paths shall also be paved with permeable materials. The minimum clear space between any planted areas required by paragraph (b) of this Section, any amenity provided under this paragraph, or any combination thereof, shall be six feet.

(4) Fencing

In no event shall chain link fencing or barbed or razor wire be permitted in any open area provided pursuant to this Section. No fences may exceed a height of four feet.

(b) In the event that Parcel 1 is #developed# with #mixed buildings#, sidewalks shall be provided on such parcel as follows:

(1) Sidewalks with a width of at least 15 feet shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#.

(2) In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# such that the combined width of the sidewalk within the #street# and the sidewalk widening equals at least 15 feet. However, existing #buildings# remaining on the #zoning lot# need not be removed in order to comply with this requirement.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards and shall connect at grade to the adjoining public sidewalks.

87-50 - SPECIAL PARKING REGULATIONS

LAST AMENDED
12/11/2017

The applicable parking and loading regulations of underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified by the provisions of this Section, inclusive.

87-51 - Special Parking Regulations in the Core Subdistrict

LAST AMENDED
12/11/2017

(a) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required #accessory# off-street parking spaces may be provided on any #zoning lot# within the Core Subdistrict.

(b) Roof parking

Any roof, or portion thereof, that covers off-street parking spaces and is larger than 400 square feet in surface area, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

87-52 - Curb Cut Restrictions

LAST AMENDED
12/11/2017

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcels 1 and 2, no curb cuts shall be provided facing a mapped parkland.

87-53 - Sidewalks

LAST AMENDED10/17/2017

In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed use buildings#, as defined in Section 123-11, sidewalks shall be provided on Parcel 1, as follows:

(a) Sidewalks with a depth of at least 15 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.

(b) A 22 foot wide walkway shall extend east of and along the Parcel 1 #building# line, linking East 149th Street and mapped parkland, or a fire apparatus access road if such road is provided adjacent to mapped parkland. In the event that a parking lot is provided east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway. Such walkway

and planting strip may be interrupted to allow vehicular or pedestrian access.

(c) Any driveway located east of the Parcel 1 #building# line that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

87-60 - FIRE APPARATUS ACCESS ROADS

LAST AMENDED
12/11/2017

The provisions of this Section, inclusive, shall apply in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter. The #lot area# allocated to fire apparatus access road pursuant to the provisions of this Section 87-60, inclusive, may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas) and, where applied, such area may be discounted from the planting requirement set forth in paragraph (c) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

87-61 - Special Provisions for Certain Fire Apparatus Access Roads

LAST AMENDED

Within the Core and South Subdistricts, for Parcels 1, 2, 3, 4 and 11, as shown on Map 1 in the Appendix to this Chapter, where a fire apparatus access road is provided as required by New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the Chairperson of the City Planning Commission shall certify, in conjunction with a certification application filed pursuant to paragraph (c) of Section 62-811, the following:

(a) the road shall be constructed to minimum Department of Transportation standards for public #streets#, including two sidewalks, curbs and curb drops, lighting, signage, materials and crosswalk, and shall meet the requirements set forth in the New York City Fire Code. For Parcels 2, 3 and 4, where a fire apparatus access road is immediately adjacent to and contiguous with the #shore public walkway#, any pedestrian path within such #shore public walkway# shall substitute for one such sidewalk, provided that at least 30 percent of such path is provided adjacent to and contiguous with the fire apparatus access road;

(b) for Parcels 2, 3 and 4, the contiguity provisions of paragraph (a) of Section 87-62 shall apply, except that where no connection for vehicular travel lanes terminating at the opposite side of a shared #lot line# exist at the time of construction, the provisions of paragraph (b) of such Section may be utilized as an interim alternative;

(c) a restrictive declaration shall be executed in accordance with the provisions of Section 87-63; and

(d) street trees shall be planted pursuant to the requirements of Section 26-41 along such fire apparatus access road as if it were a #street#.

However, the requirements of this Section shall not apply to: fire apparatus access roads on Parcels 1 and 3 that are provided pursuant to the provisions of paragraph (b)(3) of Section 87-71 (Special Public

Access Provisions); and to a fire apparatus access road on Parcel 11 located in the required #upland connection# within the prolongation of East 134th Street.

87-62 - Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4

LAST AMENDED
12/11/2017

On Parcels 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, in addition to the certification provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), a fire apparatus access road shall be provided in accordance with the provisions of this Section.

(a) Bi-Directional Road

On each of Parcels 2, 3 and 4, and only between such parcels, a connection for bi-directional vehicular travel lanes to an adjacent #zoning# #lot line# shall be provided. When complete, such fire apparatus access road shall provide bi-directional contiguous vehicular access from the intersection of Exterior Street and the northern boundary of Parcel 2, immediately adjacent to and contiguous with the entire southern boundary of the mapped parkland immediately adjacent to Parcel 2, immediately adjacent to and contiguous with the #shore public walkway# of Parcels 2, 3 and 4, to within the southerly #upland connection# of Parcel 4.

Any connection of fire apparatus access roads across a shared #zoning# #lot line# must meet the grade of, and maintain the street width of, the existing adjacent fire apparatus access road. Such fire apparatus access road shall extend immediately adjacent to and contiguous with the entire #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#. A connection

need not be opened unless and until such declaration of restrictions, in accordance with Section 87-63, has been recorded against the adjacent #zoning lot#.

(b) Interim fire apparatus access road turnaround

When bi-directional vehicular travel lanes are constructed that terminate at a #lot line# and do not continue on the adjacent #zoning lot# at the time of their construction, an interim dead-end fire apparatus access road turnaround may be constructed as an alternative to the provisions of paragraph (a) of this Section, in accordance with the following provisions.

An applicant utilizing the provisions of this paragraph shall construct a fire apparatus access road that extends along the entire southern boundary of mapped parkland immediately adjacent to Parcel 2, the entire #upland connection# and the entire #shore public walkway# of the #zoning lot#, as applicable, from #lot line# to #lot line#, and shall provide an "approved turnaround area," constructed as part of a "dead-end fire apparatus access road," as those terms are defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor.

Such turnaround area shall be constructed to dimensions no greater than required under the New York City Fire Code, Section 503.2.9, or its successor, and shall be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. Such turnaround area may extend into the designated #shore public walkway#, but at no point may such turnaround area extend into the associated circulation path. Where an interim dead-end fire apparatus access road turnaround area extends into the #shore public walkway#, the area of such turnaround may be discounted from the planting requirement set forth in paragraph (c) of Section 62-62. Sidewalks shall not be required adjacent to the turnaround area. The portion of the turnaround area that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials to the extent permissible by the Fire Commissioner and shall meet all applicable requirements set forth in the New York City Fire Code, Section 503.2

(Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage.

At the time of certification pursuant to Section 87-61, the site plan shall demonstrate a suitable design for the dead-end fire apparatus access road that demonstrates both the approved turnaround area and the repurposed turnaround area outside of the roadbed upon the issuance of a notice of substantial compliance for the adjacent #zoning lot#. In addition, a conceptual site plan shall demonstrate that the proposed site plan and grading plan for required contiguous access pursuant to the provisions of paragraph (a) of this Section is compatible with future #development# on the adjoining #zoning lot#. Such site plans shall be included as an exhibit to the declaration of restrictions recorded pursuant to Section 87-63.

Repurposing a turnaround area and providing contiguous access in accordance with an approved conceptual site plan shall not necessitate a certification pursuant to Section 62-811, provided that there are no further modifications to an approved #waterfront public access area#.

87-63 - Declaration of Restrictions

LAST AMENDED
12/11/2017

For any fire apparatus access road proposed for certification pursuant to Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, and any

sidewalk adjacent to such road, to guarantee that such road, and any sidewalk adjacent to such road, remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Section 87-61, where applicable.

For certifications proposed pursuant to Section 87-61 on Parcels 2, 3 or 4, where #developments# or #enlargements# on such parcels utilize the allowance for interim fire access turnaround, in accordance with paragraph (b) of Section 87-62 (Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4), any declaration of restrictions shall include that, at the time of the issuance of the notice of substantial compliance for the adjacent #development#, or #enlargement# pursuant to this Section, thereby permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access road turnaround area shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

(a) repurposing the fire apparatus access road turnaround area pursuant to the requirements set forth in paragraph (b) of Section 87-62;

(b) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable unobstructed pedestrian movement across parcels;

(c) complying with all applicable waterfront rules, the Department of Transportation standards for public #streets# and the New York City Fire Code; and

(d) providing a connection with the adjacent #zoning lot# pursuant to Section 87-62.

87-70 - HARLEM RIVER WATERFRONT ACCESS PLAN

LAST AMENDED
12/11/2017

Map 3 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location where certain features are mandated or permitted by the Plan.

The underlying regulations for #waterfront public access areas# shall apply, except as modified in this Section, inclusive. For the purposes of applying the provisions of Section 61-822, the City Planning Commission may authorize modifications to the requirements for #waterfront public access areas# set forth in Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and as those provisions are modified by the provisions of this Section, inclusive.

87-71 - Special Public Access Provisions

LAST AMENDED
5/12/2021

The provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to #developments#, as modified in this Section. For the purpose of this Section, "development" shall be as defined in Section 62-11. To "develop" shall mean to create such #development#. In addition, the #lot area# allocated to fire apparatus access road pursuant to the provisions of Section 87-60, inclusive, may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas).

(a) #Shore public walkways#

(1) The #shore public walkway# shall be provided in the location designated on Map 3 (Waterfront Access Plan: Public Access Elements) and constructed at an elevation not lower than the highest level of the train track bed of the Oak Point Rail Link, except that on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# as the primary #use# on the #zoning lots#, the elevation requirement shall not apply. However, for any other #use#, the elevation requirement shall only apply along the westernmost section of the #shore public walkway# to a depth of 40 feet.

(2) An approved turnaround area in a dead-end fire apparatus access road, as defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor, may, by certification extend into a designated #shore public walkway# pursuant to paragraph (b) of Section 87-62 (Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4).

(3) In the event that a portion of a #waterfront# #zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation path at least 10 feet wide, and any required planted screening buffer shall have a width of at least four feet.

(4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:

(i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;

(ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet;

(iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet shall be provided. Such planted buffer shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting; and

(iv) a 10-foot-wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.

(b) #Upland connections#

#Upland connections# shall be located on Parcels 1, 3, 4, 5, 6, 10 and 11, as designated on Map 3 in the Appendix to this Chapter. The applicable provisions of Section 62-50, inclusive, are modified, as follows:

(1) On Parcel 1, for an #upland connection# required along the northern boundary of a mapped park, the additional open area requirement of paragraph (a)(2) of Section 62-

561 (Types of upland connections) shall not apply;

(2) Parcel 3 shall provide an #upland connection# at the designated location shown on Map 3. In addition, such #upland connection# shall be provided as specified below:

(i) The additional area requirements of paragraph (a)(2) of Section 62-561 shall not apply.

(ii) In the event that Parcel 3 is developed with Parcels 2 or 4, an #upland connection# shall be provided within the flexible location zone shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall apply.

(3) On Parcels 1 and 3, if a Type 1 #upland connection# is provided, and a fire apparatus access road is required pursuant to the New York City Fire Code, Section 503.2 (Fire apparatus access roads), or its successor, the design requirements of Section 62-64 shall be modified as follows:

(i) the required circulation path may be used to allow such fire apparatus access road, and its minimum width shall be in accordance with all applicable requirements of the Fire Code;

(ii) such circulation path shall be paved with distinct materials, not including asphalt, to facilitate pedestrian usage; and

(iii) the minimum planting area requirements shall be reduced to 15 percent;

(4) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

#Supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1, 2, 10 and 11, as indicated on Map 3 in the Appendix to this Chapter, except that:

(1) such requirement may be waived for Parcels 1 and 2 by the Chairperson of the City Planning Commission, in conjunction with a certification pursuant to paragraph (c) of Section 62-811 (Waterfront public access and visual corridors), where the site plan includes a vehicular connection through the #zoning lot#, provided that:

(i) such vehicular connection complies with the requirements of Section 87- 62 (Fire Apparatus Access Roads) and, for Parcel 2, the requirements of Section 87-62 (Contiguity of Fire Apparatus Access Road With Adjacent Zoning Lots on Parcels 2, 3 and 4); and

(ii) such vehicular connection, either:

(a) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and mapped parkland; or

(b) on Parcel 2, provides a bi-directional connection from the intersection of Exterior Street and the northern boundary of Parcel 2, immediately adjacent to and contiguous with the entire southern boundary of the

mapped parkland, immediately adjacent to and contiguous with the #shore public walkway# to the southernmost #lot line# of Parcel 2.

(2) for Parcel 11, at the location designated as "Supplemental Public Access Area (Shore Public Walkway Location)" on Map 3, a #supplemental public access area# shall be provided at a minimum width of 40 feet as indicated on Map 3, and the design and dimensional requirements for #shore public walkway# as set forth in Sections 62-50, inclusive, and 62-60, inclusive, shall apply.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels 4, 9, 10, 11, 12 and 13, and mapped parkland, as indicated on Map 4 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter. For all required #visual corridors#, the provisions of Section 62-512 (Dimension of visual corridors) shall be modified to allow the lowest level of a #visual corridor#, at its seaward points, to be measured to a height as set forth in Section 62-512 or a height equal to the Oak Point Rail Link train track bed elevation, whichever is higher.

The Oak Point Rail Link shall be a permitted obstruction for #visual corridors#.

87-72 - Applicability of Waterfront Regulations

LAST AMENDED
12/11/2017

In the event that #streets# are mapped within a #zoning lot# on Parcels 1, 2, 3 or 4 after June 30, 2009, or on Parcel 11 after December 11, 2017, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-73 - Special Vesting Provisions for the South Subdistrict

LAST AMENDED
12/11/2017

In the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), inclusive, shall apply, except as modified by the provisions of this Section. For the purpose of this Section, #development# shall be as defined in Section 62-11.

(a) For Parcel 20, a building permit may be issued in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to December 11, 2017, where, as part of an application filed with the Department of City Planning for certification pursuant to the provisions of Section 62-811 prior to December 11, 2017, a declaration of restrictions has been recorded with the Office of the Register of the City of New York (County of the Bronx), setting forth the obligations of the owner to construct, and maintain a #waterfront public access area# pursuant to the provisions of Section 62-811. Such building permit shall allow the #development# of a #building# only in accordance with such certified #waterfront public access area# plan.

(b) For Parcel 19, a building permit may be issued in accordance with the bulk and waterfront public access area regulations that were effective immediately prior to December 11, 2017, where the Chairperson has certified that no #waterfront public access area# is required on the #zoning lot# pursuant to the provisions of Section 62-811 prior to December 11, 2017, provided that no new #buildings or other structures#, except those permitted as obstructions pursuant to Section 62-611, are located within 40 feet of the #shoreline#, and further provided that all work on the foundations for such #development# has been completed prior to December 11, 2021.

In addition, for such #development#, no temporary certificate of occupancy shall be granted by the Department of Buildings unless and until the Chairperson of the City Planning Commission certifies that the #zoning lot# provides open space between the #building# and the #shoreline# that is in compliance with the size and design provisions for #shore public walkways# set forth in Section 62-53 and the provisions of Section 62-60, inclusive. However, such provisions may be modified as follows:

(1) in addition to the permitted obstructions listed in Section 62-611, a dead-end fire apparatus access road turnaround shall be permitted obstruction within a #shore public walkway#, and an emergency egress path from #buildings# shall be a permitted obstruction within a screening buffer;

(2) for portions of the #shore public walkway# where a fire apparatus access road turnaround is provided, the minimum width of a circulation path required pursuant to paragraph (a)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be reduced to a width of 10 feet, and the required width of a screening buffer required pursuant to paragraph (c)(2) of Section 62-62, may be reduced to six feet; and

(3) where a fire apparatus access road is provided within the #shore public walkway#, the percentage of the #shore public walkway# required to be planted pursuant to paragraph (c) of Section 62-62 may be reduced to 35 percent.

As part of an application for certification pursuant to this paragraph, a site plan shall be submitted, along with any other materials necessary to demonstrate compliance with the provisions of this paragraph (b).

All open space certified pursuant to the provisions of this paragraph shall comply with the maintenance and operation requirements of Sections 62-71 and 62-72.

In addition, a written declaration of restrictions shall be recorded against such property in the Office of the Register of the City of New York (County of the Bronx) pursuant to the provisions of Section 62-74 (Requirements for Recordation), setting forth obligations of the owner to construct, maintain and provide public access to improvements certified by the Chairperson pursuant to this paragraph. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

In the event that foundations required to be completed prior to December 11, 2021, have been commenced but not completed before such date, the building permit shall automatically lapse and the right to continue construction under the provisions of this Section shall terminate. No application to renew the building permit may be made to the Board of Standards and Appeals.

Where foundations have been completed prior to December 11, 2021, the provisions of Section 11-332 (Extension of period to complete construction) may be utilized and such date shall be the effective date for applying such provisions.

Appendix - Special Harlem River Waterfront District Plan

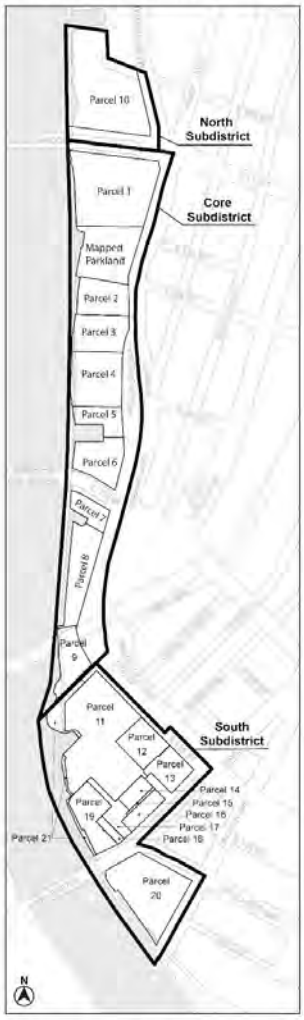
LAST AMENDED12/11/2017

(12/11/17)

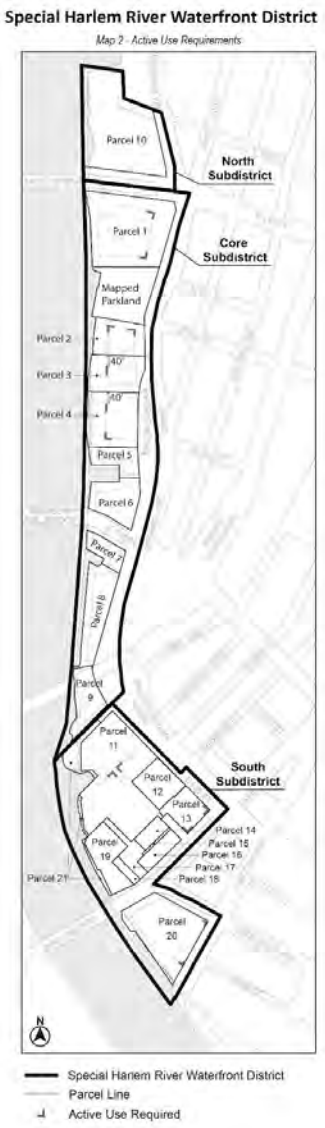
Map 1. Special Harlem River Waterfront District, Subdistricts and Parcels (87-A1)

Special Harlem River Waterfront District

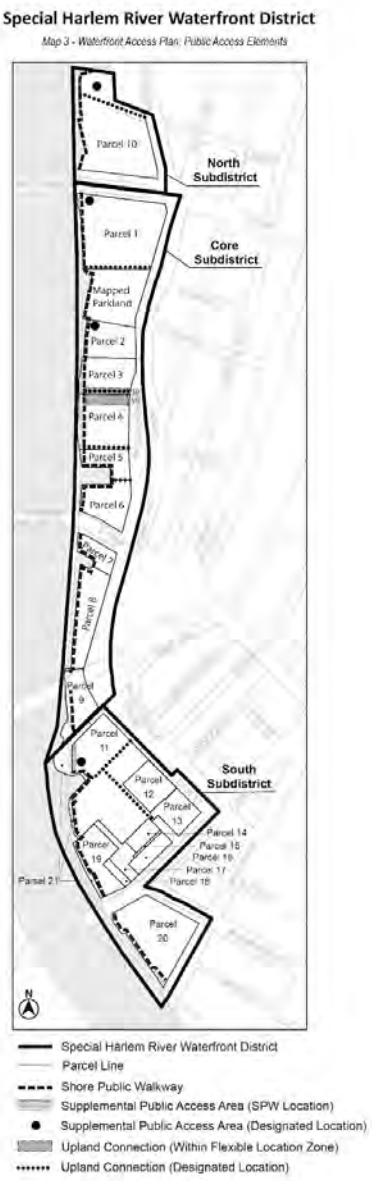
Map 1- Special Harlem River Waterfront District and Parcels



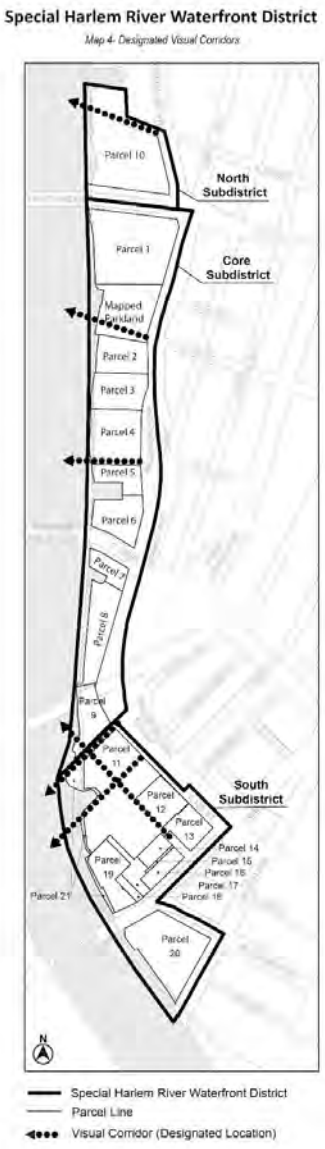
Map 2. Designated Non-residential Use Locations (87-A2)



Map 3. Waterfront Access Plan: Public Access Elements (87-A3)



Map 4. Waterfront Access Plan: Visual Corridors (87-A4)



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 8 - Special Hudson Square District (HSQ)

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Chapter 8 - Special Hudson Square District (HSQ)

88-00 - GENERAL PURPOSES

LAST AMENDED
3/20/2013

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

(a) to support the growth of a mixed residential, commercial and industrial neighborhood by permitting expansion and new development of residential, commercial and community facility uses while promoting the retention of commercial uses and light manufacturing uses;

(b) to recognize and enhance the vitality and character of the neighborhood for workers and residents;

(c) to encourage the development of buildings compatible with existing development;

(d) to regulate conversion of buildings while preserving continued manufacturing or commercial use;

(e) to encourage the development of affordable housing;

(f) to promote the opportunity for workers to live in the vicinity of their work;

(g) to retain jobs within New York City; and

(h) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

88-01 - Definitions

LAST AMENDED
6/6/2024

For the purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

Qualifying building

For the purposes of this Chapter, a "qualifying building" shall be any #building# that contained at least 70,000 square feet of #floor area# on March 20, 2013.

88-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

88-03 - District Plan and Maps

LAST AMENDED
3/20/2013

The regulations of this Chapter are designed to implement the #Special Hudson Square District# Plan. The District Plan includes the map, "Special Hudson Square District and Subdistrict," in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

88-04 - Subdistricts

LAST AMENDED
3/20/2013

In order to carry out the purposes and provisions of this Chapter, Subdistrict A is established. The Subdistrict is specified on the map in the Appendix to this Chapter.

88-05 - Applicability of District Regulations

LAST AMENDED
3/20/2013

88-051 - Applicability of Article I, Chapter 5

LAST AMENDED
12/5/2024

The conversion to #dwelling units# of non-#residential buildings# erected prior to December 31, 1990, or portions thereof, shall be permitted subject to the provisions applicable to #Commercial Districts# in Article I, Chapter 5 (Residential Conversion within Existing Buildings), except as superseded or modified by the provisions of this Chapter.

88-10 - SUPPLEMENTAL USE REGULATIONS

LAST AMENDED
6/6/2024

All permitted #uses# in the underlying districts, as set forth in Section 42-10 (USE ALLOWANCES), inclusive, shall comply with the provisions set forth in this Section, inclusive.

88-11 - Residential Use

LAST AMENDED
3/20/2013

#Residential use# shall be permitted in accordance with the provisions of this Section.

(a) #Residential use# as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on March 20, 2013, was not occupied by a #qualifying building#. As a condition to receiving a building permit, such absence of a #qualifying building# on the #zoning lot# must be demonstrated to the satisfaction of the Department of Buildings.

(b) #Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on March 20, 2013, was occupied by one or more #qualifying buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot#, as it existed on March 20, 2013, will contain at least the amount of #commercial# or #manufacturing floor area# that existed within such #qualifying buildings# on the #zoning lot# on March 20, 2013, subject to the following:

(1) #commercial# or #manufacturing# #floor area# that is preserved within existing non-#qualifying buildings# on the #zoning lot# through restrictive declaration may count

towards meeting the requirements of this certification; and

(2) #floor area# from #community facility uses# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, #commercial# or #manufacturing# #floor area# converted to #residential# vertical circulation space and lobby space need not be replaced as #commercial# or #manufacturing# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of #commercial# or #manufacturing# #floor area# that existed within such #qualifying buildings# on March 20, 2013, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change of #use# from #commercial# or #manufacturing# to #residential#, or for any #development# containing #residences#.

88-12 - Community Facility Use

LAST AMENDED
6/6/2024

The #community facility use# regulations for Use Group III that are applicable in M1 Districts shall not apply in the #Special Hudson Square District#. In lieu thereof, all #uses# listed under Use Group III shall be permitted, except that those listed under Use Group III(A) shall only be permitted in

accordance with paragraphs (a) or (b) of this Section, as applicable.

(a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on March 20, 2013, was not occupied by a #qualifying building#. As a condition to receiving a building permit, such absence of a #qualifying building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on March 20, 2013, was occupied by one or more #qualifying buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of #commercial# or #manufacturing# #floor area# that existed within #qualifying buildings# on the #zoning lot# on March 20, 2013, subject to the following:

(1) #commercial# or #manufacturing# #floor area# that is preserved within existing non-#qualifying buildings# on the #zoning lot# through restrictive declaration may count towards meeting the requirements of this certification; and

(2) #floor area# from #community facility uses# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, #commercial# or #manufacturing# #floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as #commercial# or #manufacturing# #floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of #commercial# or #manufacturing# #floor area# that existed within such #qualifying buildings# on March 20, 2013, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change of #use# from #commercial# or #manufacturing# to #community facility uses# with sleeping accommodations, or for any

#development# containing #community facility uses# with sleeping accommodations.

88-13 - Commercial Use

LAST AMENDED
6/6/2024

The #commercial# #use# regulations applicable in M1 Districts shall apply in the #Special Hudson Square District#, except that:

(a) #uses# listed under Food and Beverage Retailers in Use Group VI shall not be limited as to the size of the establishment;

(b) other #uses# listed under Use Group VI, as well as #uses# listed under Use Group VIII shall be limited to a size of 10,000 square feet on the #ground floor level# of #floor area# per establishment;

(c) #commercial# #uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Additional Conditions for Certain Uses), inclusive;

(d) #transient hotels# listed under Use Group V shall be subject to the provisions of Section 32-153 (Use Group V – uses subject to additional conditions) applicable to a C7 District; and

(e) eating or drinking establishments listed under Use Group VI, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, shall be limited to a capacity of 200 persons or fewer. A capacity of more than 200 persons may be permitted by the Board of Standards and Appeals pursuant to Section 73-162 (Eating or drinking establishments).

88-131 - Streetscape provisions

LAST AMENDED
6/6/2024

For the purposes of applying the underlying provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, to the #Special Hudson Square District#, the streetscape regulations for C7 Districts shall apply to all M1 Districts.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30, inclusive, shall apply, except that #ground floor level# #street# frontages along #wide streets# shall be considered #Tier C street frontages#.

88-14 - Manufacturing Use

LAST AMENDED
6/6/2024

In the #Special Hudson Square District#, #manufacturing uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Additional conditions for certain uses), inclusive.

88-20 - SIGN REGULATIONS

LAST AMENDED
3/20/2013

In the #Special Hudson Square District#, #signs# are subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

88-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

Except as modified in this Chapter, the following bulk regulations shall apply:

(a) For #developments#, #enlargements#, or changes of #use# containing #residences#, the #bulk# regulations of a C6-4A District, as set forth in Article III, Chapter 4 (Bulk Regulations for Residential Buildings in Commercial Districts) or Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall apply;

(b) For #developments#, #enlargements#, or changes of #use# containing #manufacturing#, #commercial# or #community facility uses#, the #bulk# regulations set forth in Article IV, Chapter 3 (Bulk Regulations), shall apply.

For the purposes of applying the regulations of this Section, Greenwich Street shall be a #wide street#.

88-31 - Floor Area Regulations

LAST AMENDED
12/5/2024

In the #Special Hudson Square District#, the #floor area# regulations applicable to a C6-4A District shall apply.

88-311 - Special floor area regulations in Subdistrict A

LAST AMENDED
12/5/2024

Within Subdistrict A, any floor space designated for #use# as a #school# shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#, provided that such school is either:

(a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or

(b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

88-32 - Yard Regulations

LAST AMENDED
12/5/2024

In the #Special Hudson Square District#, the #yard# provisions applicable in C6 Districts shall apply to non-#residential# #buildings#, or the non-#residential# portion of a #building#.

88-33 - Height and Setback

LAST AMENDED
12/5/2024

In the #Special Hudson Square District#, the height and setback regulations applicable to C6-4A Districts shall apply, except that for #buildings#, or portions thereof, located on #wide streets#, and on #narrow streets# within 100 feet from their intersection with a #wide street#, the maximum height of such #buildings# shall be 290 feet. In addition, for #buildings# that exceed a height of 230 feet, any #story# located within the highest 15 percent of the portion of such #building# above the maximum base height shall not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of such portion of the #building#.

88-331 - Special height and setback regulations in Subdistrict A

LAST AMENDED
12/5/2024

For #zoning lots# in Subdistrict A of this Chapter, the regulations in Section 88-33 applicable to #wide streets# shall apply, except where modified or superseded by the regulations of this Section.

(a) Maximum #building# height

The maximum height of #buildings# shall be 430 feet.

(b) #Lot coverage#

The minimum #lot coverage# of the portion of a #building# above the maximum base height shall be 30 percent of the #lot area# of the #zoning lot#. However, any #story# located within the highest 15 percent of the portion of such #building# above the maximum base height may cover less than 30 percent of the #lot area# of a #zoning lot# provided that the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# directly located below the highest 15 percent of such portion of the #building#.

(c) Modification of #bulk# regulations for #zoning lots# bounding a #public park#

In the case of a #zoning# #lot line# #abutting# the boundary of a #public park#, such #zoning# #lot line# shall be considered to be a #wide# #street line# for the purposes of applying all #bulk# regulations of this Resolution, except for #street wall# regulations. For the purposes of applying #street wall# regulations in the case of a #zoning# #lot line# #abutting# the boundary of a #public park#, a line no more than 45 feet west of and parallel to the nearest boundary line of the #public park# shall be considered a #wide# #street line#.

(d) #Street wall# location

The #street wall# provisions of this Chapter shall apply, except that, for the portion of a #building# bounding a #public park#, the #street wall# shall be located at the #street line# for at least 50 percent of the frontage bounding the #public park# and shall rise to the minimum base height, but not higher than the maximum base height.

88-40 - PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS

LAST AMENDED

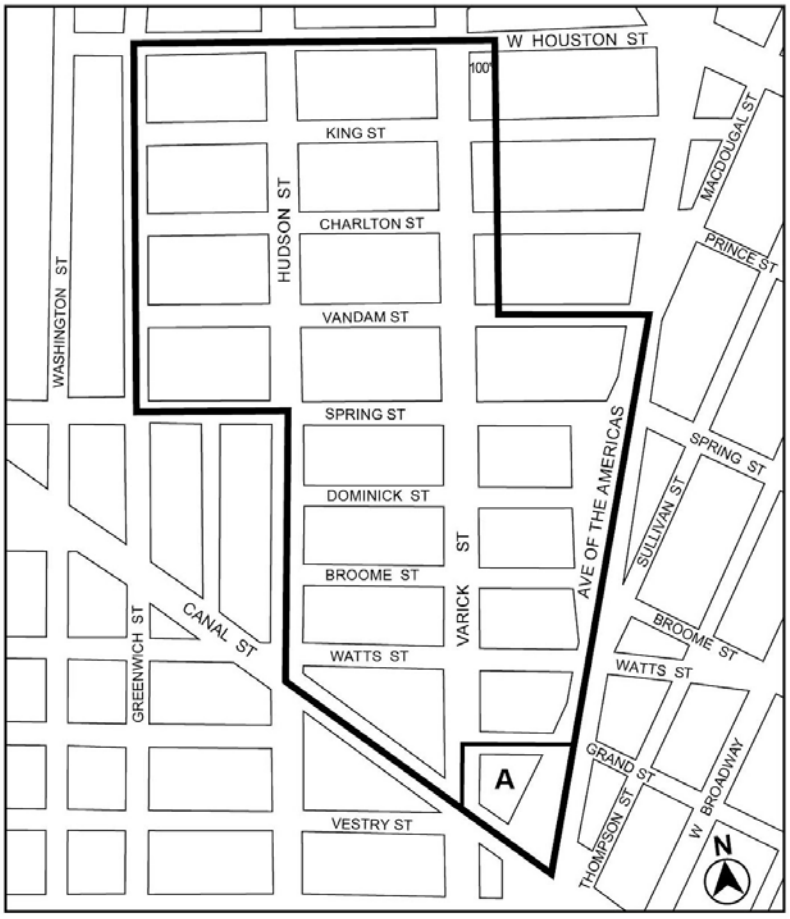
12/5/2024

In the #Special Hudson Square District#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, and as modified, pursuant to Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) shall apply.

Appendix A - Special Hudson Square District Plan

LAST AMENDED
3/20/2013

Special Hudson Square District and Subdistrict



Special Hudson Square District

Special Hudson Square District Subdistrict A

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 9 - Special Hudson River Park District (HRP)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 9 - Special Hudson River Park District (HRP)

89-00 - GENERAL PURPOSES

LAST AMENDED
12/15/2016

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

(a) to facilitate the repair and rehabilitation of piers, bulkheads and infrastructure within Hudson River Park, and to facilitate their maintenance and development, through the transfer of development rights within the Special Hudson River Park District, given that commercial development is limited by the Hudson River Park Act;

(b) to promote an appropriate range of uses that complements Hudson River Park and, to the extent housing is included, to serve residents of varied income levels;

(c) to establish criteria for any and all transfers of air rights from the Hudson River Park to inland areas; and

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

89-01 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special Hudson River Park District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

89-02 - Definitions

LAST AMENDED
7/16/2026

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Granting site

Within the #Special Hudson River Park District#, a “granting site” is a #zoning lot#, or a portion of a #zoning lot#, within Area A, identified as “A1”, or within Area B, identified as "B-G1", "B-G2" or "BG-3", on the map in the Appendix to this Chapter, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this

Special District and from which #floor area# may be transferred. A #granting site# may only transfer #floor area# to a #receiving site# within an area that shares the same letter designation. For example, a #granting site# within Area A1 may transfer #floor area# to a #receiving site# within Area A2, but not to a #receiving site# within Area B.

Receiving site

Within the #Special Hudson River Park District#, a “receiving site” is a #zoning lot#, within Area A, identified as “A2”, or within Area B, identified as B-R1", "B-R2", "B-R3" or B-R4" on the maps in the Appendix to this Chapter, to which #floor area# of a #granting site# may be transferred.

Required funds

Within the #Special Hudson River Park District#, the “required funds” are the specified amount of funds required to effectuate the transfer of #floor area#, pursuant to paragraph (a) of Section 89-21, set forth in a statement from the Hudson River Park Trust.

89-03 - District Plan and Maps

LAST AMENDED
12/15/2016

The regulations of this Chapter are designed to implement the #Special Hudson River Park District# Plan. The District Plan includes the map in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

89-10 - USE AND BULK REGULATIONS

LAST AMENDED
12/15/2016

89-11 - Use and Bulk Regulations on Receiving Sites

LAST AMENDED
7/16/2026

The #use# and #bulk# regulations applicable to a #receiving site# shall be modified as follows:

(a) C6-4 Districts

Within Area A2 on the maps in the Appendix to this Chapter, the #use# and #bulk# regulations of the underlying C6-4 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M1-5 District shall apply.

Within Area B-R1 and Area B-R2, the #use# and #bulk# regulations of the underlying C6-4X District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-3 District shall apply.

(b) C6-3 and M1-5 Districts

The #use# and #bulk# regulations of the underlying C6-3 and M1-5 Districts shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-4 District shall apply.

(c) C4-7 Districts in Area B-R3

The #use# and #bulk# regulations of the underlying C4-7 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-3 District shall apply.

(d) C4-7 Districts in Area B-R4

The #use# and #bulk# regulations of the underlying C4-7 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-4 District shall apply.

However, on a #receiving site#, for any #development#, #enlargement# or #conversion# that is the subject of a special permit granted by the City Planning Commission pursuant to Section 89-21 (Transfer of Floor Area From Hudson River Park), the #use# and #bulk# regulations of the underlying C4-7, C6-3, C6-4 or M1-5 District shall apply to such approved #development#, #enlargement# or #conversion#. However, in C4-7 Districts, automobile dealers and all other motor vehicle dealers, as listed in Use Group VI, may include these additional #uses# only: repair services or preparation of vehicles for delivery.

89-12 - Special Floor Area Regulations Within Areas B-R1 and B-R2

LAST AMENDED
7/16/2026

Within Areas B-R1 and B-R2 on the maps in the Appendix to this Chapter, where a special permit by the City Planning Commission on a #receiving site# is sought pursuant to Section 89-21 (Transfer of Floor Area From Hudson River Park), and the #bulk# regulations of the underlying C6-4X District apply pursuant to the provisions of Section 89-11 (Use and Bulk Regulations on Receiving Sites), the #floor area ratio# for #qualifying affordable housing# shall be 10.0 within a #Mandatory Inclusionary Housing area#, and such maximum #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 89-21.

89-13 - Special Floor Area Regulations Within Areas B-R3 and B-R4

LAST AMENDED
7/16/2026

Within Areas B-R3 and B-R4 on the maps in the Appendix to this Chapter, where a special permit by the City Planning Commission on a #receiving site# is sought pursuant to Section 89-21 (Transfer of Floor Area from Hudson River Park), and the bulk regulations of the underlying C4-7 District apply pursuant to the provisions of Section 89-11 (Use and Bulk Regulations on Receiving Sites), the #floor area ratio# for #qualifying affordable housing# shall be 12.0 within a #Mandatory Inclusionary Housing area#, and such maximum residential #floor area ratio# may be increased to a maximum of 14.4 as set forth in Section 89-21.

89-20 - SPECIAL PERMITS

LAST AMENDED
12/15/2016

89-21 - Transfer of Floor Area From Hudson River Park

LAST AMENDED
7/16/2026

The City Planning Commission may permit a transfer of #floor area# from a #granting site# to a #receiving site#, may permit distribution of total allowable #floor area# of a #receiving site# without regard for zoning district boundaries, may permit that such #receiving site# be treated as a single #zoning lot# for all purposes of this Resolution, and may modify #bulk# regulations, except #floor area# regulations, for a #development#, #enlargement# or #conversion# located on such #receiving site#. In addition, for #receiving sites# within Area B-R1 on the maps in the Appendix to this Chapter, the Commission may exempt floor space from the definition of #floor area# in a #building# that contains an ambulance station and may increase the maximum number of #accessory# off-street parking spaces permitted for such station.

(a) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

(1) a survey of the #granting site# illustrating existing #buildings# to remain on the #granting site# and zoning calculations indicating the #floor area# on the #granting site# and within such #buildings#;

(2) a survey of the #receiving site# and a site plan illustrating the proposed #development#, #enlargement# or #conversion# on such lot, and associated zoning calculations demonstrating compliance with the conditions and limitations set forth in this special permit;

(3) drawings that illustrate any proposed #bulk# modifications for the proposed #development#, #enlargement# or #conversion# on the #receiving site#; and

(4) a statement from the Hudson River Park Trust identifying improvements to be made to Hudson River Park, and indicating that payment of the #required funds# necessary to effectuate the transfer of #floor area# pursuant to this Section, in combination with any

other available funding, would be sufficient, according to the Trust's estimate, to complete such identified improvements.

(b) Conditions and limitations

All applications for a special permit pursuant to this Section shall comply with the following conditions:

(1) the maximum #floor area# that may be transferred from the #granting site# shall be the maximum #floor area# permitted for the #granting site# under the applicable district regulations if it were undeveloped, less the #floor area# of all #buildings# on such #granting site#;

(2) the increase in #floor area# on the #receiving site# allowed by the transfer of #floor area# to such #receiving site# shall in no event exceed 20 percent of the maximum #floor area# permitted on such #receiving site# by the underlying district;

(3) the transfer, once completed, shall irrevocably reduce the amount of #floor area# that can be utilized by the #granting site# by the amount of #floor area# transferred;

(4) the #granting site# and location of identified improvements to be made to the Hudson River Park in connection with the proposed transfer of #floor area# are located in the same Community District as the #receiving site#;

(5) if the proposed #development#, #enlargement# or #conversion# on the #receiving site# includes #residential# #floor area#, it shall provide #qualifying affordable housing#;

(6) for the #receiving site# within Area A2 on the map in the Appendix to this Chapter:

(i) the portion of the #receiving site# located over West Houston Street shall not generate #floor area# for the proposed special permit #development#, and no #floor area# shall be located directly above West Houston Street;

(ii) the height and setback requirements of the applicable district shall apply to the portions of the #receiving site# located on each side of the mapped #street lines# of West Houston Street; and

(7) no more than 200,000 square feet of #floor area#, in the aggregate, shall be transferred to #receiving sites# located within the boundaries of Manhattan Community District 2.

(c) Findings

The Commission may grant the transfer of #floor area# and any associated #bulk# modifications, provided that:

(1) such transfer of #floor area# will facilitate the repair, rehabilitation, maintenance and development of Hudson River Park, including its piers, bulkheads and infrastructure;

(2) the transfer of #floor area# will support the completion of improvements to Hudson River Park as identified in the statement submitted to the Commission by the Trust as part of this application; and

(3) for the #receiving site#:

(i) the proposed configuration and design of #buildings#, including any associated structures and open areas, will result in a superior site plan, and such #buildings#

and open areas will relate harmoniously with one another and with adjacent #buildings# and open areas;

(ii) the location and quantity of the proposed mix of #uses# will complement the site plan;

(iii) the proposed transfer of #floor area# and any modification to #bulk# regulations will not unduly increase the #bulk# of any #building# on the #receiving site# or unduly obstruct access of adequate light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces;

(iv) such transferred #floor area# and any proposed modifications to #bulk# are appropriate in relation to the identified improvements to Hudson River Park;

(v) any #qualifying affordable housing# that is provided as part of the project will enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes; and

(vi) the Commission, in consultation with the Fire Department, determines that the amount of proposed floor space and the number of proposed parking spaces in such ambulance station is reasonable in order to provide a necessary service to the surrounding area.

(d) Additional requirements

The City Planning Commission shall receive a copy of a transfer instrument legally sufficient in both form and content to effect such a transfer of #floor area#. Notices of the restriction upon further #development#, #enlargement# or #conversion# of the #granting site# and the #receiving site# shall be filed by the owners of the respective #zoning lots# in the Office of the

Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson.

Both the transfer instrument and the notices of restriction shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting site# and the #receiving site# that are a party to such transfer.

On a #receiving site#, for any #development#, #enlargement# or #conversion# that is the subject of a special permit granted by the Commission pursuant to this Section, the Department of Buildings shall not:

(1) issue a building permit until the Chairperson has certified that the owner of the #receiving site# and the Hudson River Park Trust have jointly executed a Purchase and Sale Agreement for the amount of the #required funds#, specified in paragraph (a)(4) of this Section, associated with the transfer of #floor area#, and that all of such #required funds# have either been irrevocably paid to Hudson River Park Trust or will be paid in accordance with a payment schedule and secured by a cash equivalent, such as a letter of credit, in accordance with such Purchase and Sale Agreement; or

(2) issue a temporary or final certificate of occupancy until the Chairperson has certified that the Hudson River Park Trust has submitted a letter to the Chairperson confirming that payment of all of the #required funds# specified in paragraph (a)(4) of this Section, associated with the transfer of #floor area#, has been irrevocably made by the owner of such #receiving site# to the Hudson River Park Trust, or that the Hudson River Park Trust has drawn down on the security such that no portion of the #required funds# is outstanding.

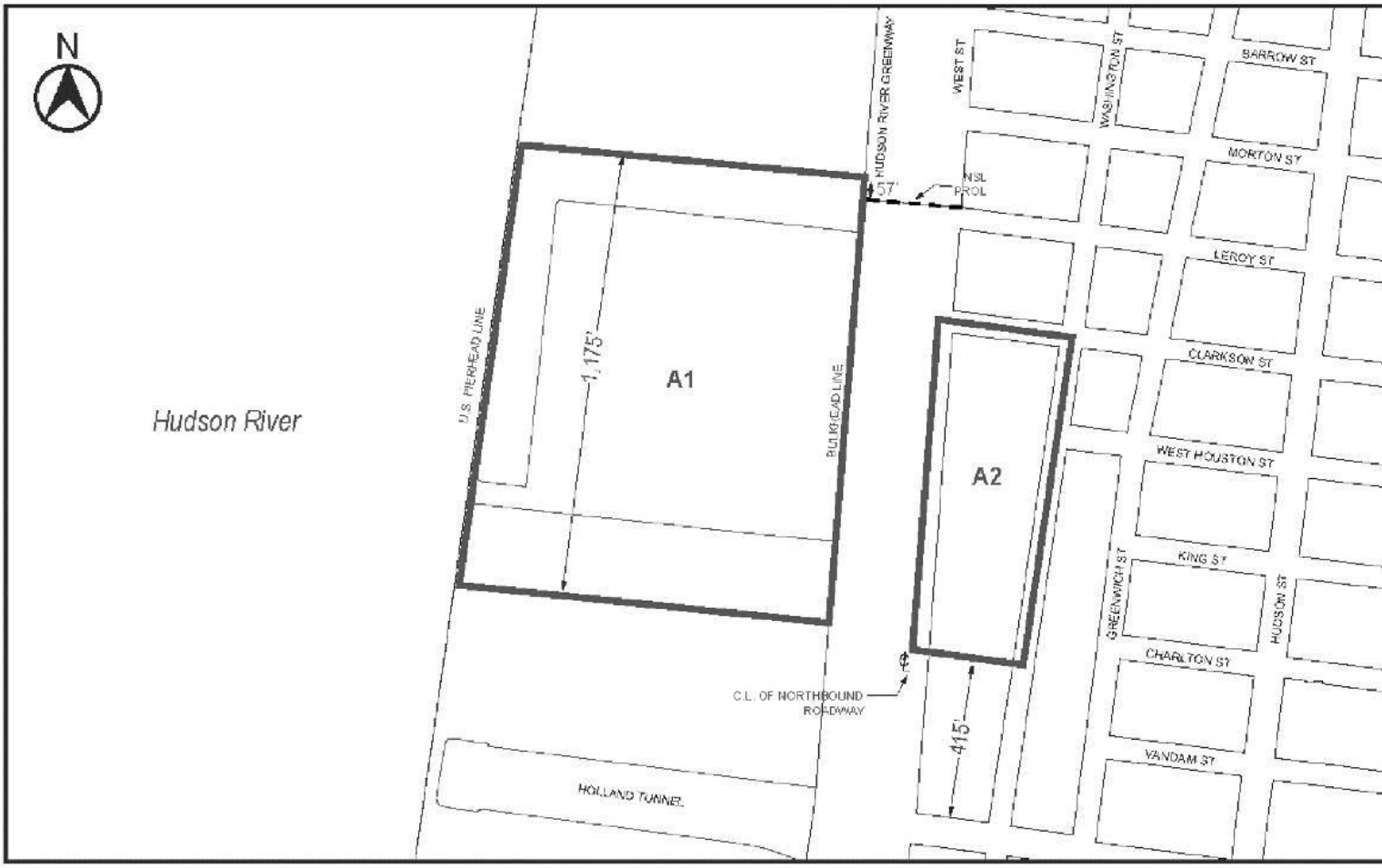
Any modification of a special permit previously issued pursuant to this Section which proposes a change to the amount of #required funds# shall be referred to the affected Community Board for a period of at least 45 days. The Commission shall not act upon the modification application until the completion of the Community Board review period.

The Commission may prescribe additional appropriate conditions and safeguards to improve the quality of the #development#, #enlargement# or #conversion# and to minimize adverse effects on the character of the surrounding area.

Appendix - Special Hudson River Park District Plan

LAST AMENDED
7/16/2026

Map 1. Transfer of Floor Area — Granting and Receiving Sites within Areas A1 and A2



Special Hudson River Park District

A1 Area within which a *granting site* may be located

A2 Area within which a *receiving site* may be located

Map 2. Transfer of Floor Area — Granting and Receiving Sites within Area B

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article IX - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 9/21/2026

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Special Lower Manhattan District (LM)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Special Lower Manhattan District (LM)

91-00 - GENERAL PURPOSES

LAST AMENDED
6/21/2016

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

(a) encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;

(b) facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;

(c) improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;

(d) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;

(e) restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;

(f) establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration;

(g) establish the Water Street Subdistrict to improve the urban design relationship between existing buildings and open areas by promoting retail activities and the enhancement of existing public spaces with new amenities in this area; and

(h) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

91-01 - General Provisions

LAST AMENDED
6/6/2024

Except as modified by the express provisions of the #Special Lower Manhattan District#, the regulations of the underlying zoning districts shall remain in effect.

Requirements that apply generally throughout the District are set forth in the provisions for this Chapter. The provisions of Section 91-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify planning and urban design features that are primarily oriented toward the accommodation and well-being of pedestrians.

For requirements that are not generally applicable but are tied to specific locations within the Special District, the locations where these requirements apply are shown on District Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3), Map 3 (Street Wall Continuity Types 4 & 5), Map 4 (Designated Retail Streets) and Map 5 (Curb Cut Prohibitions) in Appendix A. Certain #sign# regulations that apply to landmark #buildings# with #street walls# fronting Broadway are set forth in Section 91-114.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to all areas of the #waterfront area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

An existing public amenity, open or enclosed, that was a mandatory requirement or received a #floor area# bonus pursuant to the provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, shall not be removed, reduced in size or in any way altered, other than pursuant to the provisions of Section 91-71 (Authorization for the Modification of Required Public Amenities).

Special regulations governing the development of three specific sites in the #Special Lower Manhattan District# are set forth in the following Sections:

Section 91-72 (Special Permit for Development Over or Adjacent to the Approaches to the Brooklyn Battery Tunnel)

Section 91-73 (Special Provisions for Battery Park Underpass/South Street).

91-02 - Definitions

LAST AMENDED
2/2/2011

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or 91-62 (Definitions).

91-03 - District Maps

LAST AMENDED
6/21/2016

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 Special Lower Manhattan District

Map 2 Street Wall Continuity Types 1, 2A, 2B & 3

Map 3 Street Wall Continuity Types 4 & 5

Map 4 Designated Retail Streets

Map 5 Curb Cut Prohibitions

Map 6 South Street Seaport Subdistrict (Section 91-63)

Map 7 Subway Station Improvement Areas

Map 8 Water Street Subdistrict

Map 9 Water Street Subdistrict Arcades

91-04 - Subdistricts and Core Area

LAST AMENDED
2/2/2011

In order to carry out the purposes and provisions of this Chapter, the South Street Seaport Subdistrict, the Historic and Commercial Core and the Water Street Subdistrict are established within the #Special Lower Manhattan District# and include specific regulations designed to advance the purpose of these areas:

(a) South Street Seaport Subdistrict

The South Street Seaport Subdistrict contains certain provisions that do not apply to other areas of the Special District. Except as otherwise provided in the Subdistrict regulations, the Subdistrict is subject to all other regulations of the #Special Lower Manhattan District# and the underlying districts. The requirements for the South Street Seaport Subdistrict are set forth in Section 91-60 (SPECIAL REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT).

The Subdistrict is shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A of this Chapter.

(b) The Historic and Commercial Core

The Historic and Commercial Core has been established to promote development compatible

with existing #buildings# that border the area whose street plan has been accorded landmark status by the New York City Landmarks Commission as the Streetplan of New Amsterdam and Colonial New York. Height and setback provisions for the Historic and Commercial Core are set forth in Sections 91-31 through 91-33.

The Core is bounded by Broadway and Wall, Whitehall and Water Streets, as shown on Map 1 (Special Lower Manhattan District) in Appendix A of this Chapter.

(c) Water Street Subdistrict

The Water Street Subdistrict has been established to improve the urban design relationship between existing #buildings# and open areas by promoting retail activities and the enhancement of existing public spaces with new amenities in this area.

The Subdistrict is shown on Map 8 (Water Street Subdistrict) and Map 9 (Water Street Subdistrict Arcades) in Appendix A of this Chapter.

91-05 - Applicability of Article VII Provisions

LAST AMENDED
12/5/2024

91-051 - Applicability of special permits by the Board of Standards and Appeals

LAST AMENDED
12/5/2024

Within the #Special Lower Manhattan District#, the following Board of Standards and Appeals special permits shall not be applicable or shall be applicable only as modified.

The following special permit by the Board of Standards and Appeals shall not be applicable:

Section 73-68 (Modifications of Height, Setback and Rear Yard Regulations)

The following special permits by the Board of Standards and Appeals shall be applicable as modified:

Section 73-163 (Automotive Service Stations) shall not apply on #zoning lots# with frontage on any #street# listed on Map 2 or Map 4 in Appendix A.

91-052 - Applicability of special permits by the City Planning Commission

LAST AMENDED
12/5/2024

Within the #Special Lower Manhattan District#, the following special permits by the City Planning Commission shall not be applicable or shall be applicable within C5 Districts.

The following special permits by the City Planning Commission shall not be applicable:

Section 74-721 (Height, setback and yard regulations)

Section 74-81 (Through Block Arcades).

91-07 - Modification of Use and Bulk Regulations for Zoning Lots Fronting Upon DeLury Square Park

LAST AMENDED
12/21/2009

Where the #lot line# of a #zoning lot# coincides with, or is within 20 feet of, the boundary of DeLury Square Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

91-10 - SPECIAL USE REGULATIONS

LAST AMENDED
8/27/1998

91-11 - Sign Regulations

LAST AMENDED
6/6/2024

In the #Special Lower Manhattan District#, except as modified by the provisions of this Section, inclusive, the regulations of Section 32-60, et seq., pertaining to #signs#, shall apply.

91-111 - Illuminated signs in C5 Districts

LAST AMENDED
6/6/2024

In all C5 Districts within the #Special Lower Manhattan District#, not more than one #illuminated#, non-#flashing sign#, other than an #advertising sign#, with a total #surface area# not exceeding eight

square feet shall be permitted for each #street# frontage of the #zoning lot#. Such #sign# may be located only within a window of a #building#.

91-112 - Banner regulations

LAST AMENDED
6/6/2024

In all C5 and C6 Districts within the #Special Lower Manhattan District#, in lieu of the provisions of Section 32-652 (Permitted projection in all other Commercial Districts), banners may project across a #street line# for a maximum distance of eight feet.

In C5-3 or C5-5 Districts within the Special District, in lieu of the provisions of Section 32-655 (Height of signs in all other Commercial Districts), banners may extend above #curb level# to a maximum height of 40 feet.

91-113 - Height of signs in C6-9 Districts

LAST AMENDED
6/6/2024

In C6-9 Districts within the #Special Lower Manhattan District#, the regulations of Section 32-655 (Height of signs in all other Commercial Districts) may be modified to allow a maximum height of 50 feet above #curb level#, provided the City Planning Commission certifies that the design features of the existing #building#, as they appear on May 9, 2001, would unduly obstruct the visibility of the #sign# without such modification. An application for such certification shall be filed with detailed plans showing compliance with this Section.

91-114 - Signs on landmark buildings fronting Broadway in C5-5 Districts

LAST AMENDED
6/6/2024

In addition to #signs# and banners otherwise permitted pursuant to Section 91-11, et seq., within 100 feet of Broadway in C5-5 Districts, on any #building# with a #street wall# fronting Broadway that is a landmark designated by the Landmarks Preservation Commission, the applicable #sign# regulations of Section 32-60 shall be modified according to the following provisions, provided such #signs# and any alterations to the #building# connected with such #signs# have received a certificate of appropriateness or other permit from the Landmarks Preservation Commission.

(a) #Illuminated# non-#flashing signs# other than #advertising signs# are permitted with a total #surface area# (in square feet) not to exceed 50 square feet along any #street# frontage.

(b) No permitted #sign# shall extend above #curb level# at a height greater than 30 feet.

(c) No permitted #sign# shall project across a #street line# more than 60 inches.

(d) Permitted #signs# displayed on awnings may also include commercial copy related to the type of business, profession, commodity, service or entertainment conducted, sold or offered within such #building#.

91-20 - FLOOR AREA AND DENSITY REGULATIONS

LAST AMENDED
8/27/1998

91-21 - Maximum Floor Area Ratio

LAST AMENDED
2/2/2011

The basic maximum #floor area ratio# on a #zoning lot# is specified in the table in Section 91-22 (Floor Area Increase Regulations) and may be increased only pursuant to the #floor area# increase and bonus provisions of this Chapter.

Notwithstanding the #floor area# increase and bonus provisions of this Chapter, the maximum permitted #floor area ratio# on a #zoning lot# for #residential use# shall be 12.0.

91-22 - Floor Area Increase Regulations

LAST AMENDED
12/5/2024

The basic maximum #floor area ratio# (FAR) of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified in the table in this Section.

The provisions of paragraph (a) of Section 75-422 (Certification to transfer development rights from landmarks), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in this table. Wherever there may be an inconsistency between any provision in Section 75-422 and the table, the provisions of the table shall apply.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT

BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict				Historic & Comm Core	South Street Seap all water			
	R8	C6-4	C5-3 C5-5 C6-9	M1-4	C5-5	C2-8	C4-6	C6-2A	
Basic maximum FAR for non-residential #uses#	6.5[2]	10.0	15.0	2.0[1] 6.5[2]	15.0	2.0[1] 3.4[2]	3.4	6.0[1] 6.5[2]	
Basic maximum FAR for standard #residences#	6.02	10.0	10.0	NA	10.0	10.0	3.4	6.02	
Basic maximum FAR for #qualifying affordable housing# or #qualifying senior housing#	7.2	12.0	12.0	NA	12.0	12.0	4.08	7.2	
Maximum as-of-right #floor area# bonus for #public plazas#	NA	2.0[9]	3.0	NA	NA	NA	NA	NA	
Maximum FAR with as-of-right #floor area# bonuses	7.2	12.0[9]	18.0	6.5	15.0	12.0	4.08	7.2	
Maximum #floor area# bonuses by authorization or special permit: #mass transit station# improvements and #covered pedestrian spaces#	NA	2.0[6]	3.0	NA	3.0	2.0[7]	NA	NA	

Maximum FAR with as-of-right, authorization or special permit #floor area# bonuses	7.2	12.0[8,9]	18.0	6.5	18.0	12.0[8]	4.08	7.2	
Development rights (FAR) of a landmark lot for transfer purposes (75-42)	NA	10.0	15.0[3] 18.0[4]	NA	15.0	NA	NA	NA	
Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (91-60)	NA	NA	NA	NA	NA	NA	4.08	8.02	2
Maximum FAR with transferred development rights from landmark #zoning lot# and as-of-right and authorization or special permit #floor area# bonuses	7.2	14.0[8,9]	21.6	2.4[1] 7.8[2]	21.6	NA	4.08	8.02	2

1 for a #commercial# or, where permitted, #manufacturing use#

2 for a #community facility use#

3 if receiving lot is located in a zoning district with a basic maximum FAR of less than 15

4 if receiving lot is located in a zoning district with a basic maximum FAR of 15

5 maximum FAR for receiving lots less than 30,000 square feet

6 for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), the maximum #floor area# bonus shall be 2.4 FAR

7 only pursuant to Section 66-51

8 for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, and utilizing a #floor area# bonus pursuant to Section 66-51, the maximum FAR shall be calculated in accordance with the provisions of such Section

9 for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, and utilizing a #floor area# bonus for #public plaza#, the maximum FAR shall be calculated in accordance with the provisions of paragraph (c) of Section 91-23 (Floor Area Bonus for Public Plazas).

91-23 - Floor Area Bonus for Public Plazas

LAST AMENDED
12/5/2024

The maximum permitted #floor area# on a #zoning lot# may be increased, in accordance with the following regulations, where a #public plaza# is provided that meets the requirements of Section 37-70 (PUBLIC PLAZAS):

(a) A #floor area# bonus for a #public plaza# shall only be permitted for a #development# or #enlargement# that is located:

(1) outside the Historic and Commercial Core;

(2) outside the South Street Seaport Subdistrict; or

(3) beyond 50 feet of a #street line# of a designated #street#, except in C6-4 Districts, on which:

(i) retail continuity is required, pursuant to Section 91-41 (Regulations for Designated Retail Streets); or

(ii) #street wall# continuity is required, pursuant to the regulations for Type 1 or Type 2A #street walls# pursuant to Section 91-31 (Street Wall Regulations).

(b) Within a C6-4 District, paragraph (a)(3) of this Section shall not apply to the location of a #development# or #enlargement#. However, a #floor area# bonus for a #public plaza# shall be permitted, provided that such #public plaza# is located beyond 50 feet of the designated #streets# referenced in paragraph (a)(3) of this Section.

(c) For each square foot of a #public plaza#, the basic maximum #floor area# permitted by Section 91-22 (Floor Area Increase Regulations) may be increased, in C6-4 Districts, by six square feet, to a maximum #floor area ratio# of 12.0, or 20 percent of the greatest #floor area ratio# permitted on the #zoning lot# and, in C5-3, C5-5 and C6-9 Districts, by 10 square feet, to a maximum #floor area ratio# of 18.0.

(d) When a #public plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of the #public plaza# or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

91-24 - Special Permit Bonuses for Increased Floor Area

LAST AMENDED
12/5/2024

Within the #Special Lower Manhattan District#, the City Planning Commission may grant the following special permits for increased #floor area# in accordance with the provisions of this Section.

91-241 - Special permit for covered pedestrian space

LAST AMENDED
12/5/2024

In C5-3, C5-5, C6-4 and C6-9 Districts within the #Special Lower Manhattan District#, except within the South Street Seaport Subdistrict, the City Planning Commission may grant, by special permit, a #floor area# bonus for a #commercial#, #community facility# or #mixed building# that provides #covered pedestrian space# on a #zoning lot#, in accordance with the provisions of Section 74-85 (Covered Pedestrian Space).

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Maximum Floor Area Ratio) and 91-22 (Floor Area Increase Regulations).

91-30 - HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

LAST AMENDED
4/30/2003

For all #buildings or other structures# in the #Special Lower Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section.

The height of all #buildings or other structures# shall be measured from #curb level#.

91-31 - Street Wall Regulations

LAST AMENDED
12/5/2024

For the purposes of applying the #street wall# regulations of this Section, #developments# shall include alterations and #enlargements# that change the height, width or location of a #street wall#.

All portions of #buildings or other structures# located above the maximum base heights specified in paragraph (a) of this Section shall provide a setback in accordance with the regulations of Section 91-32 (Setback Regulations).

(a) Within the Special District, the maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater, except as provided for the following types of #street wall# regulations:

(1) #Street wall# regulations: Type 1

For #developments# that front upon a #street# indicated as "Type 1" on Map 2 (Street Wall Continuity Types 1, 2A, 2B and 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 150 feet or the height of the #building#, whichever is less. The maximum base height shall be 250 feet.

(2) #Street wall# regulations: Type 2A

For #developments# that front upon a #street# indicated as "Type 2A" on Map 2 in Appendix A, #street walls# shall extend along such entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(3) #Street wall# regulations: Type 2B

For #developments# that front upon a #street# indicated as "Type 2B" on Map 2 in Appendix A, #street walls# shall extend along at least 60 percent of such #street#

frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(4) #Street wall# regulations: Type 3

For #developments# that front upon a #street# indicated as "Type 3" on Map 2 in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, to a minimum base height of 60 feet, five stories, or the height of the #building#, whichever is less. The maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater.

(5) #Street wall# regulations: Type 4

For #developments# that front upon a #street# within the Historic and Commercial Core, indicated as "Type 4" on Map 3 (Street Wall Continuity Types 4 and 5) in Appendix A, the maximum base height shall be 100 feet.

(6) #Street wall# regulations: Type 5

For #developments# that front upon a #street# indicated as "Type 5" on Map 3 in Appendix A, no setbacks are required for any portion of a #building#.

(b) For #developments# that front upon a #street# indicated as "Type 1" or "Type 2A," at least 70 percent of the #aggregate width of street walls# shall be located on such #street line#. For #developments# that front upon a #street# indicated as "Type 2B," at least 60 percent of the #aggregate width of street walls# shall be located within 10 feet of such #street line#. For #developments# that front upon a #street# indicated as "Type 3," at least 70 percent of the

#aggregate width of street walls# shall be located within 10 feet of such #street line#. The remaining 30 percent of the #aggregate width of street walls# may be located beyond such #street lines#, provided that:

(1) for #street walls# associated with the #residential# or #community facility portion of a #building#, any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#; and

(2) where recessed areas are pedestrian circulation spaces, the requirements of Section 37-50, inclusive, shall be applied.

(c) When a #building# fronts on two intersecting #streets# for which different maximum base heights are specified, the higher maximum base height may wrap around to the #street# with the lower maximum base height for a distance along the #street line# of 100 feet. However, "Type 5" #street walls# shall not be permitted to wrap around to the intersecting #street#.

(d) Arcades and sidewalk widenings that meet the design standards of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be permitted along any #street# indicated as "Type 1," "Type 2A" or "Type 3," pursuant to paragraphs (a), (b) or (c) of this Section, provided such arcade or sidewalk widening extends along the entire #block# frontage or abuts another arcade, existing on August 27, 1998, of equal width and height or another sidewalk widening of equal width. In such case, the #street wall# requirements for paragraph (b) of this Section shall be measured from the permitted arcade or sidewalk widening.

(e) The articulation allowances set forth in paragraph (d) of Section 35-631 may be applied in modifying the #street wall# location provisions of this Section.

91-32 - Setback Regulations

LAST AMENDED
2/2/2011

In accordance with the provisions of Section 91-31 (Street Wall Regulations), setbacks are required for any portion of a #building or other structure# that exceeds the maximum base heights specified for the applicable #street# in Section 91-31.

Required setbacks shall be provided at a height not lower than any minimum base height or 60 feet where none is specified and not higher than any maximum base height specified for the applicable #street# in Section 91-31. The depth of the setback shall be determined by the #lot area# of the #zoning lot#, as shown in the following table:

REQUIRED DEPTH OF SETBACKS

#Lot area# of #zoning lot#	Minimum setback depth
Less than 15,000 square feet	10 feet
15,001 to 30,000 square feet	15 feet
Greater than 30,000 square feet	20 feet

For "Type 1" and "Type 2A and 2B" #street walls#, the required setbacks shall be measured from the #street line#.

For "Type 3" #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 70 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such line and the #street line#.

For all other #street walls#, the required setbacks shall be measured from a line drawn at, or parallel to, the #street line# so that at least 50 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such drawn line and the #street line#. However, setbacks are not required for #street walls# fronting upon the major portion of a bonused #public plaza#.

For #buildings# within the Historic and Commercial Core as shown on Map 1 in Appendix A, any #building# or portion of a #building# may be located within the required setback area beneath a #sky exposure plane# that rises from a height of 100 feet above the #street line# over the #zoning lot# at a vertical distance of six to a horizontal distance of one.

91-33 - Lot Coverage Regulations

LAST AMENDED
2/2/2011

Above the maximum base height specified in Section 91-31 (Street Wall Regulations), up to a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 65 percent. Above a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 50 percent.

However, within the Historic and Commercial Core, above the maximum base height specified in Section 91-31, up to a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 75 percent. Above a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 60 percent.

For #buildings# fronting on more than one #street# where different maximum base heights are specified, the maximum #lot coverage# regulations specified in this Section shall apply at horizontal

planes at heights corresponding to the different maximum base heights. The #lot coverage# at the level of the lowest plane shall apply to the portion of a #zoning lot# located beyond 100 feet from any #street# with a higher maximum base height. The #lot coverage# at the level of each subsequent higher plane shall apply to the portion of the #zoning lot# located beyond 100 feet from any #street# with a higher maximum base height, and shall also include those portions of the #zoning lot# where lower base heights apply. The highest horizontal plane shall be established over the entire #zoning lot#.

91-34 - Maximum Horizontal Dimension for Tall Buildings

LAST AMENDED
2/2/2011

For any portion of a #building# above a height of 300 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 175 feet

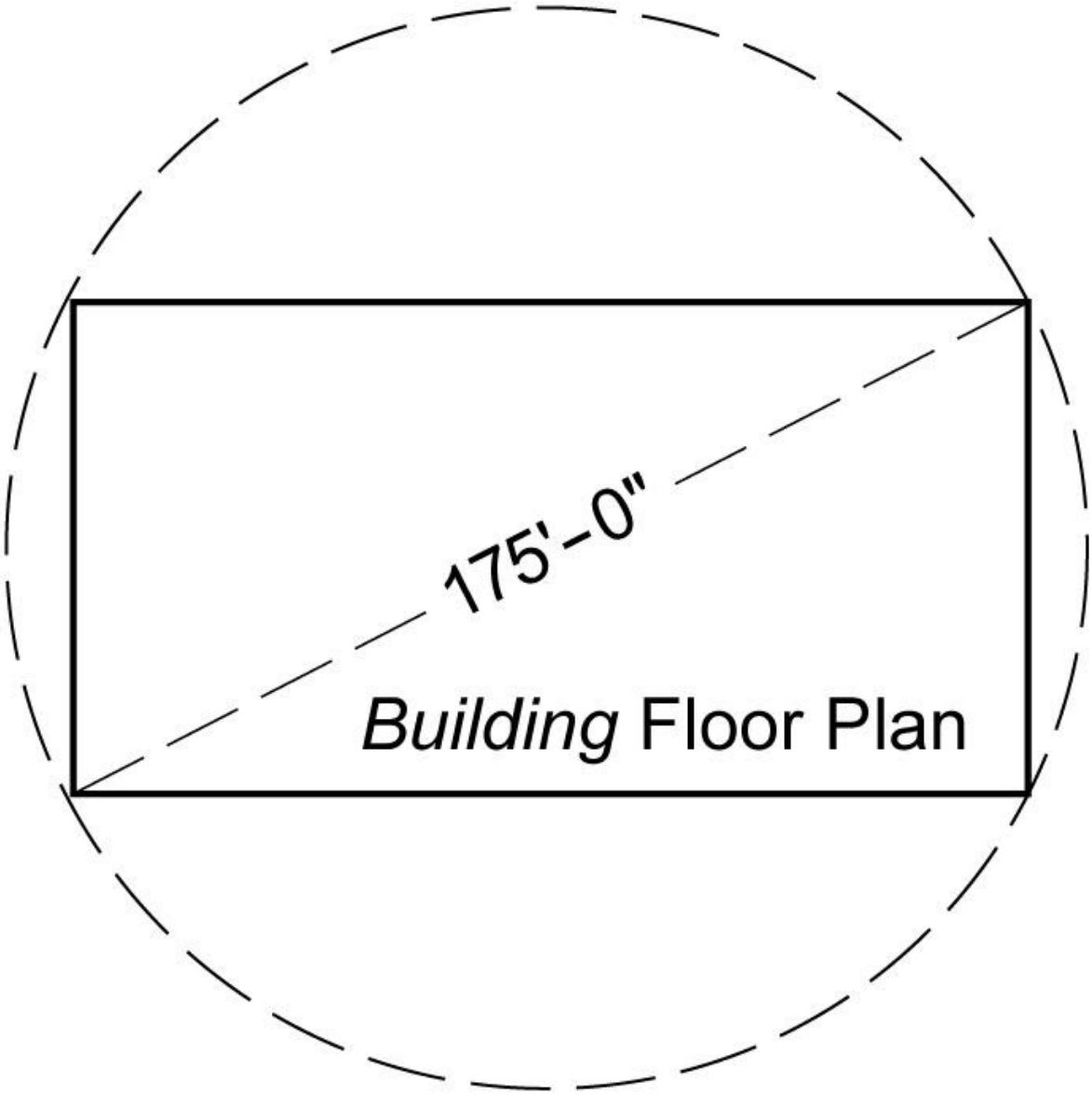


Diagram of Maximum Horizontal Dimension

(91—34)

91-35 - Modification of Street Wall, Setback, Lot Coverage and Maximum Horizontal Dimension Regulations

LAST AMENDED

2/2/2011

The City Planning Commission, by special permit, may modify:

(a) the #street wall# requirements and minimum base heights of Section 91-31 (Street Wall Regulations);

(b) the setback requirements of Section 91-32; and

(c) where such #zoning lots# contain #buildings# existing on December 15, 1961, that exceed a height of 300 feet, the #lot coverage# regulations of Section 91-33 and the maximum horizontal dimension set forth in Section 91-34 (Maximum Horizontal Dimension for Tall Buildings), provided such modifications are limited to that portion of the #development# or #enlargement# between 300 and 325 feet in height, and provided the #lot coverage# of such portion does not exceed 55 percent.

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

(1) such modifications will result in a site plan consistent with existing scale and streetscape patterns;

(2) such modifications will ensure a harmonious relationship between the #development# or #enlargement# and the surrounding area;

(3) such #street wall# modifications will enhance pedestrian circulation by providing pedestrian amenities that relieve sidewalk congestion;

(4) such setback, #lot coverage# or horizontal dimension modifications will not unduly obstruct access to light and air to surrounding #streets# and properties; and

(5) such setback, #lot coverage# or horizontal dimension modifications will result in a built form that maintains an appropriate relationship between tower and base portions of the #development# or #enlargement#.

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

91-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
8/27/1998

91-41 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 4 (Retail and Street Wall Continuity) in Appendix A of this Chapter shall be considered #Tier C street frontages#.

Access to each permitted establishment or #use# shall be provided directly from the #Tier C street frontage#, as shown on Map 4 in Appendix A. Where there is more than one entrance to the establishment or #use# from the #Tier C street frontage#, direct access shall be provided via the entrance with the greatest aggregate clear opening width.

Defined terms in this Section include those in Section 12-10 and Section 32-301.

91-42 - Pedestrian Circulation Space

LAST AMENDED
2/2/2011

Within the boundaries of the #Special Lower Manhattan District#, all #developments# or #enlargements# constructed after August 27, 1998, on #zoning lots# of at least 5,000 square feet that contain more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space on such #zoning lot# in accordance with the provisions of Section 37-50.

Pedestrian circulation space shall not be required if any of the following conditions exist:

(a) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;

(b) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street frontage#;

(c) the #zoning lot# is an #interior# or #through lot# fronting on a #street# or #streets# with Type 1, Type 2A, Type 2B, Type 3, Type 4 or Type 5 #street wall# regulations, as set forth in paragraph (a) of Section 91-31 (Street Wall Regulations);

(d) the #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length; or

(e) the #zoning lot# is located in a C6-2A or C6-9 District within the South Street Seaport Subdistrict.

91-43 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
2/2/2011

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-50.

The subway stations where such improvements are required are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix A.

STATION	LINE
Bowling Green	Lexington Avenue
Broad St	Nassau Street
Broadway-Nassau Street	8th Avenue
Fulton Street	Nassau Street/Broadway-7th Ave/ Lexington Ave
Brooklyn Bridge-City Hall	Lexington Avenue
Chambers Street	Nassau Street
Chambers Street	Broadway-7th Avenue

Chambers Street	8th Avenue
Park Place	Broadway-7th Avenue
World Trade Center	8th Avenue
City Hall	Broadway-60th Street
Cortlandt Street-WTC	Broadway-7th Avenue
Cortlandt Street	Broadway-60th Street
Rector Street	Broadway-7th Avenue
Rector Street	Broadway-60th Street
Wall Street	Broadway-7th Avenue
Wall Street	Lexington Avenue
Whitehall Street-South Ferry	Broadway-7th Avenue/ Broadway-60th Street

91-50 - OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

LAST AMENDED
5/8/2013

The off-street parking regulations of Article 1, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core) and the loading regulations of the underlying districts apply to the #Special Lower Manhattan District#, except as supplemented or modified by the provisions of this Section.

91-51 - Accessory Off-street Parking for Residential Uses in Converted Buildings

LAST AMENDED
2/2/2011

#Accessory# off-street parking spaces shall be permitted for #dwelling units# in non-#residential buildings# erected prior to January 1, 1977, or portions thereof, that are #converted# to #residential use#, provided:

(a) no more than 200 spaces or a number of spaces equal to 20 percent of the number of #dwelling units# in the #converted# #building#, whichever is less, shall be permitted;

(b) no curb cut shall be permitted on any #street# where the #converted# #building# has a #street# frontage of 40 feet or less;

(c) no portion of any such parking facility shall be more than 23 feet above #curb level#;

(d) no exhaust vents shall open onto any #street# or #public park# or publicly accessible #open space#, and no portion of the parking facility, other than entrances and exits, shall be visible from adjoining #zoning lots#, #streets# or parks; and

(e) all such parking facilities shall be provided on the same #zoning lot# as the #residential uses# to which they are #accessory#, except as otherwise provided in Section 91-511 (Authorization for

off-site parking facilities for converted buildings).

91-511 - Authorization for off-site parking facilities for converted buildings

LAST AMENDED
12/5/2024

The City Planning Commission may authorize #accessory# residential off-site parking spaces for non-#residential buildings# erected prior to January 1, 1977, or portions thereof, that are #converted# to #residential use#, to be provided in a fully enclosed #building# on a #zoning lot# within the #Special Lower Manhattan District# other than the #zoning lot# that contains the #residential use#, provided the Commission finds that:

(a) such #accessory# off-site parking spaces are conveniently located in relation to the #residential use#, and in no case further than 600 feet from the #zoning lot# containing the #residential use#;

(b) such location of the #accessory# off-site parking facility will permit better site planning for the #building# #converted# to #residential use#;

(c) that such #accessory# off-site parking facility shall contain parking spaces #accessory# only to #residential uses#; and

(d) such parking facility complies with findings in paragraphs (b)(1), (b)(2), (b)(3) and (b)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

The number of #accessory# off-site parking spaces authorized in accordance with the provisions of this Section shall be recorded on the certificates of occupancy, temporary and permanent, for both the #residential use# and the #accessory# off-site parking facility.

91-52 - Curb Cut Regulations

LAST AMENDED
5/8/2013

All curb cuts shall be prohibited on #streets# indicated on Map 5 in Appendix A, except that:

(a) The Commissioner of Buildings may approve a curb cut where there are no alternative means of access to required off-street loading berths from other #streets# bounding the #zoning lot#.

(b) The City Planning Commission may authorize curb cuts for loading berths, provided:

(1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;

(2) such maneuvering area is at least equal in size to the area of the loading berth; and

(3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

(c) The City Planning Commission may authorize curb cuts for #accessory# parking for #residences#, provided such curb cuts:

(1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and

(2) will not interfere with the efficient functioning of required pedestrian circulation spaces, or public transit facilities.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

No curb cuts may be approved or authorized on Battery Place, Broad Street, Broadway, Liberty Street west of Broadway, Park Row South or Wall Street.

In addition, for #zoning lots# with frontage on #streets# where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section 13-35 (Modification of Loading Berth Requirements).

Where a curb cut is approved or authorized pursuant to this Section, the maximum width of a curb cut, including splays, shall be 15 feet for a #street# with one-way traffic and 25 feet for a #street# with two-way traffic.

91-60 - REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

LAST AMENDED
8/27/1998

91-61 - General Provisions

LAST AMENDED
12/5/2024

The regulations of Section 91-60, et seq., relating to special regulations for the South Street Seaport Subdistrict are applicable only in the South Street Seaport Subdistrict. The boundaries of the South Street Seaport Subdistrict are shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A. The regulations of Section 91-60, et seq., supplement or

modify the regulations of this Chapter applying in general to the South Street Seaport Subdistrict area of the #Special Lower Manhattan District#.

In order to preserve and protect the character of the South Street Seaport Subdistrict and to implement the provisions of the Brooklyn Bridge Southeast Urban Renewal Plan, as amended, special controls and incentives are provided.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to #waterfront zoning lots# within the South Street Seaport Subdistrict. The provisions of paragraph (a) of Section 75-422 (Certification to transfer development rights from landmarks) concerning the transfer of development rights from landmark sites in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts shall not apply in the South Street Seaport Subdistrict.

91-62 - Definitions

LAST AMENDED
12/15/2021

For purposes of this Section, matter in italics is defined in Section 12-10 (DEFINITIONS) or within this Section.

Development rights

Within the South Street Seaport Subdistrict, the basic maximum permitted #floor area# for a #granting lot# shall be that which is allowed by the applicable district regulations as if such granting lot were undeveloped, and shall not include any additional #floor area# bonuses for #public plazas#, #arcades# or any other form of #floor area# increase, whether as-of-right or by special permit. #Streets# located within the Subdistrict that have been closed or discontinued in whole, part or whose air space has been closed or discontinued pursuant to Section E15-3.0 of the Administrative Code, or

its successor, shall have attributed to such closed area or closed air space the basic maximum permitted #floor area# allowed within the underlying zoning district within which such #streets# are situated. The #lot area# of a closed or discontinued volume of air space shall be measured by the area of the bed of the #street# lying below and within such closed or discontinued volume.

Granting lot

Within the South Street Seaport Subdistrict, a "granting lot" is a #zoning lot# or a closed or discontinued portion of a #street# or air space over a #street# which is identified as a #granting lot#, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Subdistrict and from which #development rights# may be transferred. Such #zoning lots# and closed portions of #streets# or air space over #streets# are identified on the map of the transfer areas (Map 6) as Parcels 6, 7 and 9 and the adjacent hatched #street# areas.

Person

Within the South Street Seaport Subdistrict, a "person" is an individual, corporation (whether incorporated for business, public benefit or not-for-profit purposes or otherwise), partnership, trust firm, organization, other association or any combination thereof.

Receiving lot

Within the South Street Seaport Subdistrict, a "receiving lot" is a #zoning lot# identified on the map of transfer areas (Map 6 in Appendix A) to which #development rights# may be added. Such "receiving lots" are identified on the map as Parcels 1, 2, 8, 15, 16, 20, 21 and 22.

Street

(a) A #street#, as defined in Section 12-10; or

(b) a way, designed or intended for general public circulation and #use#, that:

(1) performs the pedestrian circulation functions usually associated with a way shown on the City Map;

(2) remains open and unobstructed from the at-grade circulation level to the sky, except for public facilities customarily located on a #street# shown on the City Map, or those facilities permitted to be located on a #street# shown on the City Map, including without limitation, transitory fixtures or objects unattached to the real property encompassed by such way; and

(3) is a designated pedestrian way, pursuant to Section 91-68.

A #street#, as defined in paragraph (b) of this Section, shall satisfy and apply to all references to #streets# provided elsewhere in the Zoning Resolution.

91-63 - Transfer Areas Map

LAST AMENDED
8/27/1998

The South Street Seaport Subdistrict transfer areas map, shown hereto as Map 6 in Appendix A, sets forth each #granting lot# and #receiving lot# within the Subdistrict.

91-64 - Transfer of Development Rights From Granting Lots

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, #development rights# from each of the #granting lots# may be conveyed or otherwise disposed of:

(a) directly to a #receiving lot#; or

(b) to a #person# for subsequent disposition to a #receiving lot#, all in accordance with the provisions of this Subdistrict, except that with respect to #zoning lots# located on Parcels 6, 7 and 9, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, only those #development rights# in excess of the larger of the following conditions may be so conveyed or otherwise disposed of:

(1) an amount equal to the product of the #lot area# of each of such #zoning lots# multiplied by 5.0; or

(2) the total #floor area# of all existing #buildings# on any such #zoning lots#.

The City Planning Commission shall certify such initial transfer from the #granting lots#. Any #person# may convey its interest in all or a portion of such #development rights# to another #person# but such #development rights# may only be used on a #receiving lot#.

91-65 - Addition of Development Rights to Receiving Lots

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# shall not exceed 21.6. However, if a #receiving lot# is located in a C4-6 District, the total #floor area ratio# shall not exceed 3.4 and if a #receiving lot# is located in a C6-2A District, the total #floor area ratio# shall not exceed 8.02. #Development rights# transferred to a #receiving lot# may be applied to a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #residential# #floor area ratio# exceed 12.0.

The City Planning Commission shall certify that any #zoning lot# that utilizes such transferred #development rights# conforms to this Section and, for those #receiving lots# within the Urban Renewal Area, to the regulations and controls of the Urban Renewal Plan.

91-66 - Modification of Use and Bulk Regulations

LAST AMENDED
3/20/2013

91-661 - Bulk modifications in C6-2A Districts

LAST AMENDED
12/5/2024

Within the South Street Seaport Subdistrict, for any #zoning lot# located in a C6-2A District, the underlying height and setback regulations shall apply, except that no minimum base height shall apply, and the depth of a required setback along a #narrow street# shall be at least 10 feet.

91-662 - Authorization for modification of bulk provisions and public space in C6-9 Districts

LAST AMENDED2/2/2011

In the South Street Seaport Subdistrict, the City Planning Commission may authorize:

(a) the alteration of any public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that the Commission finds that such modifications improve the intended public purpose of the amenity; or

(b) the elimination or reduction of an existing public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that a new or improved public amenity, open or enclosed, is supplied elsewhere on, or within proximity to, the #zoning lot#, and the Commission finds that:

(1) the public amenity to be eliminated no longer serves its original purpose; and

(2) the proposed new or improved public amenity will provide a greater public benefit than the amenity to be eliminated or reduced and will better serve the purposes of the #Special Lower Manhattan District#; and

(c) the modification of the applicable height, setback, lot coverage and distance between #buildings# requirements for any #development# or #enlargement# on a designated #receiving lot# that will incorporate transferred #development rights#, provided the Commission finds

that the modifications:

(1) provide an appropriate distribution of #bulk# on the #zoning lot#;

(2) permit adequate light and air to the #development# or #enlargement# and adjoining properties as well as the surrounding #streets#; and

(3) will not impair the use and desirability of any public amenity that may be created or improved under the provisions of paragraph (b) of this Section.

If a #receiving lot# contains an existing #building#, such authorization shall incorporate any previous height and setback or other bulk modifications, granted prior to December 11, 2001, by the Board of Standards and Appeals, for such existing #building#.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-663 - Special permit for bulk modifications

LAST AMENDED
2/2/2011

Within the South Street Seaport Subdistrict, the City Planning Commission may modify, by special permit, the height and setback and #lot coverage# regulations of Section 91-30, provided that:

(a) either of the following conditions have been met:

(1) that the developer has obtained negative easements limiting the height of future #development# or #enlargement# to 85 feet or less on any adjoining #zoning lots# which are contiguous or would be contiguous to said #zoning lot# but for their

separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# or #enlargement# will be located; or

(2) that the #lot coverage# for that portion of a #development# or #enlargement# below 300 feet may be increased to a maximum of 80 percent when additional #development rights# have been purchased and converted to increased #lot coverage#. The maximum percentage of #lot coverage# on such #receiving lot# shall be the sum of 65 percent plus one-half of one percent for every .10 by which the total #floor area ratio# on such #receiving lot# would exceed a #floor area ratio# of 21.6, provided that the #development# or #enlargement# on such #receiving lot# has achieved a minimum #floor area ratio# of 18.0;

(b) In order to grant such special permit, the Commission shall make the following findings:

(1) the location of the #development# or #enlargement# and the distribution of #bulk# will permit adequate light and air to surrounding #streets# and properties;

(2) any modification of height and setback will provide for better distribution of #bulk# on the #zoning lot#; and

(3) such special permit will aid in achieving the general purposes and intent of the Subdistrict.

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

91-664 - Modification of hours of operation for waterfront public access areas

LAST AMENDED
3/20/2013

For any #zoning lot# which was the subject of application N130058 ZCM, the hours of operation set forth in paragraph (a) of Section 62-71 (Operational Requirements) may be extended to allow public access up to 24 hours per day, and the provisions of paragraph (a)(3) of Section 62-654 (Signage) shall be modified to require any such extended hours of public access, as may change over time, to be included on the required signage. The provisions of paragraph (a)(4) of Section 62-654 shall not apply where 24 hour access is allowed. The provisions of paragraph (b) of Section 62-71 requiring rules of conduct for the #waterfront public access area# to be established with the Department of Parks and Recreation, and other provisions of this Chapter requiring a maintenance and operation agreement pursuant to Section 62-74 (Requirements for Recordation), shall not apply so long as a legal instrument acceptable to the Chairperson, in all other respects consistent with the provisions of Section 62-74, has been executed and recorded, setting forth rules of conduct and maintenance and operations requirements.

91-67 - Recordation

LAST AMENDED
8/27/1998

Within the South Street Seaport Subdistrict, at the time of transfer of #development rights# from a #granting lot#, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such #zoning lot# of any #building or other structure# which would contain #floor area# in excess of that still available to the #zoning lot# after deducting

the #floor area# removed, such prohibition to be non-cancelable for 99 years; and at the time of the addition of #development rights# to a #receiving lot# as provided in Section 91-65, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #receiving lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited and identifying the #granting lot# (by tax block and lot number and description) from which the #floor area# has been removed. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation.

91-68 - Designated Pedestrian Ways

LAST AMENDED
12/15/2021

Within the South Street Seaport Subdistrict, the volume situated above the subsurface #streets# shown on the City Map, and listed in this Section are designated pedestrian ways and are governed by paragraph (b) of the definition of #street# as set forth in Section 91-62 (Definitions):

(a) Fulton Street, between Water and South Streets

(b) Water Street, between Fulton and Beekman Streets

(c) Front Street, between Fulton and Beekman Streets, and between John and Fulton Streets

(d) South Street (the 18-foot-wide strip located on the northwesterly side), between Beekman and John Streets.

In addition, the designated pedestrian ways referenced in paragraphs (a), (b) and (c) of this Section may be considered a single #zoning lot# for purposes of the definition of #large-scale general development# in Section 12-10 (Definitions).

91-69 - Special Permit for Development of Piers 9, 11, 13 and 14

LAST AMENDED
2/2/2011

Within the area bounded by South Street, the southerly edge of Pier 9, the U. S. Pierhead Line and the northerly edge of Pier 14, which, for the requirements of this Section, shall be deemed to be a single #zoning lot#, the City Planning Commission may, by special permit, permit modification of the bulk regulations, other than #floor area ratio# applicable to the #zoning lot#, and may modify or waive the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in accordance with the provisions of this Section.

The special permit shall be subject to the condition that the property owner, principal lessee or licensee of property owner has entered into an agreement with the Department of Parks and Recreation to operate and maintain the publicly accessible areas in accordance with Section 62-70 (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). For purposes of this Section, such publicly accessible areas shall be deemed "waterfront public access areas."

In granting any such modifications, the Commission shall find that:

(a) any modification of height and setback regulations results in an appropriate distribution of permitted bulk on the piers;

(b) no #buildings or other structures# shall unduly obstruct the visual corridor bounded by the prolongation of the northern and southern #street lines# of Wall Street seaward to the U. S. Pierhead Line;

(c) any modification will not unduly impede surface traffic and will minimize possible vehicular/pedestrian conflicts in the surrounding area;

(d) that the seaward end of all such piers is unobstructed to the greatest extent feasible so as to maximize views northward and southward;

(e) the development plan for such area includes an appropriate amount of publicly-accessible open space which shall incorporate appropriate design features that serve the needs of the local area, including but not limited to landscaping, lighting and seating; and

(f) the development plan is integrated with existing and proposed nearby development.

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

91-70 - SPECIAL REGULATIONS FOR CERTAIN AREAS

LAST AMENDED
2/2/2011

#Developments# or #enlargements# in the former Special Greenwich Street Development District built prior to August 27, 1998, will continue to be governed by the regulations in effect at the time of issuance of the building permit and can only be modified or altered by Sections 91-71 through 91-73, inclusive.

91-71 - Authorization for the Modification of Required Public Amenities

LAST AMENDED
2/2/2011

The City Planning Commission may authorize modifications of certain provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, that mandated public amenities, as follows:

(a) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that resulted in an increase in the basic maximum #floor area ratio# or an increase in the adjusted basic maximum #floor area ratio#, the Commission may authorize:

(1) the alteration of the amenity or improvement, provided that the Commission finds that such modifications improve the intended public purpose of the amenity;

(2) the elimination of the amenity or improvement, provided that the Commission finds that the intended public purpose is no longer useful or desirable and a new public amenity or improvement is supplied, as permitted pursuant to this Chapter, that generates the same or higher amount of bonusable #floor area#; or

(3) in the case of an amenity or improvement built in excess of the requirements necessary to generate the bonus #floor area# at the time of #development# or #enlargement#, the elimination of such portion of the amenity not tied to the bonus #floor area#, provided that the Commission finds that such portion is no longer useful or desirable.

(b) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that did not result in an increase in the basic maximum #floor area ratio#, the Commission may authorize the elimination or alteration of the amenity or improvement if it finds that the intended public purpose is no longer useful or desirable.

(c) No mandatory or elective public amenity or improvement built pursuant to the regulations of the former Special District shall be eliminated or reduced in size, without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying

area for such amenity elsewhere on the #zoning lot#, in accordance with the provisions of paragraph (a)(2) of this Section, except by special permit of the Commission, subject to a finding that the proposed change will provide a greater public benefit in light of the public amenity's purpose and the purposes of the #Special Lower Manhattan District#.

However, the open pedestrian bridge spanning Greenwich Street between Liberty and Cedar Streets may be eliminated, without recourse to the Commission, where the pedestrian access provided between the required elevated public pedestrian circulation systems is no longer useful or desired.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-72 - Special Permit for Development Over or Adjacent to the Approaches to the Brooklyn Battery Tunnel

LAST AMENDED
2/2/2011

The City Planning Commission, by special permit, may allow:

(a) the unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single #zoning lot# and may allow the #development# or #enlargement# of a #building# on such unmapped air space, where the #zoning lot# for such #development# or #enlargement# shall include only that portion of the area above the approaches to the Brooklyn Battery Tunnel and contiguous areas of land or property that are covered by a permanent platform and not designated as approaches to the Brooklyn Battery Tunnel.

(b) the unmapped air space above the approaches to the Brooklyn Battery Tunnel, the unmapped air space above Joseph P. Ward Street and the at-grade parcels bounding the northern #street

line# of Joseph P. Ward Street to be deemed a single #zoning lot#, and in connection therewith:

(1) such #zoning lot# shall generate #floor area# only from such at-grade parcels and only those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on November 15, 2007;

(2) no #floor area# shall be generated from the unmapped air space above Joseph P. Ward Street; and

(3) unused #floor area# generated from those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on November 15, 2007, shall only be located on the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street and shall only be used for #residential# #floor area#.

Notwithstanding any of the foregoing, the use and occupancy of the unmapped air space above the approaches to the Brooklyn Battery Tunnel and of the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map, as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel by the New York State Triborough Bridge and Tunnel Authority, may be continued and in effect as set forth in Resolutions of the former New York City Board of Estimate and as otherwise permitted by law.

The at-grade parcels of the #zoning lot# bounding the northern #street line# of Joseph P. Ward Street shall be considered a #through lot# bounded by Washington Street and West Street from its lowest level to the sky, and only such at-grade parcels shall be used to determine

compliance with applicable #bulk# regulations other than #floor area# and #lot area# regulations.

For purposes of this paragraph, (b), the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street shall mean:

the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map, as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel; and

the at-grade parcel bounding the northern line of said parcel.

In order to grant such special permit, the Commission shall find that adequate access and #street# frontage to one or more #streets# is provided; and the streetscape, site design and location of #building# entrances of the proposed #development# or #enlargement# will contribute to the overall improvement of pedestrian circulation within the surrounding area.

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

91-73 - Special Provisions for Battery Park Underpass/South Street

LAST AMENDED
2/2/2011

A #zoning lot# containing a #development#, or portion thereof, on a #waterfront zoning lot#, may be located within the volume above the upper limiting plane of the Battery Park Underpass/South Street, when such volume is eliminated, discontinued and closed. That portion of the #zoning lot# that lies

above the Battery Park Underpass/South Street shall not be considered #lot area# for the purpose of computing maximum #floor area#; however, such portion shall be considered #lot area# for all other purposes of this Resolution.

91-80 - PUBLIC ACCESS AREAS

LAST AMENDED
6/21/2016

The following regulations shall apply to #arcades# and #publicly accessible open areas# existing on June 21, 2016, located within the Water Street Subdistrict as shown on Map 8 in Appendix A of this Chapter except for the #plaza# that was the subject of special permit application CP-20518, approved by the City Planning Commission on November 27, 1968.

For the purposes of this Section, inclusive, "arcade" shall refer to an #arcade# or #through block arcade# provided in accordance with the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES), or any other #arcade# that generated a #floor area# bonus as evidenced by plans approved by the Department of Buildings.

A horizontal #enlargement# permitted by Sections 91-83 (Retail Uses Within Existing Arcades), inclusive, or 91-841 (Authorization for retail uses within existing arcades) shall not be included as #floor area#, and such additional area shall not result in a reduction of the permitted #floor area#.

No #arcade# may be eliminated or reduced in size pursuant to paragraphs (a) or (d) of Section 33-124 (Existing public amenities for which floor area bonuses have been received). In lieu thereof the following provisions shall apply: Sections 91-83, 91-841 and, as applicable, Section 91-85 (Special Permit for Enlargements of 7,500 Square Feet or Greater).

For any #zoning lot# that was the subject of application C810325ZSM, C810506ZSM or C841070ZSM, a certification pursuant to Section 91-83 or an authorization pursuant to Section 91-841 shall not result in a departure from the findings and conditions specified in the applicable special permit, and such certification or authorization shall not require modification of the applicable special permit unless such a modification is required pursuant to a related restrictive declaration. For the #zoning lot# that was the subject of application C810325ZSM, the existing #through block arcade# shall not be eliminated, but may be modified in size and configuration provided that the standards for #through block arcades# set forth in Section 12-10 are met.

Public events may take place within a #publicly accessible open area# or #arcade# pursuant to the provisions of Section 91-81 (Events Within Public Access Areas). Publicly accessible tables, chairs, shade umbrellas and heating lamps may be located within a #publicly accessible open area# or #arcade# pursuant to the provisions of Section 91-82 (Amenities Within Public Access Areas). An outdoor cafe may be located within an #arcade# pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

A horizontal #enlargement# of the ground floor and second floor levels may be permitted within #arcades#, or portions thereof, located within Area A in Map 9 of Appendix A of this Chapter pursuant to the provisions of Section 91-83, and within Area B pursuant to the provisions of Section 91-841. In addition, a horizontal #enlargement# of 7,500 square feet or greater shall also require a special permit pursuant to Section 91-85. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections 91-83 and 91-837 (Subsequent design changes) and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation. In no event shall an #enlargement# be permitted within #arcades#, or portions thereof, located within Area C on Map 9 in Appendix A of this Chapter.

91-81 - Events Within Public Access Areas

LAST AMENDED
6/21/2016

The provisions of Article III, Chapter 7 restricting the temporary placement or storage of event-related amenities or equipment within a #publicly accessible open area# or #arcade# shall be modified by the provisions of this Section. The temporary placement or storage of event-related equipment or amenities in accordance with the provisions of this Section shall not constitute a design change pursuant to the provisions of Sections 37-625 or 91-837.

Events including, but not limited to, farmers' markets, holiday markets, concerts and performances, art and cultural exhibitions and festivals are permitted within all #publicly accessible open areas# and #arcades#. The utilization of a #publicly accessible open area# or #arcade# for the promotion of products or services shall not itself qualify as an event permitted under this Section.

Events shall be open to the public, provide free and unticketed admission and only be permitted to use amplified sound between the hours of 9:00 a.m. and 10:00 p.m. All #publicly accessible open areas# and #arcades# shall continue to be publicly accessible at all times. Event-related amenities and equipment shall be considered temporary permitted obstructions provided that sufficient circulation space connecting all #streets# and #building# entrances exists. All #publicly accessible open areas# and #arcades# shall be restored to their approved condition within 24 hours of the conclusion of an event.

The storage of equipment or materials outside of an event's scheduled hours, excluding time required for set up and clean up, shall not be permitted within a #publicly accessible open area# or #arcade#. However, for events taking place over multiple days or weeks, large temporary equipment that requires assembly and will be actively used during the event, such as stages, kiosks and sound and video entertainment systems, may remain in the #publicly accessible open area# or #arcade# outside of the event's scheduled hours.

At least 30 days prior to the scheduled date of an event, notification shall be given to the local Community Board, local Council Member and Borough President of the nature, size and duration of the event.

91-82 - Amenities Within Public Access Areas

LAST AMENDED
6/21/2016

The provisions of Article III, Chapter 7 restricting the placement of tables, chairs, shade umbrellas and heating lamps within a #publicly accessible open area# or #arcade# shall be modified by the provisions of this Section. The placement of tables, chairs, shade umbrellas or heating lamps in accordance with the provisions of this Section, inclusive, shall not constitute a design change pursuant to the provisions of Sections 37-625 or 91-837.

Publicly accessible tables and chairs, as well as shade umbrellas and heating lamps, shall be permitted obstructions within a #publicly accessible open area# or #arcade#, provided that such obstructions comply with the provisions of Section 91-822 (Requirements for furnishings), as applicable. Tables, chairs, shade umbrellas and heating lamps provided pursuant to this Section may be used by the public without restriction. Outdoor cafes may be placed within an #arcade# by certification pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

91-821 - Certification for outdoor cafes within arcades

LAST AMENDED
6/21/2016

An outdoor cafe may be permitted within an #arcade# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that, in addition to the provisions of this Section, the provisions of Section 91-822 (Requirements for furnishings) are met. An outdoor cafe that is permitted by this Section shall be a permanently unenclosed restaurant or eating or drinking place, which may have waiter or table service.

No portion of an outdoor cafe that is permitted by this Section may extend into a #publicly accessible open area# except where an open air cafe has been permitted by a certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

In order to certify that the proposed modification to an existing #arcade# is consistent with the provisions of this Section, the applicant shall submit to the Chairperson a site plan and other detailed plans demonstrating that the proposed obstructions within the existing #arcade# and, where applicable, pursuant to paragraph (a)(2) of Section 91-822, the adjacent #publicly accessible open area#, will comply with the provisions of this Section. The placement of publicly accessible tables and chairs within a #publicly accessible open area# pursuant to paragraph (a)(2) of Section 91-822 shall not constitute a design change pursuant to the provisions of Section 37-625.

All plans for #arcades# or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the #arcade#, pursuant to this Section. The filing and recording of such instrument shall be a precondition to certification. The filing and recording information shall be included on any temporary or final certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

91-822 - Requirements for furnishings

LAST AMENDED

The following provisions shall apply to all furnishings, including tables, chairs, shade umbrellas and heating lamps, permitted by Section 91-82 (Amenities Within Public Access Areas) and Section 91-821 (Certification for outdoor cafes within arcades).

(a) Size, location and other requirements

(1) Requirements for all furnishings

All furnishings shall be moveable. Permanent fixtures may be installed in the ground of a #publicly accessible open area# or #arcade# for the purposes of supporting shade umbrellas or heating lamps provided that such fixtures are flush-to-grade.

No furnishings shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths.

(2) Additional requirements for outdoor cafes located within #arcades#

Where an outdoor cafe is provided pursuant to Section 91-821, a minimum of four tables and 16 chairs shall be provided and made available to the public without restriction, which may be located within an #arcade# or within a #publicly accessible open area# and shall be outside of the permitted cafe boundary.

Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that they may be located no more than six inches below or on a platform no more than six inches above such adjoining sidewalk area or #publicly accessible open area#. The border of the outdoor cafe shall be permanently marked in accordance with the applicable standards for open air cafes set forth in paragraph (b) of Section 37-73.

Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the #arcade#, adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.

Litter receptacles shall be provided in accordance with the standards for #public plazas# set forth in Section 37-744.

(3) Circulation requirements for outdoor cafes located within #arcades#

For #arcades# with a depth of 10 feet or less, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, an unobstructed path not less than three feet wide shall be provided. For #arcades# with a depth greater than 10 feet, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, such unobstructed pedestrian way shall be increased to at least six feet. For #through block arcades#, an unobstructed pedestrian way, except for approved doorways, of at least eight feet shall be provided connecting each #street# on which the #through block arcade# fronts.

(b) Operation

(1) Requirements for all tables and chairs

Except as otherwise provided in paragraph (b)(2) of this Section, tables, chairs, shade umbrellas and heating lamps may be stored or secured within an #arcade# between the hours of 9:00 p.m. and 7:00 a.m., but may not be stored or secured within a #publicly

accessible open area#.

(2) Additional requirements for outdoor cafes located within #arcades#

Publicly accessible tables and chairs that are required by paragraph (a)(2) of this Section may not be removed or secured while the cafe is in active use.

All furnishings within the boundary of an outdoor cafe, including tables, chairs, shade umbrellas, bussing stations and heating lamps, shall be completely removed from the #arcade# when the outdoor cafe is not in active use, except that tables and chairs may remain in such #arcade# if they are unsecured and may be used by the public without restriction.

91-83 - Retail Uses Within Existing Arcades

LAST AMENDED
6/21/2016

A horizontal #enlargement# of the ground floor and second floor levels within an #arcade# located within Area A on Map 9 in Appendix A of this Chapter may be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that such #enlargement# complies with the provisions of this Section, and the following conditions are met:

(a) the horizontal #enlargement# meets the requirements of Section 91-831 (Ground floor requirements);

(b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plaza improvements, Section 91-834 for indoor public spaces, or Section 91-835 for alternative improvements; and

(c) the additional requirements of Section 91-836, as applicable.

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by condition (b) of this Section, and a certification for design changes pursuant to Section 37-625 shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to this Section or a prior authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades) may satisfy the requirements of condition (b) of this Section for a compensating amenity.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an #arcade# that did not generate a #floor area# bonus prior to June 21, 2016. The provisions of Section 91-831 (Ground floor requirements) shall not apply to such portion of the horizontal #enlargement#.

As part of the certification, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an #arcade#, and such #enlargement# shall not occupy any #publicly accessible open area#. The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where an #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section 91-85 shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to this Section and Section 91-837 (Subsequent design changes) and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the #arcade# remains open and accessible, such remaining #arcade# area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise. Any non-transparent portion of a #building# wall between columns that fronts on such #arcade# area shall be treated with artwork, planting or decorative material. Additional requirements for transparency in paragraph (c)(3) of Section 91-831 may apply.

91-831 - Ground floor requirements

LAST AMENDED
6/6/2024

The provisions of this Section shall apply to the #street wall# of the ground floor and second floor level #enlargement#. For the purposes of this Section, a #publicly accessible open area# or #through block arcade# shall be considered a #street#, and a #building# wall that faces a #publicly accessible open area# or #through block arcade# shall also be considered a #street wall#. The provisions of this Section for new #building# walls fronting on a #publicly accessible open area# shall also apply to new #building# walls fronting on a #through block arcade#, except as otherwise specified. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) Location of #enlargement#

(1) Location of new #building# walls

All new #building# walls shall extend to the full height of the #arcade#. New #building# walls may only be located between the column face closest to an existing #street wall# and the column face furthest from an existing #street wall# or the #street wall# location of the floor above, except that new #building# walls within an existing #through block arcade# that do not face a #street# may extend past the column face furthest from the existing #street wall# provided that the standards for #through block arcades# set forth in Section 12-10 (DEFINITIONS) and all other provisions of this Section are met. New #building# walls within an existing #through block arcade# that do not face a #street# shall not be required to extend for the full height of the #through block arcade#.

(2) Length of new #building# walls

An #enlargement# shall extend for the full length of the #street wall#, except for the locations specified on Map 9 in Appendix A of this Chapter and except if a corner #arcade# that adjoins the Water Street #street line# and another #street line# or #publicly accessible open area# is provided in accordance with the provisions of paragraph (c) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) which may provide a clear path 10 feet wide. However, an #enlargement# shall not be required along the length of the #street wall# occupied by an existing parking or loading entrance. Where an #enlargement# within an #arcade# extends along two or more #street walls#, the #enlargement# shall also include the area where the #arcade# areas intersect, except as otherwise provided in this Section, and the location of new #building# walls in such area shall be subject to the provisions of paragraph (a)(1) of this Section.

(b) Permitted #uses# within an #enlargement#

(1) Requirements for all frontages

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages subject to the provisions of this Section shall be considered #Tier C street frontages#. For the purposes of applying such regulations, the #minimum qualifying depth# shall be the depth set forth in Section 32-301, or the depth of the #enlargement#, whichever is less.

Defined terms in this Section include those in Sections 12-10 and 32-301

(c) Number of establishments

Along the longest #street wall# of the #ground floor level# #enlargement#, at least two establishments permitted by paragraph (b) of this Section shall be provided on the #ground floor level#. Frontage that is solely dedicated to access a #use# on a level other than the #ground floor level# shall not constitute an establishment for the purposes of this paragraph.

91-832 - Plaza improvements

LAST AMENDED
6/21/2016

A #publicly accessible open area# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by this Section, and as further modified by Section 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# with a maximum depth of less than 40 feet, as measured perpendicular to any #street line#. Subsequent

design changes to any #publicly accessible open area# improved pursuant to the provisions of such Sections may only be permitted pursuant to Section 91-837. The City Planning Commission may authorize a modification of the provisions of this Section and Section 91-833 pursuant to Section 91-842 (Authorization to modify design requirements).

(a) For the purposes of applying the provisions of this Section, any portion of the #publicly accessible open area# occupied by a garage entrance, driveway, loading berth or gratings for electrical vaults may be excluded from the calculation of the total area or total #street# frontage of the #publicly accessible open area#. Such area shall remain open and accessible to the public at all times.

(b) The area dimension requirements of Section 37-712, the locational restrictions of Section 37-713, the orientation restrictions of Section 37-714 and the requirements for major and minor portions of #public plazas# set forth in Sections 37-715 and 37-716, respectively, shall not apply.

(c) The #through block public plaza# provisions of Section 37-717 that require a setback along any #building# wall or walls that adjoin a #through block public plaza# or through #block# portion of a #publicly accessible open area# shall not apply.

(d) The sidewalk frontage provisions of Section 37-721 shall be modified as follows:

(1) the requirements of paragraph (a) may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain, provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, #arcade# or other portion of the #publicly accessible open area#.

(2) paragraph (b) shall be modified to allow planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of this Section to be located in such area.

(3) for #corner public plazas#, where there is a change in elevation permitted by paragraph (e) of this Section for the area within 15 feet of the intersection of any two or more #streets# on which the #publicly accessible open area# fronts, such area shall not be required to be at the same elevation as the adjoining public sidewalk, but must be free of obstructions except as may otherwise be provided in paragraph (d)(1) of this Section.

(e) The provisions of Section 37-722 (Level of plaza) shall be modified to permit any elevation of the #publicly accessible open area# existing on June 21, 2016, to remain.

(f) The provisions of Section 37-726 (Permitted obstructions) shall be modified as follows:

(1) paragraph (c) shall allow awnings above retail and service establishments that do not project into the #publicly accessible open area# more than three feet when measured perpendicular to the #building# facade. There shall be no limitation on the area or height of an awning, but in no event shall an awning for a retail or service establishment contain vertical supports.

(2) paragraph (d) shall allow garage entrances, driveways or loading berths fronting on a #publicly accessible open area# and existing on June 21, 2016, to remain, provided that they are separated from the remainder of the #publicly accessible open area# by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #publicly accessible open area#. A #building# trash storage facility may be accessed or serviced through the portion of a #publicly

accessible open area# that is occupied by a garage entrance, driveway or loading berth.

(g) The provisions of Section 37-742 (Planting and trees) may be modified where the Chairperson of the City Planning Commission has been provided with documentation sufficient to establish that subsurface conditions do not allow the required soil depth for shrubs or trees to be provided below-grade or within a planter with bounding walls no higher than 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall of such planter adjoins two or more walking surfaces with different elevations. A raised planter may be provided with bounding walls up to three feet for shrubs, or 3 feet, 6 inches for trees, provided that fixed seating with backs is integrated into the planter for at least 50 percent of the perimeter of the planter that is adjacent to a walking surface. If such planter, or any portion thereof, is located within ten feet of a #street line#, fixed seating with backs shall be integrated into at least 75 percent of the perimeter of the planter that is adjacent to a walking surface. Where it is demonstrated that no required trees can be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, the Chairperson may allow all trees to be planted within raised planters.

(h) The calculation of the minimum number of entry plaques required by paragraph (a) of Section 37-751 (Public space signage systems) may be modified for #publicly accessible open areas# that occupy more than one #street# frontage to alternatively require a minimum of one entry plaque at each #street# frontage of the #publicly accessible open area#, and to further require one additional entry plaque at each #street# frontage that measures 80 feet or more in length.

(i) The provisions of paragraphs (a) and (d) of Section 37-753 (Accessory signs) shall not apply. Each establishment fronting on the #publicly accessible open area# shall be permitted to have one or more #signs# with an aggregate area not to exceed the product of 12 square feet and the length of the establishment along the #publicly accessible open area# in linear feet, divided by 40 linear feet. In no event shall a #sign# exceed 16 square feet in area. #Signs# may be affixed

to the #building# wall or to awnings, or may project no more than 18 inches when measured perpendicular to the #building# facade, provided that such #sign# is located a minimum of 10 feet above the level of the #publicly accessible open area#.

(j) The provisions of paragraphs (a) and (b) of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses) shall not apply. The provisions of Section 91-831 (Ground floor requirements) shall apply to all new #building# walls fronting on the #publicly accessible open area#, and the following shall also apply:

(1) the #use# requirements of paragraph (b)(1) of Section 91-831 shall apply to all new establishments located along existing #building# walls fronting on a #publicly accessible open area#; and

(2) the provisions of paragraph (c) of Section 37-76 for existing #building# walls that are non-transparent shall apply except for frontage occupied by active loading and parking entrances.

(k) The provisions of Section 37-78 (Compliance) shall be modified as follows:

(1) paragraph (a) shall be modified to provide that no permit shall be issued by the Department of Buildings for any change to a #publicly accessible open area# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of this Section and Sections 91-833 or 91-837, as applicable; and

(2) paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section 37-70 as modified by this Section and, as applicable, Section 91-833, and that such report shall also be provided to the local Council Member.

91-833 - Special regulations for plazas less than 40 feet in depth

LAST AMENDED
6/21/2016

A #publicly accessible open area# with a maximum depth less than 40 feet measured perpendicular to any #street line# shall be improved in full accordance with the provisions of Section 37-70 (PUBLIC PLAZAS) as modified by Section 91-832 (Plaza improvements) and as further modified by this Section. Where a #publicly accessible open area# may be considered a #corner public plaza#, the maximum depth shall be measured from a #street line# to a #street wall#. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) The provisions of Section 37-721 (Sidewalk frontage) shall not apply. In lieu thereof, the provisions of this paragraph (a) shall apply to the area of the #publicly accessible open area# located within 10 feet of a #street line# or sidewalk widening line.

(1) At least 40 percent of such area shall be free of obstructions and, in addition:

(i) to facilitate pedestrian access at least 40 percent of the frontage along each #street line# or sidewalk widening line of the #publicly accessible open area# shall be free of obstructions; and

(ii) such unobstructed access area shall extend to a depth of 10 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

The requirement of this paragraph for unobstructed access may be reduced to the minimum extent necessary to allow existing walls or structures within such area to remain provided that such walls or structures do not increase in height or length along the #street# frontage, and all portions of the #publicly accessible open area# are accessible from a #street#, #arcade# or other portion of the #publicly accessible open area#.

(2) In the remaining 60 percent or more of such area, the provisions of paragraph (b) of Section 37-721 shall apply, except that no more than 40 continuous linear feet of any #street# frontage occupied by a #publicly accessible open area# may be obstructed. Furthermore, planters with bounding walls that exceed a height of two feet that are permitted by paragraph (g) of Section 91-832 may be located in such area.

(3) For #corner public plazas#, the requirements of this paragraph (a) shall apply separately to each #street# frontage, and the area within 10 feet of the intersection of any #street# and Water Street or Wall Street shall be at the same elevation as the adjoining public sidewalk, except where there is a change in elevation permitted by paragraph (e) of Section 91-832, and such area shall be free of obstructions except as may otherwise be provided in paragraph (a)(1) of this Section.

(b) The provisions of Section 37-723 (Circulation paths) shall be modified so that the required circulation path of at least eight feet clear width shall be located adjacent to the #street wall# and shall extend for at least 80 percent of the length of such #street wall#. Where there are multiple #street walls#, the provisions of this paragraph shall apply separately to each frontage. In addition to the obstructions that are permitted within circulation paths, moveable tables and chairs, fixed seating and planting beds not exceeding six inches above any adjacent walking surface shall also be considered permitted obstructions provided that an unobstructed path of at least five feet wide is provided.

Where an open air cafe pursuant to Section 37-73 (Kiosks and Open Air Cafes) is provided adjacent to a #building# wall, such open air cafe may occupy a portion of the required circulation path provided that there is an unobstructed clear path of at least six feet wide between the #building# wall and any furnishings of the open air cafe. The unobstructed path shall be included in the calculation of the area occupied by the open air cafe.

(c) The provisions of Section 37-741 (Seating) that require seating within 15 feet of the #street line# shall not apply to #street# frontages that measure less than 40 feet in length.

(d) The provisions of Section 37-742 (Planting and trees) shall be further modified as follows:

(1) For #publicly accessible open areas# with an area less than 2,000 square feet, the number of required trees shall be reduced to two, and only one tree shall be required to be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings, except as may be modified by paragraph (g) of Section 91-832.

(2) The total area of required planting beds may not be concentrated within one continuous planter or planting bed, except when a #publicly accessible open area# has an area of 1,000 square feet or less.

(e) The provisions of Section 37-746 (Drinking fountains) shall be modified to require only #publicly accessible open areas# containing an area of 2,000 square feet or more to provide a minimum of one drinking fountain.

91-834 - Indoor public spaces

LAST AMENDED
6/21/2016

Indoor public spaces are enclosed, climate-controlled areas on a #zoning lot# intended for public use and enjoyment. The standards contained within this Section are intended to serve the same purposes outlined for #public plazas# in Section 37-70. The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section 91-842 (Authorization to modify design requirements).

(a) Indoor public spaces shall contain an area of not less than 2,000 square feet and have a minimum width and depth, at any point, of 20 feet. Indoor public spaces shall be located on the ground floor level, shall be directly accessible from all #streets# or #publicly accessible open areas# that the space fronts, and shall extend, at a minimum, for the full height of the ground floor level.

(b) Indoor public spaces shall be fully enclosed, and the transparency requirements of paragraph (c) of Section 91-831 (Ground floor requirements) shall apply to all #street walls# or #building# walls facing a #publicly accessible open area#. The space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least

equal to those of the lobby for the principal #use# of the #building#.

(c) Public access to the indoor public space shall be provided, at a minimum, between the hours of 6:00 a.m. to 12:00 a.m. The hours of access shall be included on all required entry plaques and information plaques in accordance with the provisions of Section 37-751 (Public space signage systems) and paragraph (i) of this Section.

(d) The provisions of Sections 37-718 (Paving), 37-722 (Level of plaza), 37-728 (Standards of accessibility for persons with disabilities), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-748 (Additional amenities), 37-752 (Prohibition signs), 37-753 (Accessory signs) and 37-77 (Maintenance) shall apply.

(e) The provisions of Section 37-723 (Circulation paths) for #through block public plazas# shall apply to #through block arcades# except as otherwise provided in Section 91-821 (Certification for outdoor cafes within arcades) when a cafe is provided. Trees planted flush-to-grade that measure less than four caliper inches at the time of planting, as permitted by paragraph (h) of this Section, shall not be considered permitted obstructions within circulation paths.

(f) The provisions of paragraphs (a) and (b) of Section 37-726 (Permitted obstructions) shall apply. A kiosk shall be a permitted obstruction provided that the requirements of paragraph (a) of Section 37-73 (Kiosks and Open Air Cafes) are met. A certification pursuant to Section 37-73 shall not be required to locate a kiosk within an indoor public space. A cafe permitted by certification pursuant to Section 91-821 shall be considered a permitted obstruction within an indoor public space and may not occupy more than 20 percent of the indoor public space area.

(g) The provisions of Section 37-741 for seating shall apply, except as modified as follows:

(1) The requirements for seating within 15 feet of a #street line# shall not apply.

(2) All of the linear seating capacity may be in moveable seats. Any moveable seats that are provided must remain in the indoor public space during the hours of operation.

(3) The requirement that seats that face walls must be a minimum of six feet from such wall shall only apply to fixed seating.

(h) The requirements of Section 37-742 for planting and trees shall apply, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.

(i) Public space signage shall be provided in accordance with the provisions of Section 37-751, except as modified as follows:

(1) An information plaque shall be provided at each point of pedestrian entry to the indoor public space. Information plaques for #through block arcades# shall also include lettering stating "PUBLIC ACCESS TO ____ STREET" indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol. Furthermore, a minimum of one additional information plaque shall be provided within the indoor public space.

(2) Paragraph (c) shall not apply.

(j) All indoor public spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of

Section 37-743 for a lighting schedule, a diagram of light level distribution and electrical power shall apply.

(k) The #use# requirements of paragraph (b) and the lobby requirements of paragraph (c)(2) of Section 91-831 shall apply to all #building# walls fronting on an indoor public space that do not face a #street# or #publicly accessible open area#. The provisions of paragraph (c) of Section 37-76 for new or existing #building# walls that are non-transparent shall apply.

(l) The provisions of Section 37-78 (Compliance) shall be modified as follows:

(1) paragraph (a) shall not apply; and

(2) paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section 37-70 as modified by this Section, and that such report shall also be provided to the local Council Member.

Subsequent design changes to any indoor public space that was subject to the provisions of this Section may only be permitted pursuant to Section 91-837 (Subsequent design changes).

91-835 - Alternative improvements

LAST AMENDED
6/21/2016

A permanent amenity other than the improvement of an existing #publicly accessible open area# pursuant to the provisions of Section 91-832 or the provision of an indoor public space pursuant to the provisions of Section 91-834 may be provided for the properties listed in this Section. The City Planning Commission may authorize an improvement not listed in this Section pursuant to Section 91-843 (Authorization to modify requirements for alternative improvements).

Building Address	Required Alternative Improvement
175 Water Street	Area C on Map 9 in Appendix A of this Chapter, the open area along John Street and the open area along Front Street with a minimum depth of 15 feet measured perpendicular to the Front Street #street line# shall be improved in accordance with the provisions of Sections 91-832 and 91-833. Such open area and remaining #arcade# area shall be considered one contiguous public space and shall be accessible to the public at all times.
100 Wall Street	Maintenance of Manahatta Park between Water Street and Front Street for the life of the #building#.

110 Wall Street	Maintenance of Manahatta Park between Front Street and South Street for the life of the #building#.

91-836 - Additional requirements

LAST AMENDED
6/21/2016

(a) Legal requirements

All plans for #arcades#, #publicly accessible open areas#, required open areas, and indoor public spaces that are the subject of a certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) shall be filed and duly recorded in the New York County Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson of the City Planning Commission, providing notice of the certification pursuant to Section 91-83. The filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where compensating amenity required by condition (b) of Section 91-83 is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for such #enlargement# until the compensating amenity has been substantially completed in accordance with the approved plans, as certified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to

Section 91-835 (Alternative improvements), the commitment to provide or maintain such compensating amenity shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Chairperson, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Modifications to the declaration required by this paragraph may only be allowed upon approval by the Chairperson.

(b) Existing approvals by the Board of Standards and Appeals

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the application pursuant to Section 91-83 shall be referred for thirty (30) days to the Board of Standards and Appeals who shall certify to the Department of City Planning whether such application would not result in a departure from the findings and conditions specified in the original approval.

(c) Community Board review

No earlier than the date on which the application for certification pursuant to Section 91-83 is filed, a copy of the application shall be submitted by the applicant to the affected Community Board and local Council Member for 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments

regarding such proposal or informed the Chairperson that the Community Board has no comments.

91-837 - Subsequent design changes

LAST AMENDED
6/21/2016

Design changes to any #publicly accessible open area#, required open area or indoor public space previously improved pursuant to the provisions of Sections 91-832 (Plaza improvements) or 91-834 (Indoor public spaces) may only be made upon certification by the Chairperson of the City Planning Commission that such changes would result in a #publicly accessible open area# or indoor public space that is compliant with the Section under which it was previously approved. As part of the certification, a horizontal #enlargement# on the ground floor level may be permitted along existing #building# walls that face the #publicly accessible open area# and do not face an #arcade#, but such #enlargement# shall not occupy any #publicly accessible open area#. The locational requirements of paragraph (a)(1) of Section 91-831 (Ground floor requirements) and the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply. The legal requirements of paragraph (a) of Section 91-836 shall apply.

91-84 - Authorizations

LAST AMENDED
6/21/2016

91-841 - Authorization for retail uses within existing arcades

LAST AMENDED
6/6/2024

The City Planning Commission may authorize a horizontal #enlargement# of the ground floor and second floor levels within an #arcade# located within Area B on Map 9 in Appendix A of this Chapter. In order to grant an authorization, the Commission shall find that:

(a) the requirements of Section 91-831 (Ground floor requirements) are met;

(b) a compensating amenity is provided pursuant to the provisions of Section 91-832 for plazas, Section 91-834 for indoor public spaces or Section 91-835 for alternative improvements;

(c) sufficient unobstructed space exists adjacent to the proposed #enlargement# to facilitate pedestrian circulation; and

(d) the #enlargement# will maintain a visual or physical connection to Water Street from another #street#, #public park# or #publicly accessible open area#.

As part of the authorization, the Commission may modify the requirements for the location of new #building# walls of paragraph (a) of Section 91-831.

For #zoning lots# with one or more #publicly accessible open area#, unless an alternative improvement has been identified in Section 91-835, an improvement to all #publicly accessible open areas# pursuant to the provisions of Section 91-832 shall be required as the compensating amenity required by finding (b) of this Section, and a certification for design changes pursuant to Section 37-625 shall not be required. Where a #publicly accessible open area# was improved and is fully compliant with a prior certification pursuant to Section 37-625 that was granted before January 19, 2016, the further improvement of such #publicly accessible open area# shall not be required.

The provision of a compensating amenity as part of a prior certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades) or a prior authorization pursuant to this Section may satisfy the requirement of finding (b) of this Section for a compensating amenity.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted within the area between a #street wall# and an #arcade# that did not generate a #floor area# bonus prior to June 21, 2016. The provisions of Section 91-831 shall not apply to such portion of the horizontal #enlargement#.

As part of the authorization, a horizontal #enlargement# of the ground floor level may be permitted along existing #building# walls that do not face an #arcade#. The locational requirements of paragraph (a)(1) of Section 91-831 and the frontage prohibitions of paragraph (b)(1)(ii) of Section 91-831 shall apply to such #enlargement#. Where the #enlargement# is located adjacent to a #publicly accessible open area#, the #use# and transparency requirements of Section 91-831 for new #building# walls facing a #publicly accessible open area# shall apply.

For a horizontal #enlargement# of 7,500 square feet or greater, a special permit pursuant to Section 91-85 shall also be required. For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by prior certifications pursuant to Sections 91-83 and 91-837 (Subsequent design changes) and prior authorizations pursuant to this Section shall be included in such calculation, except the area of an indoor public space shall be excluded from such calculation.

Where any portion of the #arcade# remains open and accessible, such remaining #arcade# area shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise.

All plans for #arcades#, #publicly accessible open areas#, required open areas and indoor public spaces, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Commission, providing notice of the authorization pursuant to this Section. The

filing and recording of such instrument shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. Where a compensating amenity required by paragraph (b) of this Section is located on the same #zoning lot# as an #enlargement#, no temporary or final certificate of occupancy shall be issued for any #enlargement# unless and until the compensating amenity has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning to the Department of Buildings.

Where a compensating amenity is located within a #street# or #public park# pursuant to Section 91-835 (Alternative improvements), the applicable legal requirements of Section 91-836 (Additional requirements) shall apply.

Where a #zoning lot# is subject to a variance or special permit that was granted by the Board of Standards and Appeals, the requirements of paragraph (b) Section 91-836 shall apply.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-842 - Authorization to modify design requirements

LAST AMENDED
6/21/2016

The City Planning Commission may authorize a modification of the requirements of Section 91-831 (Ground floor requirements), the provisions of Sections 91-832 (Plaza improvements) and 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section 91-834 for indoor public spaces. In no event shall an #enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 of Appendix A of this Chapter.

In order to grant such authorization, the Commission shall find:

(a) the location, #use#, access, size and treatment of the #enlargement# would result in a superior urban design relationship with the surrounding #streets#, #buildings# and open areas;

(b) the usefulness and attractiveness of the #publicly accessible open area#, required open area or indoor public space will be assured by the proposed layout and design, and that such modification will result in a superior urban design relationship with surrounding #streets#, #buildings# and public open areas; and

(c) any waiver of required amenities and circulation paths is the minimum necessary to create a better site plan.

The Commission may prescribe appropriate conditions and controls to enhance the relationship between the #enlargement#, #publicly accessible open area#, required open area or indoor public space and the surrounding #streets#, #buildings# and open areas.

91-843 - Authorization to modify requirements for alternative improvements

LAST AMENDED
6/21/2016

The City Planning Commission may authorize an alternative improvement not listed in Section 91-835 provided that the Commission finds that the new amenity will better serve the purpose of the Water Street Subdistrict described in Section 91-00 (GENERAL PURPOSES).

As a condition of the authorization, for a compensating amenity that is located within a #street# or #public park#, the commitment to provide or maintain such compensating amenity shall be duly

recorded in the form of a signed declaration of restrictions, including a maintenance agreement with the Department of Parks and Recreation or other relevant agency, indexed against the #zoning lot#, binding the owners, successors and assigns. Such declaration or maintenance agreement may require security in the form of a bond or letter of credit to ensure that the compensating amenity is maintained in accordance with the declaration or maintenance agreement. The form and content of the legal instrument shall be satisfactory to the Commission, and the filing of such instrument in the New York County Office of the City Register shall be a precondition to the issuance of a building permit. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-85 - Special Permit for Enlargements of 7,500 Square Feet or Greater

LAST AMENDED6/21/2016

In addition to any certification pursuant to Section 91-83 (Retail Uses Within Existing Arcades), inclusive, or an authorization pursuant to Section 91-841 (Authorization for retail uses within existing arcades), the City Planning Commission may permit a horizontal #enlargement# of 7,500 square feet or greater within Areas A or B on Map 9 in Appendix A of this Chapter, provided that the Commission finds that the public amenity or improvement that is provided on the #zoning lot# is of equal or greater benefit to the public than the #arcade# to be eliminated or reduced.

For the purposes of calculating the total area of the horizontal #enlargement# that is subject to the special permit, the aggregate area of the horizontal #enlargement# permitted by any prior certification pursuant to Section 91-83, inclusive, and prior authorizations pursuant to Section 91-841 shall be included in such calculation, except the area of an indoor public space provided in accordance with

the provision of Section 91-834 (Indoor public spaces) shall be excluded from such calculation.

As part of the special permit, the Commission may modify the requirements of Section 91-831 (Ground floor requirements), the provisions of Sections 91-832 (Plaza improvements) and 91-833 (Special regulations for plazas less than 40 feet in depth) for #publicly accessible open areas# and the provisions of Section 91-834 for indoor public spaces. In no event shall an #enlargement# be permitted within a #publicly accessible open area# or other required open area unless specified on Map 9 in Appendix A of this Chapter.

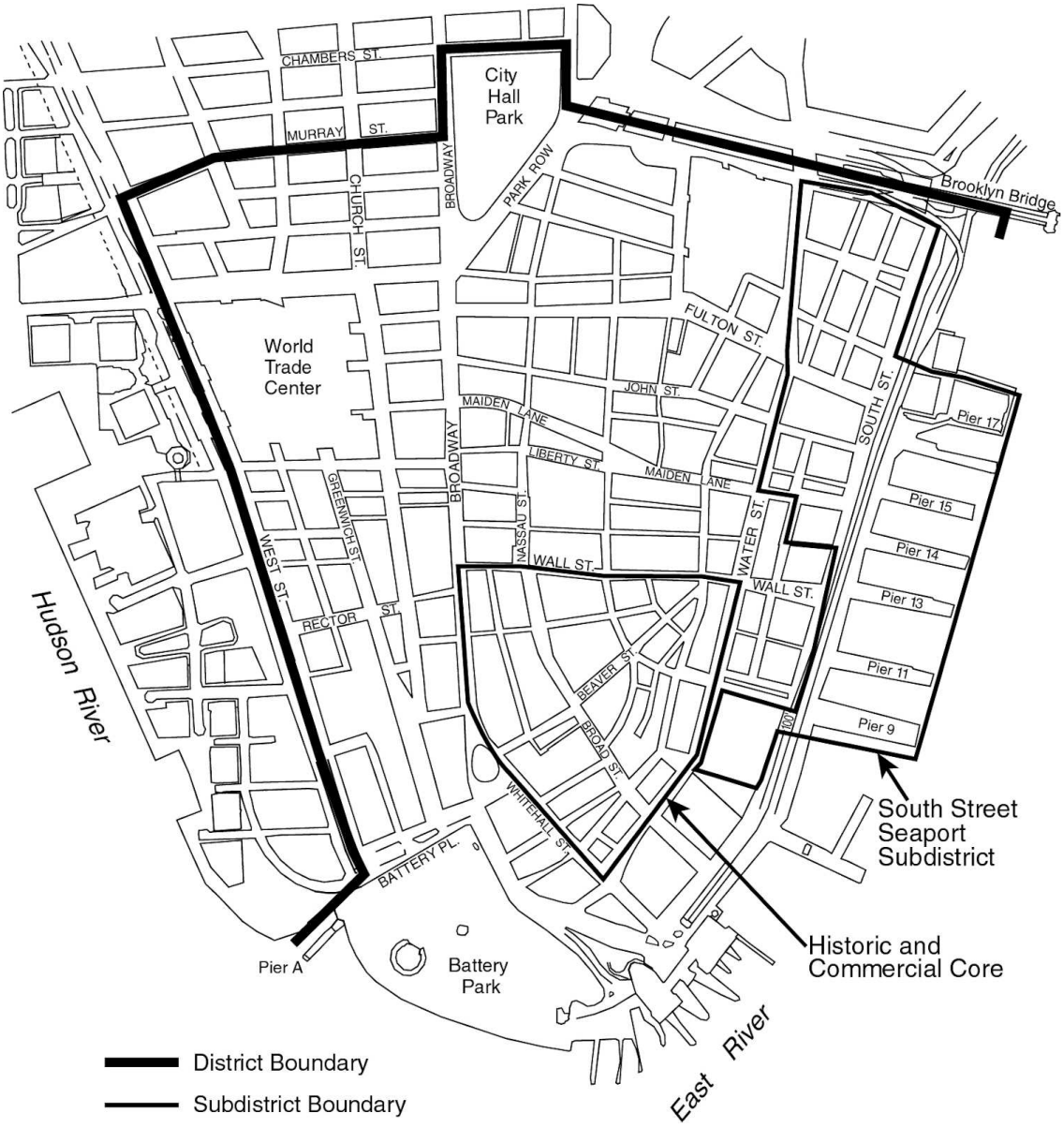
The Commission may prescribe additional conditions and safeguards to enhance the relationship between the #enlargement# and the surrounding #streets#, #buildings# and public open areas.

Appendix A - Lower Manhattan District Plan Maps

LAST AMENDED
6/12/2013

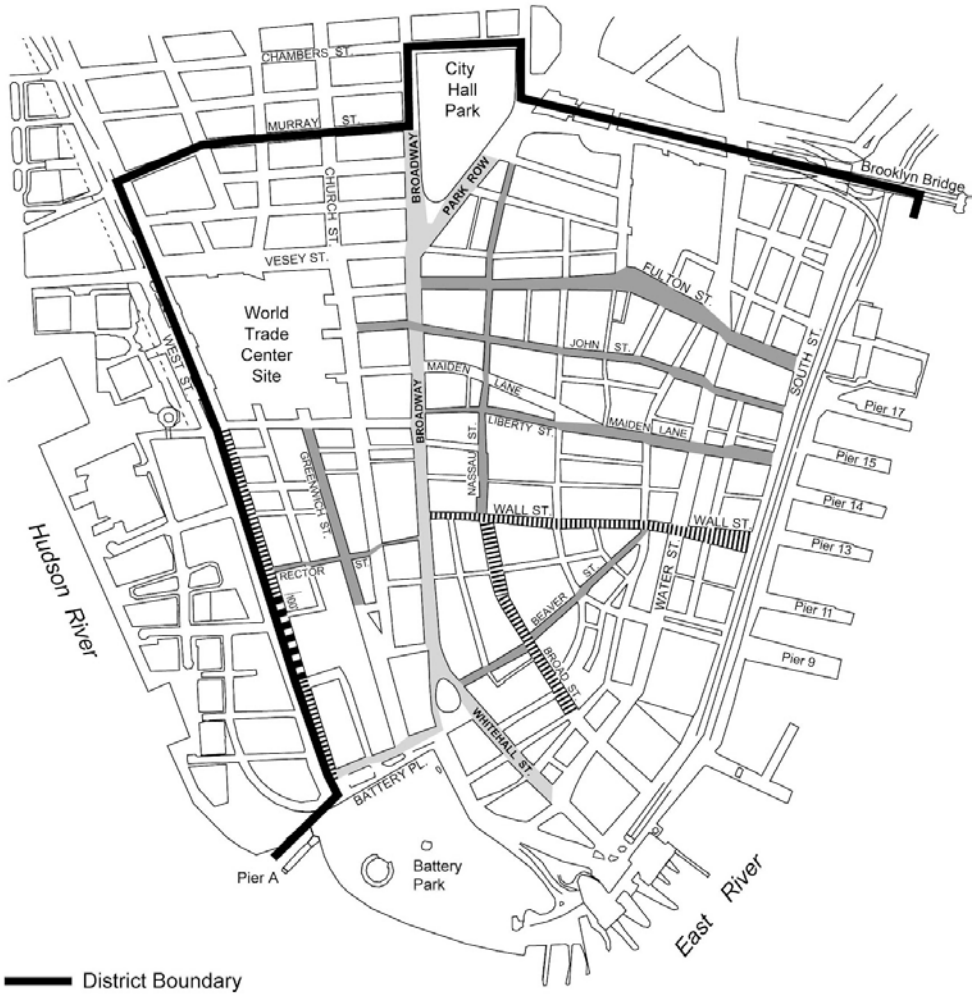
(12/11/01)

Map 1 — Special Lower Manhattan District (91-A1)


CHAMBERS ST.
City Hall Park
MURRAY ST.
BROADWAY
PARK ROW
Brooklyn Bridge
CHURCH ST.
FULTON ST.
World Trade Center
JOHN ST.
MAIDEN LANE
SOUTH ST.
Pier 17
LIBERTY ST.
MAIDEN LANE
BROADWAY
GREENWICH ST.
NASSAU ST.
WATER ST.
Pier 15
Pier 14
WEST ST.
WALL ST.
WALL ST.
Pier 13
RECTOR ST.
Hudson River
BEAVER ST.
Pier 11
BROAD ST.
Pier 9
WHITEHALL ST.
South Street Seaport Subdistrict
BATTERY PL.
Historic and Commercial Core
Pier A
Battery Park
East River
District Boundary
Subdistrict Boundary

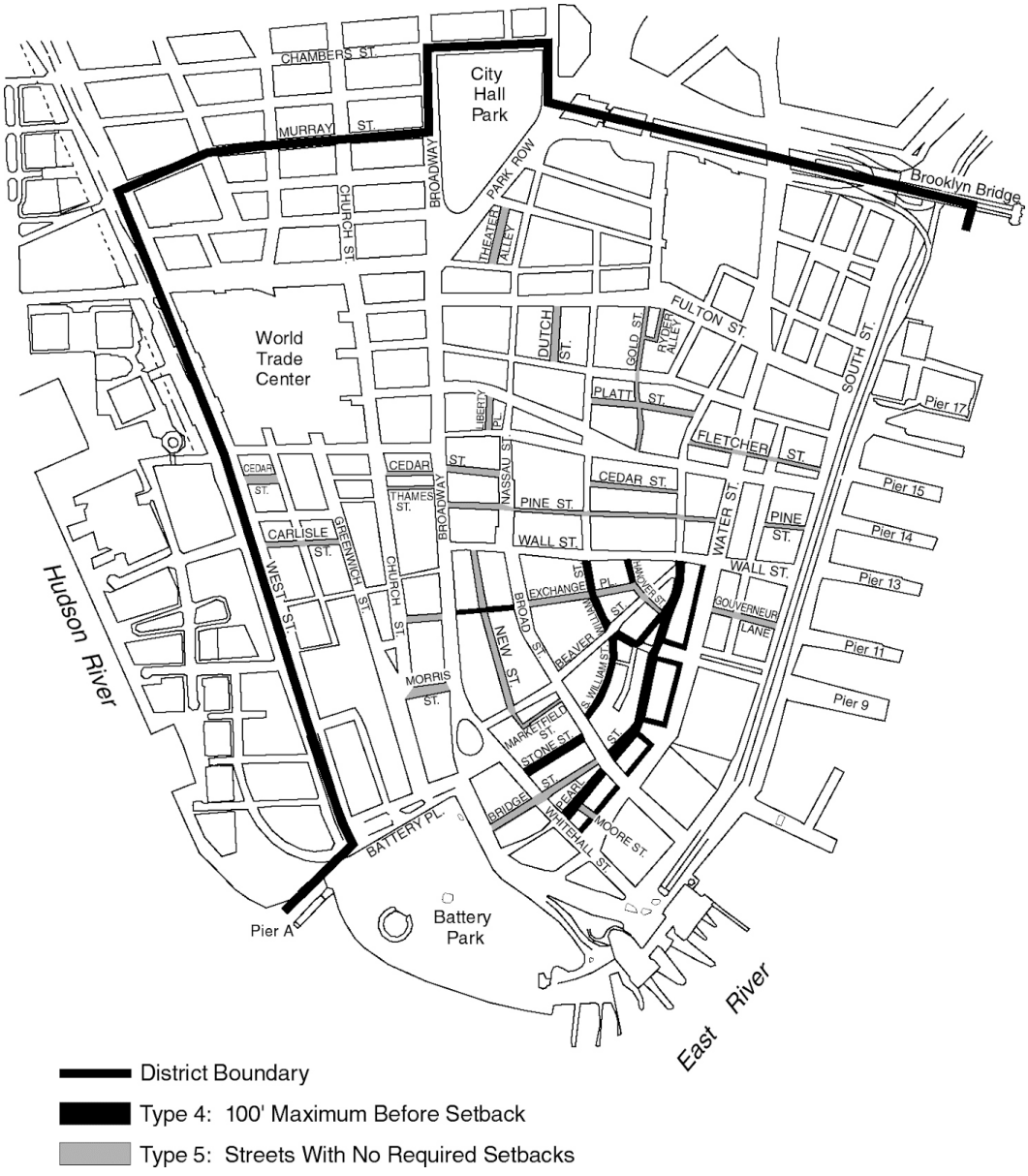
(11/15/07)

Map 2 — Street Wall Continuity Types 1, 2A, 2B and 3 (91-A2)



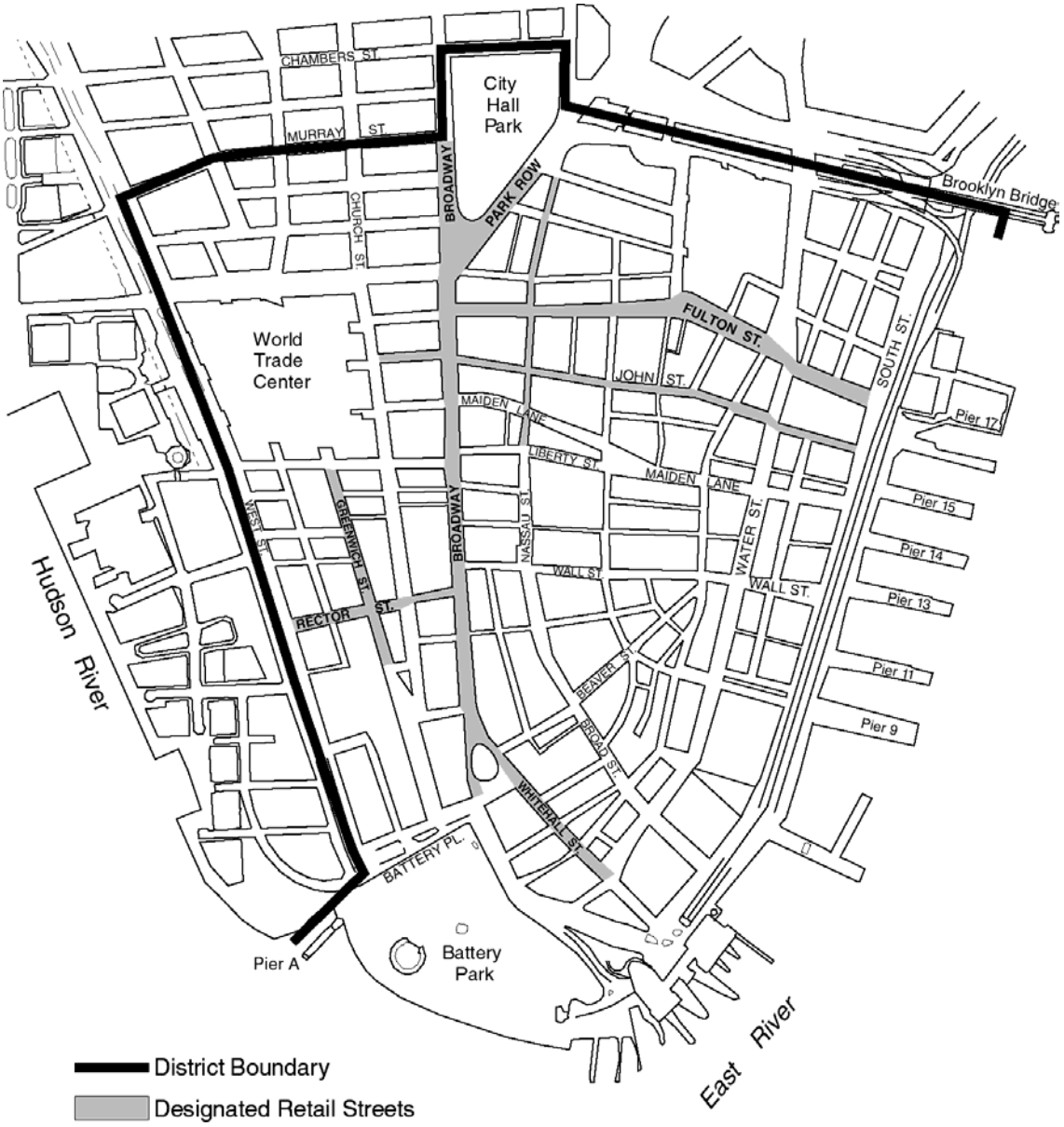
(8/27/98)

Map 3 — Street Wall Continuity Types 4 & 5 (91-A3)



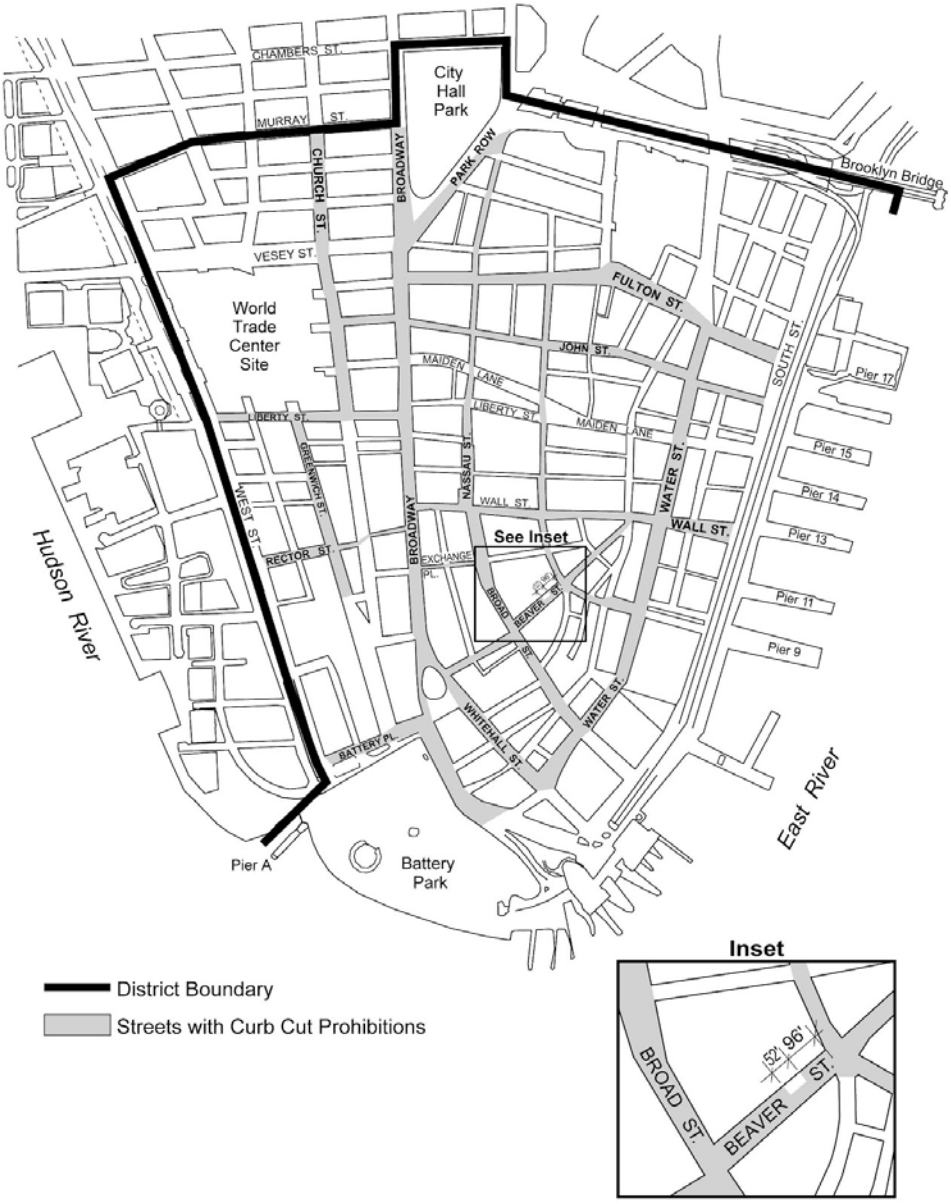
(8/27/98)

Map 4 — Designated Retail Streets (91-A4)



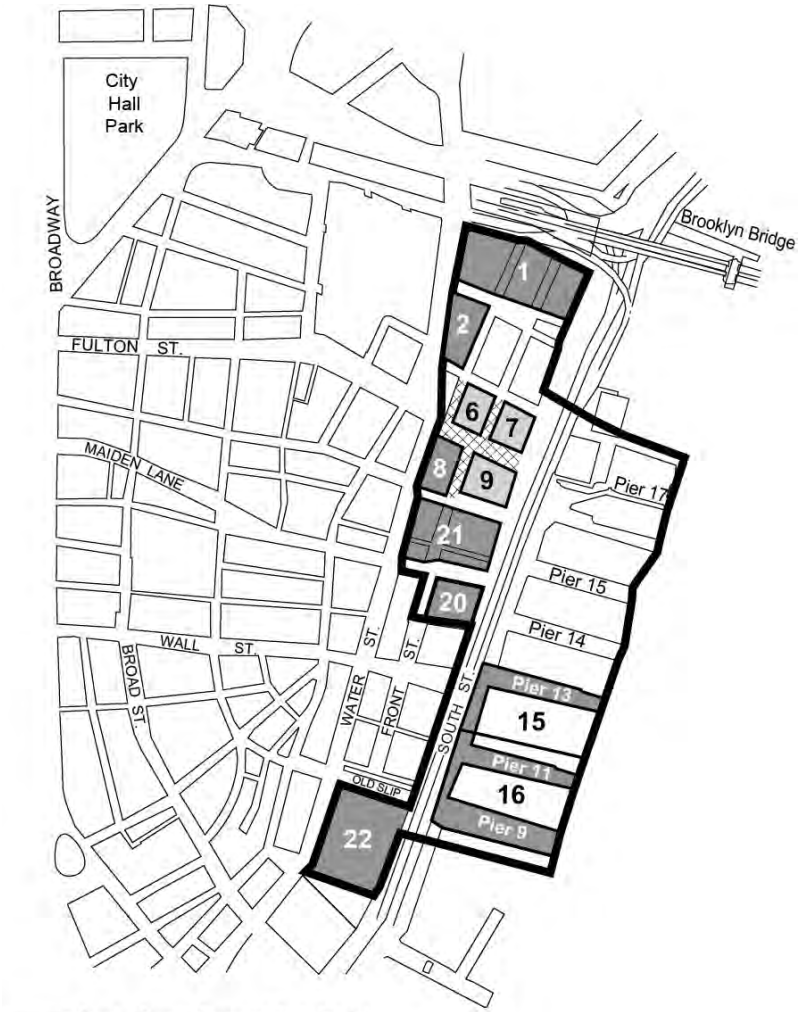
(12/21/09)

Map 5 — Curb Cut Prohibitions (12/21/09) (91-A5)



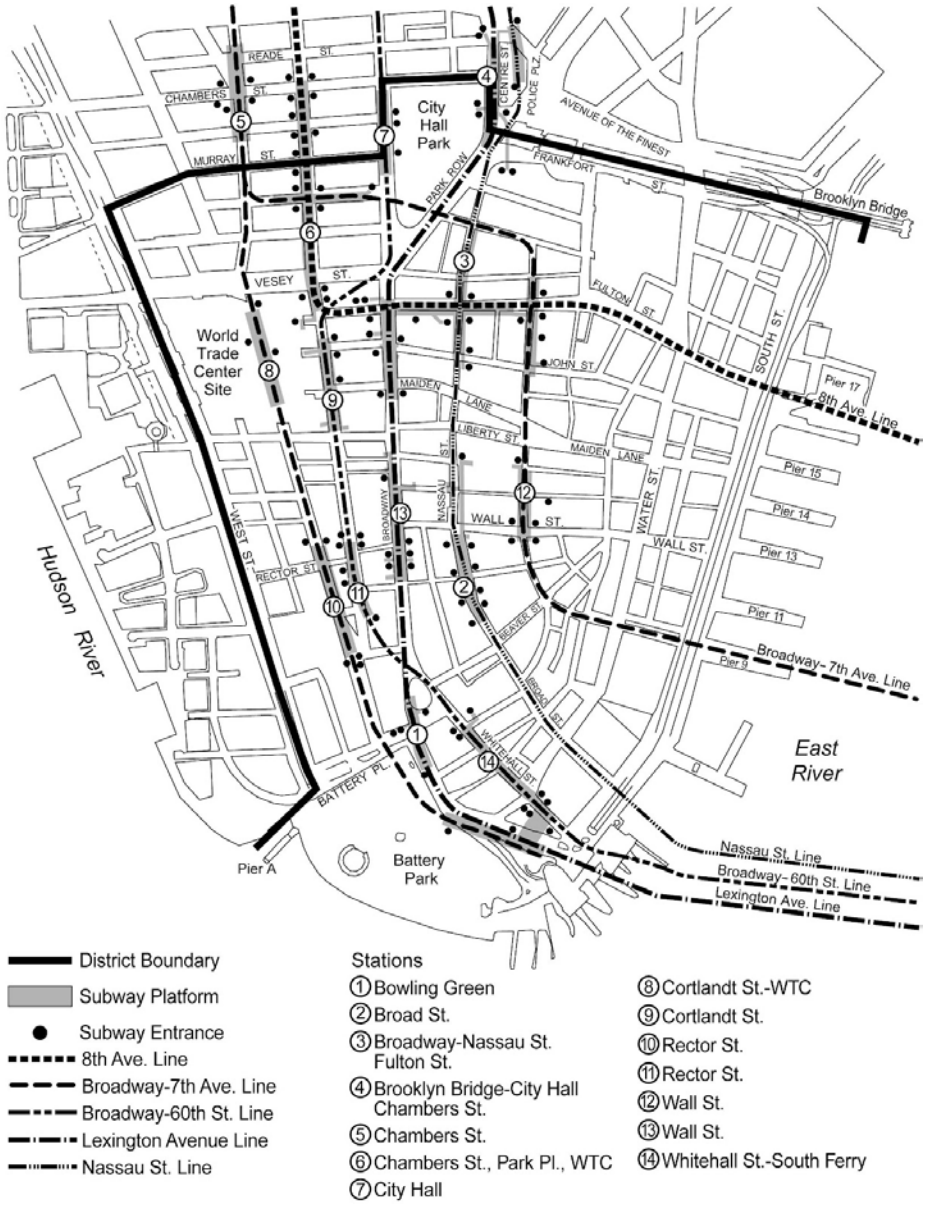
(12/15/21)

Map 6 — South Street Seaport Subdistrict (91-A6)



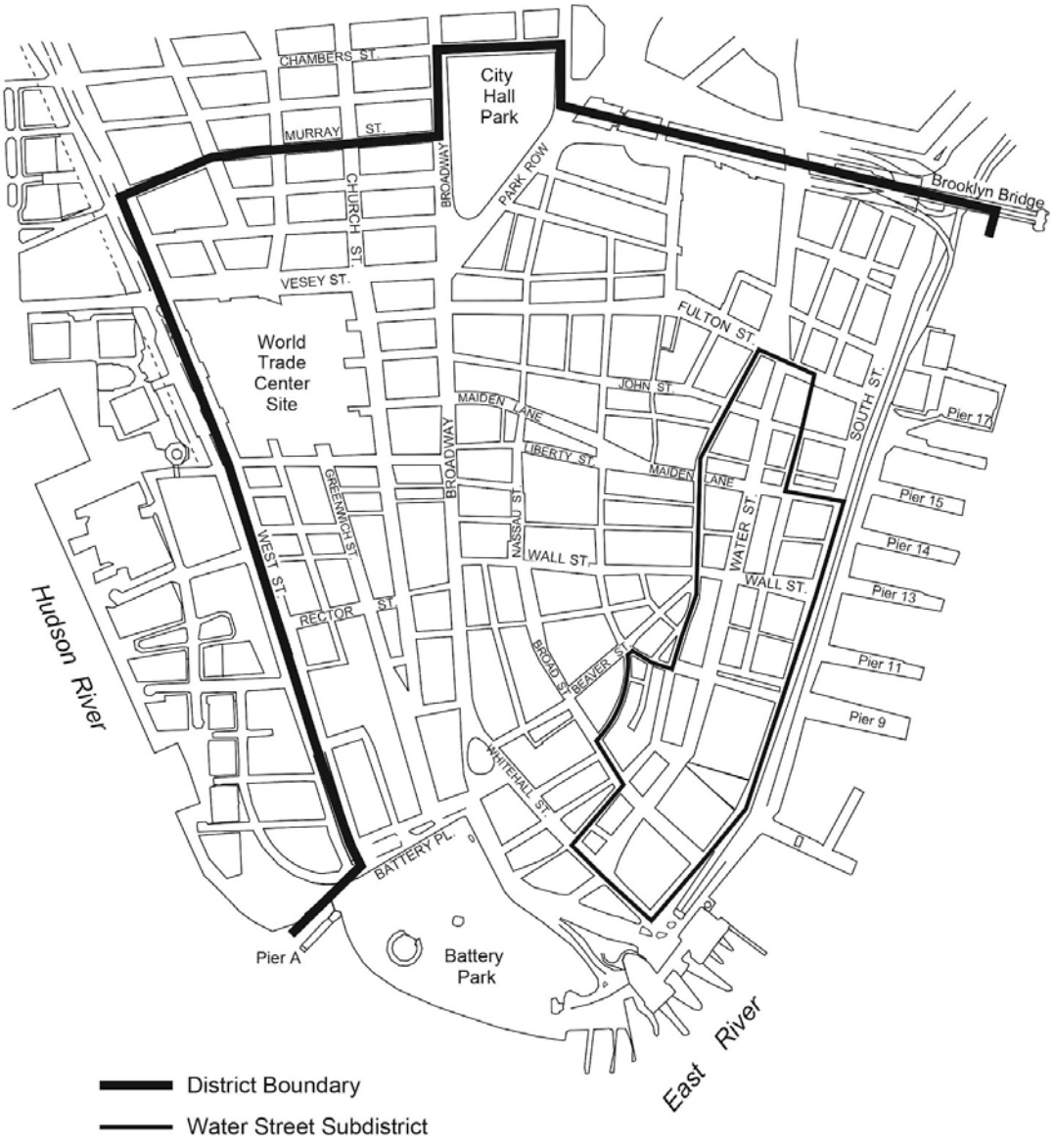
(2/2/11)

Map 7 — Subway Station Improvement Areas (91-A7)



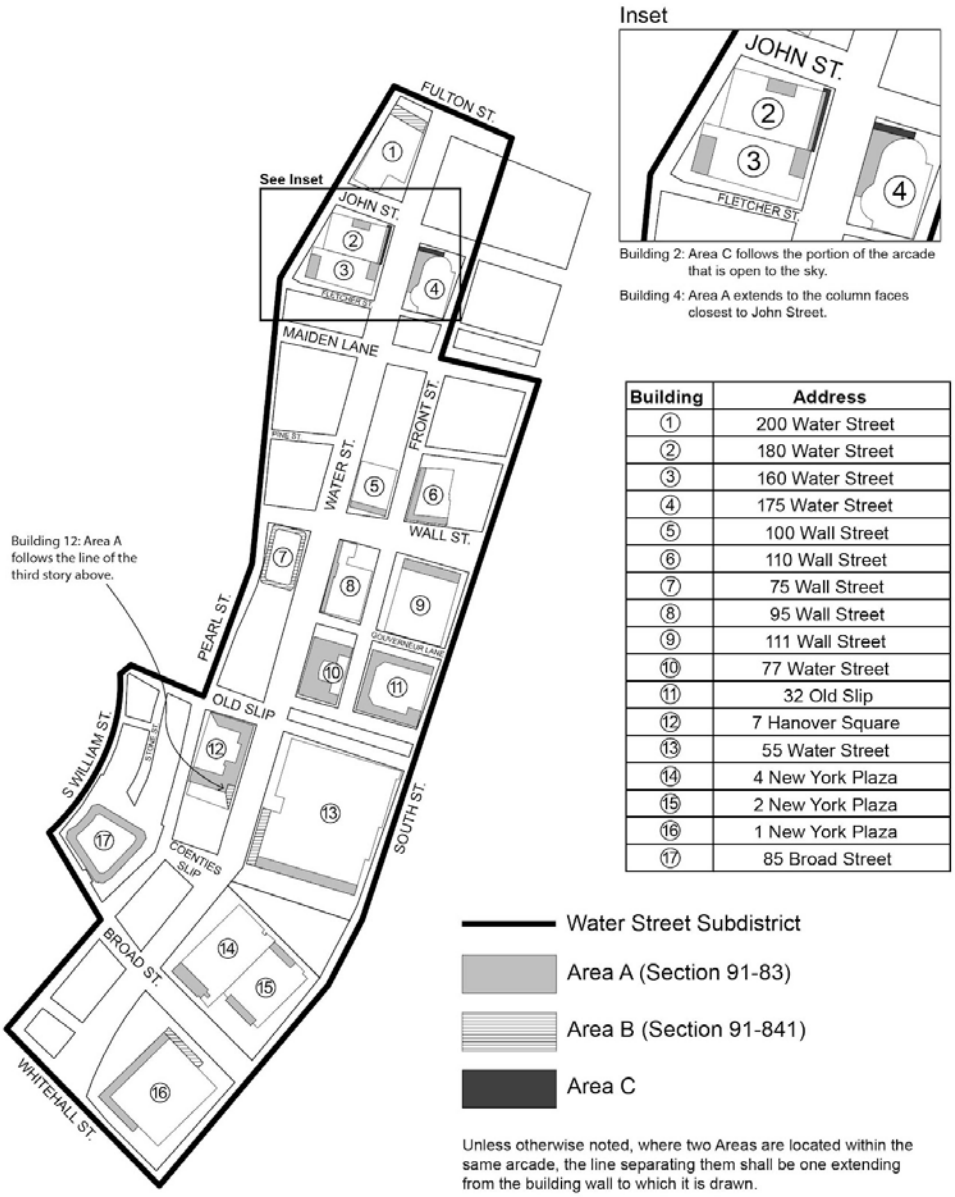
(6/21/16)

Map 8 — Water Street Subdistrict (91-A8)



(6/21/16)

Map 9 — Water Street Subdistrict Arcades (91-A9)



Building	Address
①	200 Water Street
②	180 Water Street
③	160 Water Street
④	175 Water Street
⑤	100 Wall Street
⑥	110 Wall Street
⑦	75 Wall Street
⑧	95 Wall Street
⑨	111 Wall Street
⑩	77 Water Street
⑪	32 Old Slip
⑫	7 Hanover Square
⑬	55 Water Street
⑭	4 New York Plaza
⑮	2 New York Plaza
⑯	1 New York Plaza
⑰	85 Broad Street

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Special Park Improvement District (PI)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 2 - Special Park Improvement District (PI)

92-00 - GENERAL PURPOSES

LAST AMENDED
4/23/1973

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

(a) to preserve and protect the unique character and architectural quality of the residential part of Fifth Avenue and Park Avenue which includes many landmarks and other cultural buildings;

(b) to provide alternatives to plaza and arcade development along Fifth Avenue and Park Avenue which are redundant in view of the existence of Central Park and the Park Avenue malls;

(c) to channel private expenditures which would otherwise be spent on redundant facilities into development, beautification and maintenance of proximate public parks and other public areas;

(d) to encourage the development of buildings compatible with the height of present development; and

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

92-01 - Definitions

LAST AMENDED
2/2/2011

Development

For purposes of this Chapter a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement# involving an increase in #lot coverage#.

92-02 - General Provisions

LAST AMENDED
10/7/2021

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

For the purposes of this Chapter, Duke Ellington Circle, located at the intersection of Fifth Avenue and East 110th Street, shall be considered a separate #street#.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

92-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/5/2024

For any #zoning lot# located between Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Streets:

(a) #commercial# #uses# shall only be permitted beyond 100 feet of Fifth Avenue and shall be restricted to #uses# listed under Offices in Use Group VII;

(b) the underlying district #sign# regulations shall not apply. In lieu thereof, #signs# #accessory# to a #commercial# #use# shall conform with all the #sign# regulations applicable in C1 Districts, except that #illuminated signs# shall not be permitted and, within 100 feet of Fifth Avenue, signs shall conform with the #sign# regulations for #Residence Districts# set forth in Section 22-20; and

(c) the underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that any #ground floor level# #use# limitations shall be modified to reflect the #use# provisions of this Section.

92-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

92-21 - Special Floor Area Regulations

LAST AMENDED
8/14/2025

The underlying #floor area# regulations shall apply except as modified in this Section.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions). No other #floor area# bonuses shall be permitted.

92-22 - Mandatory Front Building Walls Along Certain Street Lines

LAST AMENDED
12/5/2024

(a) Except as provided in paragraph (b) of this Section, the front #building# wall for all #developments# on #zoning lots# having frontage on Fifth Avenue or Park Avenue, and within 50 feet of their intersection with the #street lines# of Fifth Avenue or Park Avenue, the #street wall# location provisions of paragraph (a) of Section 35-631 (Street wall location) shall apply to all #street# frontages, except that the #street wall# shall extend without any articulation up to a height of 125 feet above #curb level# or the full height of the #building#, whichever is less. Above the height of 150 feet above #curb level#, the provisions of Section 23-433 (Standard setback regulations) shall apply. The mandatory front #building# wall requirements are optional for the next 20 feet along the #street line# of a #narrow street# or for the next 75 feet along the #street line# of a #wide street#. However, where the front wall of a #building# with a height less than 125 feet above #curb level# was constructed with a setback from the #street

lines#, #enlargement# of such #building# may be permitted by vertical extension of its existing #building# wall.

(b) For any #zoning lot# having frontage on Fifth Avenue or Duke Ellington Circle, and along East 109th Street and East 110th Street within 50 feet of their intersection with Fifth Avenue and Duke Ellington Circle, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to all #street# frontages, except that the #street wall# shall extend without any articulation to a minimum height of 85 feet above #curb level# or the full height of the #building#, whichever is less. Above a height of 150 feet, the provisions of Section 23-433 shall apply. Such mandatory front #building# wall requirements are optional for the next 50 feet along the East 109th Street and East 110th Street #street lines#.

(c) Front wall recesses are permitted within mandatory front #building# walls for architectural or decorative purposes pursuant to recess provisions of paragraph (a) of Section 35-631 except that the aggregate length at the level of any #story# does not exceed 50 percent of the length of the front wall where such recesses are permitted, the depth of such recesses shall not exceed six feet and no front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

The underlying district height and setback regulations apply along #street lines#, or portions thereof, not subject to the front #building# wall requirement.

92-23 - Special Height Limitation

LAST AMENDED
12/5/2024

The maximum height of a #building or other structure#, or portion thereof, shall not exceed 215 feet above #curb level#, except that:

(a) for #qualifying affordable housing# or #qualifying senior housing# in R10 Districts or #Commercial Districts# mapped within, or with a #residential equivalent# of such district, the provisions of an R10A District, as set forth in Section 23-432 (Height and setback requirements), shall apply; and

(b) #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Sections 23-41, inclusive, or 33-42, as applicable.

92-30 - OFF-STREET PARKING REGULATIONS

LAST AMENDED
12/5/2024

92-31 - Maximum Number of Accessory Off-street Parking Spaces

LAST AMENDED
12/5/2024

Within the portion of the #Special Park Improvement District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Park Improvement District#, the provisions of this Section shall apply.

In no case shall the number of #accessory# off-street parking spaces for a #residential use# exceed 40 percent of the number of #dwelling units#. In no case shall curb cuts for vehicular access be located on Fifth Avenue or Park Avenue or on a #street# within 50 feet of its intersection with the #street line# of

Fifth Avenue or Park Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District. All parking spaces #accessory# to #residences# shall be designed and operated exclusively for the long term storage of the private passenger motor vehicles used by the occupants of such #residences#.

The parking requirements set forth in Sections 25-31 or 36-21 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Special Hudson Yards District (HY)

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Chapter 3 - Special Hudson Yards District (HY)

93-00 - GENERAL PURPOSES

LAST AMENDED
8/14/2025

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

(a) to facilitate and guide the development of an environmentally beneficial, transit-oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation and avoidance of conflicts with vehicular traffic;

(b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;

(c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;

(d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;

(e) to preserve the low- and medium-scale residential character of the Hell's Kitchen area;

(f) to provide a transition between the Hudson Yards District and the Clinton community to the north;

(g) to provide a transition between the Hudson Yards District and the Midtown South Mixed Use District to the east;

(h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;

(i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;

(j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;

(k) to provide a transition between the Hudson Yards District and the Hudson River to the west;

(l) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations;

(m) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City's tax revenues; and

(n) to limit the amount of off-street parking based on regulations that address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit- and pedestrian-oriented neighborhood character.

93-01 - Definitions

LAST AMENDED
8/14/2025

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301, 66-11, 75-421 or within this Section.

ERY Culture, Festival and Exhibit Facility

An "ERY Culture, Festival and Exhibit Facility" is a #use#, operated by a not-for-profit entity, that comprises changing, non-permanent exhibits, events, expositions, presentations, festivals and fairs related to any or all of the following: visual arts, performing arts, culinary arts, literature, journalism, crafts, fashion and design, or any similar artistic activity. No trade shows shall be permitted unless they are related to one of such activities. Any #building# in which an #ERY Culture, Festival and Exhibit Facility# is located may include a moveable portion that may be extended and retracted to cover all or a portion of the Culture Facility Plaza described in Section 93-71, paragraph (j).

ERY High Line

For the purpose of this Chapter, the #ERY High Line# shall refer to the portion of the #High Line# between the western #street line# of Tenth Avenue and the western #street line# of Eleventh Avenue north of West 30th Street.

High Line

For the purpose of this Chapter, the "High Line" shall refer to the elevated rail line structure located between Gansevoort Street and West 34th Street in the north-south direction, and between Washington Street and Twelfth Avenue in the east-west direction.

High Line bed

The “High Line bed” is the highest level of the horizontal surface (platform) of the elevated rail line structure of the #High Line#.

High Line Landscape Improvement Deposit

For the purpose of this Chapter, the “High Line Landscape Improvement Deposit” shall be in the amount of $18,214,507 for the #ERY High Line# and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of $23,200,228, as adjusted by changes in the construction cost index published by the Engineering News-Record (ENR) for New York City, commencing as of January 2012. Payment of the #High Line Landscape Improvement Deposit# shall be in the form of cash or other form of immediately available funds. The #High Line Landscape Improvement Deposit# shall be held by the City, or an instrumentality of the City, as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the improvement for public use of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

High Line Maintenance Funding

For the purpose of this Chapter, #High Line Maintenance Funding# shall mean funding sufficient for the maintenance and ordinary repair of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in an amount acceptable to the City, as adjusted on an annual basis.

High Line Rehabilitation Deposit

For the purpose of this Chapter, the #High Line Rehabilitation Deposit# shall be in the amount of $9,580,763 for the #ERY High Line# and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of $12,203,234, as adjusted by changes in the construction cost index published by the ENR for New York City commencing as of January, 2012.

Payment of the #High Line Rehabilitation Deposit# shall be in the form of cash or other form of immediately available funds if plans and specifications for rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed as of the time the #High Line Rehabilitation Deposit# is required, and if such plans and specifications have not been substantially completed at the time the #High Line Rehabilitation Deposit# is required, in the form of cash or a cash equivalent, such as a letter of credit, in a form acceptable to the City. The #High Line Rehabilitation Deposit# shall be held by the City, or an instrumentality of the City, as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

Hudson Yards District Improvement Fund

The "Hudson Yards District Improvement Fund" (the "Fund") shall be an account of the Hudson Yards Infrastructure Corporation (the "Corporation"). The Fund shall be owned for all purposes by the Corporation and may be used for any corporate purpose of the Corporation, including its pledge, assignment or sale in furtherance of any financing by the Corporation in support of district improvements in the #Hudson Yards Redevelopment Area#. The Corporation, as owner for all purposes of the Fund, will manage the Fund in furtherance of the purposes of the Corporation.

Hudson Yards Redevelopment Area

The "Hudson Yards Redevelopment Area" shall be the areas within the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the center line of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, the area bounded by the

westerly side of Eleventh Avenue, the southerly side of West 43rd Street, the westerly side of Twelfth Avenue and the northerly side of West 33rd Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use. Furthermore, the #Hudson Yards Redevelopment Area# shall not include any underground connections from a subway station to any #use# located on such excluded #blocks# or between any such #uses#.

Phase 2 Hudson Boulevard and Park

The "Phase 2 Hudson Boulevard and Park" is the area within the #Special Hudson Yards District# bounded on the north by the center line of West 39th Street, on the east by the eastern boundary of the park located between West 38th and West 39th Streets and the eastern #street line# of Hudson Boulevard East, on the south by the center line of West 36th Street, and on the west by the western #street line# of Hudson Boulevard West and the western boundary of the park located between West 38th and West 39th Streets, as shown on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter.

Tenth Avenue Spur

For the purpose of this Chapter, the #Tenth Avenue Spur# shall refer to the portion of the #High Line# above the intersection of Tenth Avenue and West 30th Street.

93-02 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

93-03 - District Plan and Maps

LAST AMENDED
4/29/2014

The regulations of this Chapter are designed to implement the #Special Hudson Yards District# Plan.

The District Plan includes the following six maps in Appendix A of this Chapter:

Map 1 Special Hudson Yards District, Subdistricts and Subareas

Map 2 Mandatory Ground Floor Retail

Map 3 Mandatory Street Wall Requirements

Map 4 Mandatory Sidewalk Widenings

Map 5 Transit Facilities

Map 6 Sites Where Special Parking Regulations Apply

Subdistrict Plans include the following five maps in Appendix B of this Chapter:

Map 1 Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan

Map 2 Subdistrict F: Site Plan

Map 3 Subdistrict F: Public Access Area Plan

Map 4 Subdistrict F: Mandatory Ground Floor Requirements

Map 5 Subdistrict F: Mandatory Street Wall Requirements

The Maps are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

93-04 - Subdistricts and Subareas

LAST AMENDED
8/14/2025

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows:

Large-Scale Plan Subdistrict A

Farley Corridor Subdistrict B

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

Eleventh Avenue Subdistrict G

Garment Center Subdistrict H

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Hudson Yards District#. Within certain subdistricts, subareas are established, as follows:

Within the Large-Scale Plan Subdistrict A:

Eastern Rail Yard Subarea A1

Four Corners Subarea A2

Subarea A3

Subarea A4

Subarea A5

Within Farley Corridor Subdistrict B:

Western Blocks Subarea B1

Central Blocks Subarea B2

Farley Post Office Subarea B3

Pennsylvania Station Subarea B4

Within Hell's Kitchen Subdistrict D:

Subarea D1

Subarea D2

Subarea D3

Subarea D4

Subarea D5

Within these subareas, certain special regulations apply which do not apply within the remainder of the subdistrict.

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter. Additional requirements for specific subdistricts, or portions thereof, are outlined in Appendix B of this Chapter.

93-05 - Applicability of District Regulations

LAST AMENDED
1/19/2005

93-051 - Applicability of Article I, Chapter 1

LAST AMENDED
3/28/2012

Within the #Hudson Yards Redevelopment Area#, Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on January 19, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than January 19, 2006.

93-052 - Applicability of Article I, Chapter 3

LAST AMENDED
12/5/2024

#Public parking lots# authorized prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistricts F and G.

The following provisions of Article I, Chapter 3, governing #automated parking facilities#, automobile rental establishments, commercial or public utility vehicle parking, and off-street loading berths shall apply to Subdistricts A, B, C, D and E, as applicable:

(a) for #automated parking facilities#, the provisions of paragraph (b) of Section 13-24 (Reservoir Spaces), paragraph (b) of Section 13-26 (Minimum and Maximum Size of Parking Facilities),

paragraph (a)(3) of Section 36-521 (Size of spaces), and Section 36-524 (Calculating floor area in parking facilities with lift systems, or in automated parking facilities);

(b) for automobile rental establishments, the provisions of Section 13-15 (Permitted Parking for Automobile Rental Establishments), paragraph (b) of Section 13-221 (Enclosure and screening requirements), Section 13-231 (Location of curb cuts), paragraph (b) of Section 13-232 (Maximum width of curb cuts), paragraph (c) of Section 13-24, and paragraph (c) of Section 13-26;

(c) or commercial or public utility vehicle parking, the applicable provisions of Section 36-46 (Restrictions on the Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots), inclusive; and

(d) for off-street loading berths, the provisions of Section 13-30, inclusive.

Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section 93-80, inclusive.

93-053 - Applicability of Article VII, Chapter 3

LAST AMENDED
6/6/2024

The following special permits by the Board of Standards and Appeals shall not be applicable:

Section 73-143 (Electric or gas utility substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-18 (Authorization for Electrical Utility

Substations)

Section 73-62 (Modification of Bulk Regulations for Buildings Containing Residences)

Section 73-63 (Enlargement of Non-residential Buildings)

Section 73-64 (Modifications for Community Facility Uses).

93-054 - Applicability of Article VII, Chapter 4

LAST AMENDED
12/5/2024

(a) The following special permits by the City Planning Commission shall not be applicable:

Section 74-142 (Electric utility substations) shall not apply. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-18 (Authorization for Electrical Utility Substations

Section 74-61 (Developments on Lots that Include Railroad Right-of-Ways)

Section 74-72 (Bulk Modification)

Section 74-74 (Large-scale General Development) shall be inapplicable in the Large-scale Plan Subdistrict A

Section 74-821 (Court houses)

Section 74-831 (Development in certain Commercial Districts)

Section 74-85 (Covered Pedestrian Space)

Section 74-91 (Modification of Public Plazas).

(b) The following provisions regarding special permits by the City Planning Commission shall be applicable as modified:

Section 74-194 (Public parking garages or public parking lots in high density central areas) shall be applicable to the renewal of City Planning Commission special permits for #public parking lots# and #public parking garages# granted prior to April 14, 2010.

Section 74-81 (Through Block Arcades) shall apply to any #development# or #enlargement# for which a #through block arcade# would not otherwise be permitted pursuant to this Chapter, except that no #floor area# bonus shall be permitted.

93-055 - Applicability of Article VII, Chapter 5

LAST AMENDED
12/5/2024

(a) The following authorization by the City Planning Commission or certifications from the Chairperson of the City Planning Commission shall not be applicable:

Section 75-411 (Developments on or over railroad rights-of-way)

Section 75-412 (Developments on lots under one and a half acres that include railroad rights-of-way)

In lieu thereof, all #developments# or #enlargements# on or over a #railroad right-of-way# or on #zoning lots# that include a #railroad right-of-way# shall comply with the provisions of this Chapter.

(b) The following provisions regarding certification by the Chairperson of the City Planning Commission shall be applicable as modified:

Section 75-42 (Transfer of Development Rights From Landmark Sites) shall apply, except that within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B, such section shall be applicable only for a #development# or #enlargement# that has increased its permitted #floor area ratio# to 15.0 pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4). Furthermore, the maximum amount of #floor area# that may be transferred from the #zoning lot# occupied by a landmark #building# may increase the maximum allowable #floor area ratio# within the Pennsylvania Station Subarea B4 to 19.5.

93-056 - Modification of use and bulk regulations for zoning lots bounding Hudson Boulevard Park

LAST AMENDED
12/5/2024

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public parks# located between West 35th Street, Hudson Boulevard East, West 33rd Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard West for the purposes of applying all #use# and #bulk# regulations of this Resolution.

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public park# located between West 39th Street, Tenth Avenue, West 38th Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard East and West, as applicable, for the purposes of applying all #use# and #bulk# regulations of this Resolution.

93-06 - Declaration of Restrictions in Subdistrict F

LAST AMENDED
12/21/2009

No building permit shall be issued for any #development# or #enlargement# within Subdistrict F unless a declaration of restrictions, in substantially the form reviewed by the City Planning Commission pursuant to CEQR No. 09DCP007M and referenced in and made an exhibit to the findings of the Commission pursuant to 6 NYCRR Section 617.11 in connection with its adoption of the regulations of this Chapter and as modified by the City Council, applicable to Subdistrict F (as such declaration may be revised prior to filing and recordation in accordance with the provisions thereof applicable to amendments made subsequent to filing and recordation), shall have been filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against all property interests in Subdistrict F proposed for #development# or #enlargement# pursuant to this Chapter.

93-10 - USE REGULATIONS

LAST AMENDED
5/31/2012

The #use# regulations of the underlying districts are modified as set forth in this Section, inclusive.

The only permitted change of #use# for the #High Line# shall be to provide publicly accessible open space in accordance with the provisions of Sections 93-71 (Public Access Areas in the Eastern Rail Yard Subarea A1) and 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

93-11 - ERY Culture, Festival and Exhibit Facility

LAST AMENDED
12/5/2024

For purposes of this Chapter, all references to #community facility#, #community facility use# or #uses# listed under Use Group III, in connection with Eastern Rail Yard Subarea A1 shall be deemed to include an #ERY Culture, Festival and Exhibit Facility#.

93-12 - Special Residential Use Regulations

LAST AMENDED
1/19/2005

93-121 - Restrictions on residential use

LAST AMENDED
1/19/2005

No #residential use# shall be permitted within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

93-122 - Certification for residential use in Subdistricts A, B and E

LAST AMENDED
7/20/2017

Within the Large-Scale Plan Subdistrict A, Subareas B1 and B2 of the Farley Corridor Subdistrict B, and the South of Port Authority Subdistrict E, #residential use# shall be permitted only upon certification of the Chairperson of the City Planning Commission that the #zoning lot# on which such #residential use# is located contains the minimum amount of #commercial# #floor area# required before #residential use# is allowed, as specified in Section 93-21 (Floor Area Regulations in the Large-Scale Plan Subdistrict A) or 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F), as applicable, and that for #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, a certification pursuant to Section 93-34 (Distribution of Floor Area in the Large-Scale Plan Subdistrict A) has been made.

However, special regulations shall apply to #zoning lots# with phased development, as follows:

(a) except as provided in paragraph (c) of this Section, for #zoning lots# with less than 69,000 square feet of #lot area#, the Chairperson shall allow for phased development, upon certification that a plan has been submitted whereby the ratio of #commercial# #floor area# to #residential# #floor area#, in #buildings# in each phase, is no smaller than the ratio of the minimum amount of #commercial# #floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the

#zoning lot# as specified in Section 93-21 or 93-22, as applicable;

(b) for #zoning lots# with at least 69,000 square feet of #lot area#, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial# #floor area# required before #residential use# is allowed, as specified in Section 93-21 or 93-22, as applicable, upon certification that a plan has been submitted whereby one or more regularly shaped portions of the #zoning lot# with a minimum area of 50,000 square feet are reserved for future development of not more than two million square feet of #commercial# #floor area# on each such portion, and that, upon full development of such #zoning lot#, the ratio of #commercial# #floor area# to #residential# #floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor# #area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the #zoning lot#, as specified in Section 93-21 or 93-22 , as applicable; and

(c) for #zoning lots# with at least 55,000 square feet but less than 69,000 square feet of #lot area# within Subarea A3 of the Large-Scale Plan Subdistrict A, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial# #floor area# required before #residential use# is allowed, as specified in paragraph (a) of Section 93-21, upon certification that a plan has been submitted whereby one or more regularly shaped portions of the #zoning lot# with a minimum area of 35,000 square feet are reserved for future development, and that, upon full development of such #zoning lot#, the ratio of #commercial# #floor area# to #residential# #floor area# shall be no smaller than the ratio of the minimum amount of #commercial# #floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential# #floor area# permitted on the #zoning lot#, as specified in Section 93-21.

All #developments# or #enlargements# so certified shall be permitted only in accordance with the provisions of this Chapter.

93-123 - Location of residential use within buildings

LAST AMENDED
2/2/2011

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial# #use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any #commercial# #uses# are not located directly over any #story# occupied in whole or in part by #dwelling units#. However, such #commercial# #uses# may be located over such a #story# occupied by #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial# #uses# exists within the #building#.

93-124 - Restrictions on conversions of residential use

LAST AMENDED
2/2/2011

In #Commercial Districts# mapped within R8A Districts, a #residential use# existing on December 21, 2005, within a #story# that has a floor level within five feet of #curb level#, may not be #converted# to a #commercial use#.

93-13 - Special Commercial Use Regulations

LAST AMENDED
1/19/2005

93-131 - Certification for office use

LAST AMENDED
8/14/2025

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

(a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# in the #Hudson Yards Redevelopment Area# that includes #uses# listed under Office in Use Group VII #developed# or #enlarged# after January 19, 2005, until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:

(1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Section 96-25 (Floor Area Bonus for New Theater Use); or

(2) such #development# or #enlargement# utilizes #floor area# increases pursuant to the special provisions for #qualifying affordable housing# or #qualifying senior housing# in Sections 93-222 (Maximum floor area ratio in the 34th Street Corridor Subdistrict C) or 93-223 (Maximum floor area ratio in Hell's Kitchen Subdistrict D), or the provisions of Sections 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25, and will not result in a total amount of office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District#, as applicable.

(b) Where the Chairperson of the Department of City Planning determines that the amount of #floor area# for #uses# listed under Offices in Use Group VII in any #development# or #enlargement# will result in a total amount of #floor area# #developed# or #enlarged# with such #use# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet, no building permit from the Department of Buildings shall be issued for any #development# or #enlargement# that includes offices constructed after January 19, 2005, until the Chairperson certifies to the Commissioner of Buildings that:

(1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to the special provisions for #qualifying affordable housing# or #qualifying senior housing# in Sections 93-222 or 93-223, or the provisions of Sections 93-30, inclusive, or 96-25; or

(2) such #development# or #enlargement# utilizes #floor area# increases pursuant to the special provisions for #qualifying affordable housing# or #qualifying senior housing# in Sections 93-222 or 93-223, or the provisions of Sections 93-30, inclusive, or 96-25, and will not result in a total amount of office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District#, as applicable.

However, if such #developments# or #enlargements# fail to comply with the provisions of Section 11-331 with respect to completion of foundations within one year of the date of certification pursuant to this Section, such building permit shall lapse, and any new building permit will require a new Chairperson's certification pursuant to this Section.

(c) Where the Chairperson of the Department of City Planning determines that the amount of #floor area# for #uses# listed under Offices in Use Group VII in any #development# or #enlargement# will result in a total amount of #floor area# #developed# or #enlarged# with such #use# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet, and where such #development# or #enlargement# utilizes #floor area# increases pursuant to the special provisions for #qualifying affordable housing# or #qualifying senior housing# in Sections 93-222 or 93-223, or the provisions of Sections 93-30, inclusive, or 96-25, such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission pursuant to Section 93-132.

However, no such authorization shall be required for #developments# or #enlargements# utilizing the Inclusionary Housing Program within the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, or in the 42nd Street Perimeter Area of the #Special Clinton District#, where the total #floor area ratio# for such #developments# or #enlargements# does not exceed 12.0.

93-132 - Authorization for office use

LAST AMENDED
12/5/2024

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

Where the amount of #floor area# for #uses# listed under Offices in Use Group VII in a #development# or #enlargement# will result in over 25 million square feet of such #use# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#, and such #development# or #enlargement# utilizes increased #floor area# pursuant to the special provisions for #qualifying affordable housing# or #qualifying senior housing# in Sections 93-222 (Maximum floor area ratio in the 34th Street Corridor Subdistrict C) or 93-223 (Maximum floor area ratio in Hell's Kitchen Subdistrict D), or the provisions of Sections 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

(a) such #development# or #enlargement# will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services have been made;

(b) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby or provisions have been made to handle such traffic; and

(c) such #development# or #enlargement# is consistent with the goals of the applicable special district.

93-133 - Transient hotels and offices in Subdistrict H

LAST AMENDED
8/14/2025

For a #building# subject to the provisions of Sections 93-90 (HARASSMENT) and 93-91 (Demolition) and for which #HPD# issued a #certification of no harassment# that was in effect on June 11, 2018, a special permit pursuant to Section 74-152 (In Commercial Districts) shall not be required where such #building# is #enlarged# and a portion of which is subsequently converted to #residences# pursuant to Article I, Chapter 5 (Residential Conversions Within Existing Buildings), provided that all new #transient hotel# rooms shall be located in the #enlarged# portion of such #building#, and except for #transient hotel# lobbies and #accessory# #uses# located below the floor level of the second #story#, the non-#enlarged# portion of such #building# shall contain only permanently affordable #residences# pursuant to a #regulatory agreement# enforceable by #HPD#.

In Subdistrict H, any #development# or #enlargement# that includes #uses# listed under Offices in Use Group VII, #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

93-134 - C6-4M Districts in Subdistrict H

LAST AMENDED
8/14/2025

In the C6-4M District located within Subdistrict H, for #buildings# existing on January 19, 2005, the #use# regulations of the underlying district shall be modified as follows:

The following #uses# shall be allowed:

From Use Group IX

All #uses# listed under Use Group IX(A) that are permitted in a C8 District

From Use Group X

All #uses# listed under Use Group X that are permitted in a C8 District.

93-135 - Vehicle storage establishments

LAST AMENDED
8/14/2025

Within Subdistrict G, commercial or public vehicle storage, including #accessory# motor fuel pumps listed under Use Group IX(C) shall be permitted as-of-right, applicable to a C8 District. The #floor area# of a #building# shall not include floor space used for public utility vehicle storage provided in any #story# located not more than 56 feet above #curb level#.

93-14 - Ground Floor Level Requirements

LAST AMENDED
6/6/2024

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply in Subdistrict G and along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street

frontages# along #streets#, or portions thereof, designated on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter, shall be considered #Tier C street frontages#.

However, the lobby limitations for #Tier C street frontages# shall be modified as follows: within the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, for a #development# occupying a full #block# with frontage on Hudson Boulevard East and Tenth Avenue and having two million or more square feet of #floor area#, the width of lobbies located on the Hudson Boulevard East #street# frontage or the Tenth Avenue #street# frontage may occupy up to 70 feet of the #building# wall width of the #building# located on each such frontage.

In addition, for the purposes of applying such provisions to Sites 1, 2 and 6 in the Western Rail Yard Subdistrict F, West 31st and West 32nd Street Extension, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B of this Chapter, shall be considered #streets#.

93-141 - Certification to modify ground floor level requirements in Subdistrict F

LAST AMENDED
6/6/2024

Within Subdistrict F, the Chairperson of the City Planning Commission may modify the ground floor level requirements of Section 93-14 (Ground Floor Level Requirements), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is the minimum necessary to accommodate the ventilation requirements of the below-grade rail operations. Any application for such change shall include a mechanical plan that conveys the extent of the needs and required modifications, as well as a letter from the Metropolitan Transportation Authority describing the needs for such modifications.

93-15 - Public Parking Facilities

LAST AMENDED
6/6/2024

In C2-5, C2-8 and C6 Districts, the provisions of Section 32-19 (Use Group IX - Storage), inclusive, with respect to #public parking garages# and #public parking lots# are inapplicable and are superseded by the provisions of Section 93-80 (OFF-STREET PARKING REGULATIONS).

93-16 - Modification of Sign Regulations

LAST AMENDED
8/14/2025

(a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Within the Pennsylvania Station Subarea B4, the provisions of Section 93-161 (Special permit for signs within the Pennsylvania Station Subarea) shall apply. The following modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

(1) #Flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required pursuant to Section 93-71.

(2) For #signs# facing Tenth Avenue, or on a portion of a #building# within 100 feet of Tenth Avenue, in addition to #signs# permitted under the underlying #sign# regulations:

(i) up to four #signs# may exceed the maximum height limitations of the underlying #sign# regulations, provided that no such #sign# exceeds 95 feet in height; and

(ii) up to five #signs# may be located without regard to the maximum #surface area# limitations of the underlying #sign# regulations, provided that:

(a) the aggregate #surface area# of such #signs# does not exceed 4,400 square feet; and

(b) each such #sign# shall have a maximum #surface area# of 650 square feet, except for one #sign# that may have a maximum #surface area# of 1,800 square feet.

Any #sign# which exceeds the maximum height permitted by the underlying sign regulations shall direct attention to no more than one business conducted on the #zoning lot# and no such #signs# shall be #flashing signs#. Additionally, no more than two of the additional #signs# permitted under this paragraph (a)(2), if located below the maximum height permitted by the underlying #sign# regulations, shall be #flashing signs#.

Erection of one or both of the additional #flashing signs# permitted under this paragraph (a)(2) shall be conditioned upon and subject to additional

limitations upon flashing effects for all #flashing signs# located on a #building# wall facing Tenth Avenue or on a #building# wall within 100 feet of Tenth Avenue, as prescribed by the City Planning Commission pursuant to a restrictive declaration. Recordation of such restrictive declaration in the Office of the Register and compliance with the terms thereof with respect to any previously erected #flashing signs# permitted under the underlying #sign# regulations shall be a precondition to the issuance of permits by the Commissioner of Buildings for an additional #flashing sign# permitted under this paragraph.

(3) Along the #ERY High Line#, the #sign# regulations as set forth in Section 93-16, paragraph (b)(1), shall apply. In addition, no #flashing signs# above the level of the #High Line bed# shall be located within 150 feet of and facing the #ERY High Line#.

(4) For an #ERY Culture, Festival and Exhibit Facility#, the total #surface area# of all permitted #signs# and banners shall be as set forth in this paragraph, (a)(4). The maximum aggregate #surface area# of all #signs# shall not exceed 2,700 square feet. #Signs#, other than banners, facing the outdoor plaza, as described in Section 93-71, paragraph (b), shall not exceed a maximum aggregate #surface area# of 200 square feet; #signs# facing the connection to the High Line, as described in Section 93-71, paragraph (f), shall not exceed a maximum aggregate #surface area# of 200 square feet; and #signs# facing West 30th Street shall not exceed a maximum aggregate #surface area# of 1,700 square feet. A maximum of 600 square feet of #signs# in the form of banners are permitted facing or within the outdoor plaza. No #sign# shall exceed a height of 30 feet above the level of the Culture Facility Plaza, as described in Section 93-71, paragraph (j) and no #signs# facing West 30th Street shall be located at a height above the #High Line#. Banners located within the outdoor plaza may be installed on one or two poles

located not less than 13 feet from an #ERY Culture, Festival and Exhibit Facility#. The bottom of any such banner shall be located at least 10 feet above the bottom of the pole. Any #sign# that exceeds 300 square feet of #surface area# shall be non-#illuminated# or a #sign with indirect illumination#.

(b) Subdistrict F

For the purposes of calculating the permitted #surface area# of a #sign#, each site set forth on Map 2 (Subdistrict F: Site Plan) in Appendix B shall be considered a separate #zoning lot#.

(1) Along the #High Line#

The #sign# regulations of the underlying districts shall not apply to #signs# located within 50 feet of the #High Line#, except for #signs# located entirely below the level of the #High Line bed#. In lieu thereof, the #sign# regulations of a C1 District shall apply, except that #accessory# #signs# located within the #High Line# frontage may have a maximum height of 20 feet above the level of the #High Line bed#.

No #signs# affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

(i) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;

(ii) provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;

(iii) be integrated with the design of the #High Line# open space; and

(iv) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood.

(2) Other locations

Within Subdistrict F, the underlying #sign# regulations shall apply for #signs# located beyond 50 feet of the #High Line#, and for portions of #signs# located entirely below the level of the #High Line bed# along West 30th Street. However, #flashing signs# shall not be permitted in Subdistrict F, except along frontages within 200 feet of the intersection of the West 33rd Street and Eleventh Avenue #street lines#.

(c) Subdistrict H

In Subdistrict H, #flashing signs# shall not be permitted.

93-161 - Special permit for signs within the Pennsylvania Station Subarea

LAST AMENDED3/22/2016

For an arena permitted pursuant to Section 74-41 within Pennsylvania Station Subarea B4, the City Planning Commission may, by special permit, modify the applicable provisions of Sections 32-63 (Permitted Advertising Signs) to allow advertising #signs#, 32-64 (Surface Area and Illumination

Provisions) to allow increased #surface area# along specified #streets# and 32-65 (Permitted Projection or Height of Signs), provided such #signs# comply with the conditions of paragraph (a) and the findings of paragraph (b) of this Section, as follows:

(a) Conditions

(1) no #sign# shall extend to a height greater than 85 feet above #curb level# ;

(2) all #signs# located below a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 550 square feet on the West 31st Street frontage of Subarea B4, 250 square feet on the West 33rd Street frontage of Subarea B4 and 850 square feet on the Eighth Avenue frontage of Subarea B4; and

(3) all #signs# located above a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 5,500 square feet within the #through lot# fronting on Eighth Avenue, 3,000 square feet within each #corner lot# fronting on Eighth Avenue, 3,000 square feet within the #through lot# portion of the West 31st Street frontage of Subarea B4 and 3,000 square feet within the #through lot# portion of the West 33rd Street frontage of Subarea B4.

(b) The Commission shall find that the location and placement of such #signs# is appropriate in the relationship to #buildings# and #uses# on the #zoning lot# and to adjacent open areas, and would be compatible with the character of the arena site, including its use as an entryway to Pennsylvania Station, and of the surrounding area.

For purposes of calculating the height of any #sign# permitted pursuant to this Section, #curb level# shall be defined as 30.755 feet above Manhattan datum.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on the number, size and location of arena #signs# permitted pursuant to the district regulations.

93-20 - FLOOR AREA REGULATIONS

LAST AMENDED
2/2/2011

The #floor area# regulations of this Section, inclusive, shall apply to #zoning lots#.

93-21 - Floor Area Regulations in the Large-Scale Plan Subdistrict A

LAST AMENDED
12/5/2024

In the Large-Scale Plan Subdistrict A, the #floor area# provisions of this Section shall apply.

(a) Subareas A2 through A5

In Subareas A2 through A5, the basic maximum permitted #floor area ratio# shall be as specified in Row A in the table in this Section. Such #floor area ratio# may be increased to the maximum amount specified in Row B in the table, pursuant to Section 93-31 (District Improvement Fund Bonus) or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park# pursuant to Sections 93-32 or 93-33. For #zoning lots# that have maximized their permitted #floor area# through such #floor area#

bonus or transfer provisions, the permitted #floor area# may be further increased to the maximum amount specified in Row C in the table through the distribution of #floor area# from the Eastern Rail Yard Subarea A1, pursuant to Section 93-34.

For #residential use#, the maximum #floor area ratio# for #zoning lots# containing standard #residences# shall be as set forth in Row C. For #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 7.2. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential# #floor area ratio#, as follows, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E):

(1) 18.0 or more in Subareas A2 and A3, or 16.8 or more for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing# in Subarea A3

(2) 15.6 or more, or 14.4 or more for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing# in Subarea A4

(3) 14.0 or more, or 12.8 or more for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing# in Subarea A5.

MAXIMUM PERMITTED FLOOR AREA RATIO WITHIN SUBAREAS A2 THROUGH A5

	Subarea A2	**Subarea A3**	**Subarea A4**	**Subarea A5**
ROW A	10.0 total	10.0 total	10.0 total	10.0 total
Basic maximum #floor area ratio# (FAR)	10.0 C 2.0 CF	10.0 C 2.0 CF	10.0 C 2.0 CF	10.0 C 2.0 CF

ROW B Maximum FAR through bonus pursuant to Section 93-31 or transfer or increase pursuant to Sections 93-32 or 93-33	18.0 total 18.0 C 2.0 CF	18.0 total 18.0 C 2.0 CF	18.0 total 18.0 C 2.4 R 2.0 CF	18.0 total 18.0 C 4.0 R 2.0 CF
ROW C Maximum FAR through distribution pursuant to Section 93-34	33.0 total 33.0 C 6.0 R 2.0 CF	24.0 total 24.0 C 6.0 R 2.0 CF	21.6 total 21.6 C 6.0 R 2.0 CF	20.0 total 20.0 C 6.0 R 2.0 CF

C = Commercial FAR

CF = Community Facility FAR

R = Residential FAR

(b) Eastern Rail Yard Subarea A1

The Eastern Rail Yard Subarea A1 shall generate a maximum #floor area ratio# of 19.0. The maximum #floor area ratio# for #commercial# #use# shall be 19.0, the maximum #floor area ratio# for #community facility# #use# shall be 2.0, and the maximum #residential# #floor area ratio# shall be 3.0 for #zoning lots# containing standard #residences# or 3.6 for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#. In order to promote a superior site plan, the amount of #floor area# permitted in the subarea shall be limited, and unused #floor area# may be distributed as follows:

(1) The maximum #floor area ratio# for any #zoning lot# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial# #use# shall be 9.0, the maximum #floor area ratio# for #community facility# #use# shall be 2.0, and the maximum #residential# #floor area ratio# shall be 3.0 for #zoning lots# containing standard #residences# or 3.6 for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential# #floor area ratio# of 8.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E).

Any floor space occupied by an #ERY Culture, Festival and Exhibit Facility#, including any floor space #accessory# thereto, that is located below the elevation of the Culture Shed Plaza described in Section 93-71, paragraph (j), within the moveable portion that may be extended and retracted to cover and enclose all or any portion of the Culture Facility Plaza, or within a portion of a #building# that contains #residential use# and is not designed to house such moveable portion, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, in a #building# containing both #residential use# and an #ERY Culture, Festival and Exhibit Facility#, any floor space occupied by elevator shafts, structural systems or stairwells serving the #residential use# that is either located on any #story# occupied entirely by the #ERY Culture, Festival and Exhibit Facility#, except for such elevator shafts, structural systems, and stairwells, or is located on a #story# occupied in part by the #ERY Culture, Festival and Exhibit Facility# where such elevator shaft or stairwell is not accessible for #residential use# on such #story# except for emergency egress, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential uses# and the total maximum #floor area ratio# of the #zoning lot#.

For a #building#, or portion of a #building#, containing #residential use# that is located adjacent to the #ERY High Line#, any floor space used for storage, restrooms, maintenance facilities or other support space for the #ERY High Line# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential# or #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

(2) Unused #floor area# may be distributed to #zoning lots# in Subareas A2 through A5 pursuant to Section 93-34, provided the total amount of distributed #floor area# does not exceed an amount equal to the #lot area# of the Eastern Rail Yard Subarea A1 multiplied by 10.0. Furthermore, the total #floor area# distributed to Subarea A2 shall not exceed 3,238,000 square feet.

(c) #Phase 2 Hudson Boulevard and Park#

For #zoning lots# or portions of #zoning lots# in the #Phase 2 Hudson Boulevard and Park#, the provisions of Section 93-32 (Floor Area Regulations in the Phase 2 Hudson Boulevard and Park) and 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park) shall apply.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on a #receiving lot# in accordance with Section 75-42 (Transfer of Development Rights from Landmarks), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

93-22 - Floor Area Regulations in Subdistricts B, C, D, E, F, G and H

LAST AMENDED
8/14/2025

(a) Subdistricts B, C, D and E

In Subdistricts B, C, D and E, the basic maximum #floor area ratio# is determined by the subdistrict and, where applicable, subarea, as specified in the table in this Section. The basic maximum #floor area ratios# for non-#residential buildings# are set forth in Row A, and the basic maximum #floor area ratios# for #buildings# containing #residences# are set forth in Row B. Such basic maximum #floor area ratios# may be increased to the amount specified in Row C only pursuant to Section 93-31 (District Improvement Fund Bonus) or as otherwise specified in Sections 93-221 through 93-224.

For a #zoning lot# with more than one #building#, the basic maximum #floor area ratios# set forth in Row A shall apply, provided that any #building# that is #developed# or #enlarged# after January 19, 2005, is wholly non-#residential#. If a #building# containing #residences# is #developed# or #enlarged# on such a #zoning lot# after January 19, 2005, the basic maximum #floor area ratios# set forth in Row B shall apply.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on a #receiving lots# in accordance with Section 75-42 (Transfer of Development Rights from Landmarks), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

MAXIMUM PERMITTED FLOOR AREA RATIO WITHIN SUBDISTRICTS B THROUGH E

	Farley Corridor Subdistrict B				**34th St Corridor Subdistrict C**	**Hell's Kitchen Subdistrict D**	
Subarea	**Western Blocks**	**Central Blocks**	**Farley Post Office**	**Penn. Stn.**		**Subarea D1**	**Subare D2**
ROW A Basic maximum FAR for non-#residential buildings#	10.0 total 10.0 C 2.0 CF	12.0 total 12.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 2.0 CF	10.0 total 10.0 C 10.0 CF	7.5 total 2.0 C 7.5 CF	7.5 tota 2.0 C 7.5 CF
ROW B Basic maximum FAR for #buildings# containing #residences#	NA	NA	10.0 total 10.0 C 6.0 R 2.0 CF	NA	6.5 total 6.5 C 6.5 R 6.5 CF	6.5 total 2.0 C 6.5 R 6.5 CF	6.5 tota 2.0 C 6.5 R 6.5 CF

ROW C Maximum FAR through special #floor area# increases pursuant to Section 93-30, inclusive, #qualifying affordable housing# or #qualifying senior housing#, or Section 75-42, inclusive, as applicable.	21.6 total 21.6 C 6.0 R 2.0 CF	19.0 total 19.0 C 4.0 R 2.0 CF	NA	19.5 total 19.5 C 2.0 CF	13.0 total 13.0 C 12.0 R 12.0 CF	15.0 total 3.0 C 12.0 R 12.0CF	13.0 to 3.0 C 12.0 R 12.0CF

C = Commercial FAR

CF = Community Facility FAR

R = Residential FAR

(b) Subdistrict F

In Subdistrict F, the #floor area ratio# provisions of Section 93-225 (Floor area regulations in Subdistrict F) shall apply.

(c) Subdistrict G

In Subdistrict G, the #floor area ratio# provisions of Section 93-226 (Floor area regulations in Subdistrict G) shall apply.

(d) Subdistrict H

The basic maximum #floor area ratio# of a #zoning lot# containing non-#residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 pursuant to Section

93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5 as follows:

(1) The #residential# #floor area# may be increased to a maximum of 12.0 where the following are met:

(i) an amount of #floor area# equal to at least 20 percent of the total #residential# #floor area# is allocated to #qualifying affordable housing# or #qualifying senior housing#; and

(ii) a #floor area# increase or transfer equal to a #floor area ratio# of 2.5 has been earned pursuant to Section 93-31 or 93-32 (Floor Area Regulations in the Phase 2 Hudson Boulevard and Park).

(2) For the #conversion# to #dwelling units# of non-#residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less

than 0.1 of the maximum #floor area ratio# pursuant to Section 93-31 or the provisions of paragraph (a) of this Section, has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

93-221 - Maximum floor area ratio in the Farley Corridor Subdistrict B

LAST AMENDED
12/5/2024

(a) Western Blocks Subarea B1

In the Western Blocks Subarea B1 of Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial# #floor area ratio# of 12.0 or more, or as provided for phased developments in Section 93-122 (Certification for residential use in Subdistricts A, B and E). The maximum #residential# #floor area ratio# for #zoning lots# containing standard #residences shall be as set forth in Row C. For #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 7.2.

(b) Central Blocks Subarea B2

In the Central Blocks Subarea B2 of Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial# #floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122. The maximum #residential# #floor area

ratio# for #zoning lots# containing standard #residences shall be as set forth in Row C. For #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 7.2.

(c) Farley Post Office Subarea B3

In the Farley Post Office Subarea B3 of Farley Corridor Subdistrict B, no #floor area# increases shall be permitted. The maximum #residential# #floor area ratio# for #zoning lots# containing standard #residences shall be as set forth in Row B. For #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 7.2.

(d) Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4 of Farley Corridor Subdistrict B, any increase in the #floor area ratio# specified in Row A in the table in Section 93-22 shall be permitted only pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4) and Section 75-42 (Transfer of Development Rights from Landmarks), as modified by paragraph (b) of Section 93-054 (Applicability of Article VII, Chapter 4).

(e) Transfer of #floor area#

Notwithstanding any other provision of this Resolution, #floor area# may not be transferred between a #zoning lot# located north of West 31st Street in the Western Blocks Subarea B1 and a #zoning lot# located north of West 31st Street in the Central Blocks Subarea B2.

93-222 - Maximum floor area ratio in the 34th Street Corridor Subdistrict C

LAST AMENDED
12/5/2024

In the 34th Street Corridor Subdistrict C, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, as follows:

(a) the #residential# #floor area ratio# may be increased to a maximum of 12.0 where the following are met:

(1) an amount of #floor area# equal to at least 20 percent of the total #residential# #floor area# is allocated to #qualifying affordable housing# or #qualifying senior housing#;

(2) a #floor area# increase equal to a #floor area ratio# of 2.5 has been earned pursuant to Section 93-31 (District Improvement Fund Bonus); and

(b) any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, F, G and H), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

93-223 - Maximum floor area ratio in Hell's Kitchen Subdistrict D

LAST AMENDED
12/5/2024

(a) Subareas D1 and D2

In Subareas D1 and D2 of Hell's Kitchen Subdistrict D, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32. The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 as follows:

(1) The #residential# #floor area ratio# may be increased to a maximum of 12.0 where the following are met:

(i) an amount of #floor area# equal to at least 20 percent of the total #residential# #floor area# is allocated to #qualifying affordable housing# or #qualifying senior housing#;

(ii) a #floor area# increase or transfer equal to a #floor area ratio# of 2.5 has been earned pursuant to Section 93-31 or 93-32; and

(2) Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Sections 93-31 or 93-32.

Furthermore, in Subarea D1, the #floor area ratio# on a #zoning lot# may exceed 13.0 only where the #community facility# #floor area ratio# is not less than the excess of such #floor area ratio# above 13.0.

(b) Subarea D3

In Subarea D3, the basic maximum #floor area ratio# may be increased only pursuant to Section 93-31. In addition, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 9.0.

(c) Subareas D4 and D5

In Subareas D4 and D5, the underlying #floor area ratio# regulations shall apply.

(d) Authorization for transfer of #floor area# for public facilities

For any #zoning lot# located partially in Subarea D2 and partially in Subarea D4, where such #zoning lot# is occupied by a #development# or #enlargement# that includes a public facility, the City Planning Commission may authorize modifications to the #street wall# requirements of Subarea D4 and authorize modifications to the provisions of Section 77-22 (Floor Area Ratio) in order to allow the transfer of #floor area# from that portion of the #zoning lot# located in Subarea D4 to that portion located in Subarea D2, provided the #floor area ratio# for the #zoning lot# does not exceed the adjusted maximum #floor area ratio# for the #zoning lot# as specified in Section 77-22. In order to authorize such modifications, the Commission shall

find that:

(1) such public facility provides a necessary service to the surrounding area;

(2) such transfer of #floor area# is necessary in order for the #development# or #enlargement# to achieve an adequate separation of #uses# on the #zoning lot#; and

(3) such transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# to the detriment of occupants of #buildings# on the #block# or surrounding #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the public facility to the local community and the City as a whole.

(e) Authorization for transfer of floor area for public open areas

For #developments# or #enlargements# on #zoning lots# divided by district boundaries that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas contiguous to or over the Lincoln Tunnel Approaches or Dyer Avenue, the Commission may authorize the distribution of #floor area# across such district boundaries pursuant to Section 93-543 (Authorization for the provision of public open areas).

93-224 - Maximum floor area ratio in the South of Port Authority Subdistrict E

LAST AMENDED
12/5/2024

In the South of Port Authority Subdistrict E, #residential use# shall only be permitted as part of a #development# or #enlargement# on a #zoning lot# with a #commercial# #floor area ratio# of 15.0 or more, or as provided for phased #developments# in Section 93-122 (Certification for residential use in Subdistricts A, B and E). The maximum #residential# #floor area ratio# for #zoning lots# containing standard #residences shall be as set forth in Row C. For #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 3.6.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such #floor area# bonus, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, F, G and H), has been achieved, prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

93-225 - Floor area regulations in Subdistrict F

LAST AMENDED
12/5/2024

In Subdistrict F, the maximum #floor area ratio# for #residential#, #community facility# and #commercial uses# on a #zoning lot# shall be as follows:

(a) the maximum #residential# #floor area ratio# shall be 8.0 for #zoning lots# containing standard #residences or 9.6 for #zoning lots# containing #qualifying affordable housing# or #qualifying

senior housing#;

(b) the maximum #floor area ratio# for #community facility uses# shall be 2.0. However, any floor space occupied by a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#;

(c) the maximum #floor area ratio# for #commercial# #uses# shall be 8.0; and

(d) the total maximum #floor area ratio# in the subdistrict shall be 10.4.

93-226 - Floor area regulations in Subdistrict G

LAST AMENDED
12/5/2024

In Subdistrict G, the basic maximum permitted #floor area ratio# for #residential#, #community facility#, and #commercial# #uses# on a #zoning lot# shall be as follows:

(a) the maximum #floor area ratio# for #residential uses# shall be 12.0, pursuant to the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING);

(b) the maximum #floor area ratio# for #community facility uses# shall be 12.0;

(c) the maximum #floor area ratio# for #commercial# #uses# shall be 12.0; and

(d) the total maximum #floor area ratio# shall be 24.0.

93-30 - SPECIAL FLOOR AREA REGULATIONS

LAST AMENDED
1/19/2005

93-31 - District Improvement Fund Bonus

LAST AMENDED
8/14/2025

In the #Special Hudson Yards District#, except in Subdistrict F, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21 or 93-22, as applicable, provided that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

The Commissioner of Buildings shall not authorize the construction of any #development# or #enlargement# utilizing #floor area# bonused pursuant to this Section, including foundations with respect thereto, nor shall the construction of any bonused portion thereof be authorized, until the Chairperson has certified that the requirements of this Section have been met. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a

#development# or #enlargement# which does not utilize such bonused #floor area#, provided that, prior to issuance of such permit, the Chairperson has notified the Commissioner of Buildings in writing of the receipt by the Department of City Planning of either:

(a) a letter from the applicant for such permit dated no earlier than 30 days prior to issuance thereof, stating whether as of such date the applicant anticipates filing an application to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or other provisions in Sections 93-222 (Maximum floor area ratio in the 34th Street Corridor Subdistrict C) or 93-223 (Maximum floor area ratio in Hell's Kitchen Subdistrict D); or

(b) an application for a bonus from such applicant to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or other provisions in Sections 93-222 or 93-223.

Copies of letters received from applicants pursuant to paragraph (a) of this Section shall be forwarded by the Department of City Planning to the Community Board and local City Council member, and maintained on file and be available for public inspection at such Department.

The contribution amount shall be $100 per square foot of #floor area# as of January 19, 2005, and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received, and contributions may be made only on days when the Hudson Yards Infrastructure Corporation (the "Corporation") is open for business and during business hours as specified by the Corporation.

The Commission may promulgate rules regarding the administration of this Section, and the Commission may also, by rule, adjust the contribution amount specified in the preceding paragraph to reflect changes in market conditions within the #Hudson Yards Redevelopment Area# if, in its

judgment, the adjusted amount will facilitate the district-wide improvements that are consistent with the purposes of this Chapter. The Commission may make such an adjustment by rule, not more than once a year.

For any such adjustment by rule decreasing the contribution amount, or increasing the contribution amount by more than the percentage change in the Consumer Price Index for all urban consumers, the following shall apply:

(1) Such rule shall be effective for not more than two years; and

(2) The Commission shall not publish the proposed rule pursuant to the City Administrative Procedure Act unless the City Council Land Use Committee and the Department of City Planning have jointly filed an application for a zoning text amendment under Section 201 of the New York City Charter, which would make such adjustment of the contribution amount permanently effective. The contribution amount established under such rule as finally adopted shall continue in effect with further adjustments based upon the Consumer Price Index for all urban consumers, until the next adjustment of the contribution amount pursuant to this Section.

For the #conversion# to #dwelling units# of non-#residential# #floor area#, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to the provisions of this Section.

93-32 - Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

LAST AMENDED
12/5/2024

In the #Phase 2 Hudson Boulevard and Park#, no #development# shall be permitted and, except as provided in Section 93-051 (Applicability of Article I, Chapter 1), no #building# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and Park# may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section.

For the purposes of this Section, a "granting site" shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a "receiving site" shall mean a #zoning lot#, or portion thereof, within Subareas A2 through A5 of the Large-Scale Plan Subdistrict A or Subareas D1 or D2 of Hell's Kitchen Subdistrict D, to which #floor area# from a granting site has been transferred.

Special regulations for certain #zoning lots# partially within the #Phase 2 Hudson Boulevard and Park# are set forth in Section 93-33.

(a) Transfer of floor area by certification

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# of a receiving site to be increased up to the maximum amount specified in Section 93-21 or 93-22, as applicable, through the transfer of #floor area# from a granting site, provided that:

(1) the maximum amount of #floor area# transferred from a granting site shall not exceed the #floor area ratio# permitted on the granting site, as listed below, less any existing #floor area# to remain on the granting site:

District	Maximum #floor area ratio#

C2-8	7.5
C6-2	6.02
C6-4	10.0
M1-5	5.0

(2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;

(3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section 93-21 or 93-22, as applicable. In the event a granting site generates more #floor area# than is permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers pursuant to this Section; and

(4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in Row B in the table in Section 93-21 and Row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the

#Hudson Yards District Improvement Fund# pursuant to Section 93-31 (District Improvement Fund Bonus), an increase in #floor area# pursuant to paragraph (b) of this Section or Section 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or the provisions of Section 93-223 (Maximum floor area ratio in Hell's Kitchen Subdistrict D).

An application filed with the Chairperson for the transfer of #floor area# pursuant to this paragraph (a) shall be made jointly by the owners of the granting site and receiving site, and shall include a site plan and #floor area# zoning calculations for the granting site and the receiving site, and a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with notice of the restrictions upon further development of the granting site and the receiving site.

Notices of restrictions shall be filed by the owners of the granting site and receiving site in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site which incorporates #floor area# transferred pursuant to this paragraph (a).

(b) Authorization for contribution-in-kind

The City Planning Commission may authorize a contribution-in-kind to the #Hudson Yards District Improvement Fund# for a receiving site, provided that:

(1) the conditions for transferring #floor area# set forth in paragraph (a) of this Section have been met as of the date of the authorization or will be met in accordance with agreements or instruments entered into pursuant to paragraph (b)(3) of this Section;

(2) the granting site will be improved, at the applicant's expense, as a #public park# or #street#, as provided for on the City Map, prior to conveyance to the City; and

(3) the applicant, or an affiliate of such applicant, has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the improvement of the granting site as a #public park# or #street# pursuant to an agreed-upon construction schedule. The construction schedule may be adjusted from time to time in accordance with the provisions of such agreement or instruments and shall include progress milestones, including the date by which the improvements will be 50 percent complete, and a date by which the improvements will be substantially complete and usable by the public. In the event that the conditions for transferring #floor area# set forth in paragraph (a) of this Section have not been completed as of the date of this authorization, such agreement or instruments shall also provide that such conditions will be met, to the extent applicable, pursuant to an agreed-upon schedule.

In order to grant such authorization, the Commission shall find that the #public park# or #street# has been designed in accordance with the approved plan for the Hudson Boulevard and Park, or as an appropriate interim design, in consultation with the Department of Parks and Recreation or Department of Transportation.

The Commission shall determine the reasonable cost of such improvement, including any acquisition and site preparation costs, and shall divide this reasonable cost by the contribution amount per square foot of the District Improvement Bonus, as determined pursuant to Section 93-31, and in effect on the date of authorization of the contribution-in-kind pursuant to this paragraph (b), in order to determine the amount of increased #floor area# generated by the contribution-in-kind. In making such determination, the Commission may consult with an appraiser or engineer at the applicant's expense. In the event the contribution-in-kind results in an amount of #floor area# in excess of what is permitted on the receiving site, the Commission shall authorize that such excess #floor area# be credited towards future #floor area# increases pursuant to Section 93-31.

The owner of the receiving site shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this paragraph (b), and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion until the Chairperson has certified that the improvements are substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement# nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson. A restrictive declaration in a form acceptable to the Chairperson shall be recorded against the receiving site in the Office of the Register of the City of New York in order to implement such restrictions.

An application filed with the Chairperson for the contribution-in-kind pursuant to this paragraph (b) shall be made jointly by the owners or contract vendees of the granting site and receiving site and shall, in all instances, include the party responsible either directly or through its affiliate, for the improvement of the granting site as a #public park# or #street# pursuant to the agreement or instruments entered into pursuant to paragraph (b)(3) of this Section.

Receipt of executed copies of the agreement or instruments required pursuant to paragraph (b)(3) of this Section, and of copies of the recorded restrictive declaration, shall be a precondition to the issuance of a building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site that incorporates a #floor area# bonus granted pursuant to this paragraph (b).

In no event shall a building permit for a #development# or #enlargement# utilizing a #floor area# increase pursuant to this paragraph (b) be granted for the receiving site until the Chairperson provides notice to the Commissioner of Buildings that the applicant, or affiliate responsible for the improvement of the granting site, has provided acceptable evidence of site

control for purposes of construction of the improvement.

93-33 - Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park

LAST AMENDED
2/2/2011

Where all of the #lot area# within the following parcels, as they existed on January 19, 2005, that is also within the #Phase 2 Hudson Boulevard and Park#, has been conveyed to the City pursuant to the provisions of Section 93-32, the owner of the residual portion of one of these parcels may convey to the City such residual portion, with all development rights appurtenant thereto, provided that all certificates of occupancy have been surrendered and all structures on such parcel have been demolished:

Block 708, Lots 20 and 46

Block 709, Lot 17

Block 710, Lot 20.

When such conveyance is made, the Chairperson of the City Planning Commission may certify that such owner is entitled to an increase in #floor area# on any receiving site as specified in Section 93-32, in lieu of a permitted #floor area# increase in exchange for contributions to the #Hudson Yards District Improvement Fund#. The amount of increase certified shall not exceed the #lot area# of the residual portion times the #floor area ratio# of the applicable zoning district, as specified in Section 93-32, paragraph (a)(1).

The maximum amount of #floor area# increase on a receiving site shall be based on an amount not to exceed the #floor area ratio# increase permitted on a #zoning lot# through such contribution pursuant to Sections 93-21 or 93-22, as applicable. In the event the certified permissible #floor area# increase is greater than that permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# increases on receiving sites pursuant to this Section.

Once certified by the Chairperson, the entitlement to an increase in #floor area# pursuant to this Section shall be the property of the former owner of the residual property conveyed to the City, and such owner may assign, sell or otherwise transfer such entitlement without restriction.

Where certification is made pursuant to this Section, the site plan and #floor area# calculations for the receiving site, together with the notice of restrictions upon further development of the receiving site, included in the application submitted pursuant to Section 93-32, shall set forth the increase in #floor area# for such receiving site certified hereunder.

93-34 - Distribution of Floor Area in the Large-Scale Plan Subdistrict A

LAST AMENDED
2/2/2011

In order to promote a superior site plan in the Eastern Rail Yard Subarea A1 of the Large-Scale Plan Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, the distribution of #floor area# from the Eastern Rail Yard Subarea A1 to #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A. Such distribution shall only be permitted for receiving sites that have maximized their permitted #floor area# through contributions to the #Hudson Yards District Improvement Fund#, pursuant to Section 93-31, or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park#, pursuant to Sections 93-32 or 93-33. For the purposes of this Section, a “receiving site” shall mean a

#zoning lot# within Subareas A2 through A5 to which #floor area# from the Eastern Rail Yard Subarea A1 has been distributed.

(a) Distribution of #floor area# by certification

The Chairperson of the Commission shall allow, by certification, a distribution of #floor area# from the Eastern Rail Yard Subarea A1 to a receiving site provided that:

(1) The amount of #floor area# distributed does not result in distributions in excess of the maximum amount specified for the applicable #use# that may be distributed from the Eastern Rail Yard Subarea A1, as set forth in paragraph (b)(2) of Section 93-21;

(2) Each distribution, once completed, irrevocably reduces the amount of #floor area# that may be distributed from the Eastern Rail Yard Subarea A1 by the amount of #floor area# distributed; and

(3) The amount of #floor area# on the receiving site which results from such distribution does not exceed the maximum #floor area ratio# permitted on a #zoning lot# through distribution of #floor area# from the Eastern Rail Yard Subarea A1, as specified in Row C of the table in Section 93-21.

(b) Requirements for application

An application filed with the Chairperson of the Commission for the distribution of #floor area# by certification pursuant to paragraph (a) of this Section shall be made jointly by the owner of the development rights of the Eastern Rail Yard Subarea A1 and the receiving site and shall include:

(1) a site plan and #floor area# zoning calculations for the receiving site; and

(2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yard Subarea A1.

Such notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yard Subarea A1 and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit for any #development# or #enlargement# utilizing #floor area# distributed pursuant to this Section, including foundations with respect thereto, on the receiving site. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such distributed #floor area#.

93-35 - Special Permit for Transit Bonus in Pennsylvania Station Subarea B4

LAST AMENDED
1/19/2005

In the Pennsylvania Station Subarea B4, for #developments# or #enlargements# that significantly enhance the pedestrian environment and provide improvements to access to public transit facilities, the City Planning Commission may permit a commensurate #floor area# increase for #commercial# #use# above a #floor area ratio# of 10.0 to a maximum #floor area ratio# of 19.5.

(a) The following conditions shall apply:

(1) the applicant shall submit a plan acceptable to the Commission identifying that portion of the #development# or #enlargement# utilizing such increased #floor area#;

(2) all transit facility improvements shall comply with applicable design standards or the current guidelines of the Metropolitan Transit Authority, New Jersey Transit, or Amtrak, as applicable;

(3) the applicant shall submit schematic or concept plans for all proposed improvements to the applicable transportation agency and the Commission, and any further documentation deemed necessary by the reviewing agencies;

(4) the Commission shall receive a letter from the applicable transportation agency stating the drawings and other documents submitted by the applicant have been determined to be of sufficient scope and detail to fix and describe the size and character of the transit improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate; and

(5) the owner shall sign a legally enforceable instrument in a form acceptable to the reviewing agencies containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, pursuant to an agreed-upon construction schedule. Such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for New York County and a certified copy of the instrument shall be submitted to the Chairperson of the Commission and the applicable transportation agencies.

The owner shall not apply for or accept a temporary certificate of occupancy for that

portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the applicable transportation agencies have certified that the transit facility improvement is substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the transit improvement has been finally completed in accordance with the approved plans and such final completion has been certified by the applicable transportation agencies.

(b) In order to grant such special permit, the Commission shall find that:

(1) the transit improvements significantly enhance the surface and subsurface pedestrian circulation network into and around the #development# or #enlargement# and to and from public transit facilities;

(2) the streetscape, the site design and the location of #building# entrances for the #development# or #enlargement# contribute to the overall improvement of pedestrian circulation within the #Special Hudson Yards District# and minimize congestion on surrounding streets; and

(3) the increased #floor area# will not unduly increase the #bulk# of the #development# or #enlargement#, density of population or intensity of #use# to the detriment of the occupants of #buildings# in the surrounding area.

In determining the amount of #floor area# bonus, the Commission shall consider the extent to which the transit improvements address each of the above findings.

The Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# or #enlargement# and to minimize adverse effects on the character of the surrounding area.

93-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
1/19/2005

In the #Special Hudson Yards District#, height and setback regulations shall be as set forth in this Section, inclusive.

93-41 - Rooftop Regulations

LAST AMENDED
12/5/2024

(a) Subdistricts A, B, C, D, E and G

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E and G, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

(b) Subdistrict F

In Subdistrict F, the provisions of paragraph (b) of Section 33-42 shall apply, except that for

towers above a height of 350 feet, in lieu of the provisions of 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS), inclusive, the tower top articulation provisions set forth in Section 93-569 shall apply.

93-42 - Height and Setback in Subdistricts A, B, C, D, E, F and G

LAST AMENDED
2/2/2011

In Subareas D4 and D5 of the Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply as set forth in Section 93-542, as modified by Section 93-41 (Rooftop Regulations).

In Subdistricts A, B and C, Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 and paragraphs (a) through (d) of this Section shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (SPECIAL HEIGHT,SETBACK AND YARD REGULATIONS). The height of all #buildings or other structures# shall be measured from #curb level#.

In Subdistrict F, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

In Subdistrict G, the underlying height and setback regulations and paragraphs (b) through (d) of this Section shall not apply. In lieu thereof, Section 93-57 (Special Height and Setback Regulations in Subdistrict G) shall apply.

(a) Maximum base heights

The maximum height of a #building or other structure# before setback shall be 150 feet along a #wide street# and along a #narrow street# within 100 feet of its intersection with a #wide street#, and 90 feet along a #narrow street# beyond 100 feet of its intersection with a #wide street#. For #corner lots# with #wide street# frontage and more than 100 feet of #narrow street# frontage, the maximum #building# height before setback along the #narrow street# may, as an alternative, be the weighted average of 150 feet for the first 100 feet from the corner, and 90 feet for the remainder of the #narrow street# frontage. Such allowable maximum heights before required setbacks are hereinafter referred to as "maximum base heights."

(b) Required setbacks

For #buildings# that contain only #residential use# above the applicable maximum base height, the required minimum setback for portions of such #buildings# that exceed such maximum base height shall be 10 feet from a #wide street# and 15 feet from a #narrow street#.

For #buildings or other structures# that contain #commercial# or #community facility use# above the applicable maximum base height, the required minimum setback for portions of #buildings or other structures# that exceed such maximum base height shall be 15 feet from a #wide street# and 20 feet from a #narrow street#.

(c) Tower #lot coverage#

The portion of any #building# or #buildings# located above a height of 150 feet are hereinafter referred to as "towers."

(1) Towers containing #residences# shall occupy, in the aggregate, a minimum of 30 percent of the #lot area# of the #zoning lot#, except that this requirement shall not

apply to the highest 40 feet of such tower or towers. Furthermore, towers containing #residences# shall occupy not more than 40 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 20,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percentage of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43

17,501 to 18,500	42
18,501 to 19,999	41

(2) Towers that contain only #commercial# or #community facility use#, or a combination thereof, shall occupy not more than 60 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 30,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percentage of #Lot Coverage#
20,500 or less	70
20,501 to 21,500	69
21,501 to 22,500	68
22,501 to 23,500	67
23,501 to 24,500	66

24,501 to 25,500	65
25,501 to 26,500	64
26,501 to 27,500	63
27,501 to 28,500	62
28,501 to 29,999	61

(d) Length of #building# wall

The maximum length of any #story# located above a height of 500 feet shall not exceed 250 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 500 feet. No side of such rectangle shall exceed a width of 250 feet.

93-43 - Height of Street Walls and Maximum Building Height Within Subdistrict H

LAST AMENDED
8/14/2025

(a) Height of #street walls#

The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to all #street frontages#, except that the #street wall# shall extend to a minimum base height of 80 feet and a maximum base height of 90 feet before setback. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet.

For #zoning lots#, or portions thereof, with #street# frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

(1) where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged# #building# may rise without setback to the height of such adjacent #street wall#; or

(2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged# #building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph (a), provided that no #building# on the #zoning lot# exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to

this paragraph (a).

(b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

(1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Section 33-45 (Tower Regulations) or paragraph (d) of Section 35-632 (Maximum height of buildings and setback regulations), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and

(2) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section 23-413 (Permitted obstructions in certain districts).

On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.

93-50 - SPECIAL HEIGHT, SETBACK AND YARD REGULATIONS

LAST AMENDED
6/29/2010

In Subdistricts A, B and C, and Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the height and setback regulations set forth in paragraphs (a) through (d) of Section 93-42 (Height and Setback in Subdistricts A, B, C, D, E, F and G) shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, and minimum and maximum base heights, as shown on Map 3 (Mandatory Street Wall Requirements) of Appendix A of this Chapter. Such modifications also include depths of required setbacks, maximum length of #building# walls for towers, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

(a) Recesses

Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63. Above a height of 60 feet for #buildings# fronting upon 34th Street in Subdistrict C or above a height of 50 feet for #buildings# fronting upon Tenth Avenue in Subdistricts C and D, and up to any specified minimum base height, recesses are permitted provided that the aggregate length of such recesses does not exceed 30 percent of the length of the required #street wall# at any level, and the depth of such recesses does not exceed five feet. No limitations on recesses shall apply above any specified minimum base height or to any portion of a #zoning lot# where #street walls# are not required.

Where #street walls# are required to extend along the entire #street# frontage of a #zoning

lot#, no recesses shall be permitted within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except where corner articulation rules apply.

(b) Sidewalk Widenings

Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 in Appendix A of this Chapter. Where sidewalk widening lines are specified, such lines shall be parallel to and five or 10 feet from the #street line#, as required pursuant to Section 93-61 and illustrated on Map 4 (Mandatory Sidewalk Widenings) in Appendix A.

In Subdistrict F, the provisions of Section 93-41 (Rooftop Regulations) and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

In Subdistrict G, the provisions of Sections 93-57 (Special Height and Setback Regulations in Subdistrict G) and 93-58 (Special Permit for Modification of Height and Setback Regulations) shall apply.

93-51 - Special Height and Setback Regulations in the Large-Scale Plan Subdistrict A

LAST AMENDED
2/2/2011

93-511 - Tower lot coverage

LAST AMENDED2/2/2011

The tower #lot coverage# requirements of paragraph (c) of Section 93-42 shall not apply within the Large-Scale Plan Subdistrict A.

93-512 - Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A

LAST AMENDED
2/2/2011

(a) Hudson Boulevard

For the purposes of this paragraph (a), Hudson Boulevard shall be considered to be a #wide street#. The #street wall# of #buildings# shall be located on the Hudson Boulevard sidewalk widening line and extend along at least 70 percent of the length of the Hudson Boulevard frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 120 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow# #street lines# for a distance of 100 feet from its intersection with Hudson Boulevard. Above a height of 120 feet, a setback at least 25 feet in depth is required from the Hudson Boulevard #street line#, and setbacks from intersecting #narrow streets# shall comply with the provisions of paragraph (b) of Section 93-42 (Height and Setback in Subdistricts A, B, C, D, E and F).

Alternatively, for #zoning lots# that occupy the entire Hudson Boulevard #block# front, the Hudson Boulevard #street wall# may rise above a height of 120 feet without setback at the Hudson Boulevard sidewalk widening line, provided that:

(1) the aggregate width of such #street wall# facing Hudson Boulevard does not exceed 100 feet;

(2) all other portions of the #building# that exceed a height of 120 feet are set back at least 25 feet from the Hudson Boulevard #street line# at a height not lower than 90 feet; and

(3) all portions of the #building# that exceed a height of 120 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(b) Tenth Avenue

The #street wall# of #buildings# shall be located within 10 feet of the Tenth Avenue #street line# and extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow street lines# for a distance of 100 feet from its intersection with Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

Alternatively, for #zoning lots# that occupy the entire Tenth Avenue #block# front and where no portion of the #building# is within 10 feet of the Tenth Avenue #street line#, the Tenth Avenue #street wall# may rise above a height of 150 feet without setback, provided:

(1) the aggregate width of such #street wall# does not exceed 100 feet;

(2) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet; and

(3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(c) Midblocks

For all #zoning lots# with frontage along the northerly #street lines# of West 35th through West 40th Streets, the #street wall# of any #building# shall be located on and extend along at least 50 percent of the length of the sidewalk widening line of the #zoning lot# and shall rise without setback to a minimum base height of 60 feet and a maximum base height of 120 feet. Above a height of 120 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, the #street wall# of a #building# may rise without setback at the sidewalk widening line provided the aggregate width of such #street wall# does not exceed 100 feet or 50 percent of the width of such northerly #street line# frontage of the #zoning lot#, whichever is less, and provided all other portions of the #building# that exceed a height of 120 feet comply with the setback provisions of Section 93-42. The provisions of this paragraph shall not apply within 100 feet of Eleventh Avenue. However, any #zoning lot# partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this paragraph (c) to the entire West 35th, West 36th, West 37th, West 38th, West 39th or West 40th Street #street# frontage of the #zoning lot#.

For all #zoning lots# with frontage along the southerly #street lines# of West 36th through West 41st Streets, the #street wall# of any #building# shall not exceed a maximum base height of 120 feet. Above a height of 120 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(d) Rear setback

No #yard# requirements shall apply to any #commercial building# or commercial portion of a #building#. However, above a height of 120 feet, no portion of such #building# shall be nearer to a #rear lot line# than 20 feet.

93-513 - Four Corners Subarea A2

LAST AMENDED
2/2/2011

(a) Hudson Boulevard

The provisions of paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that the maximum base height shall be 150 feet.

(b) West 34th Street

The #street wall# of any #building# shall be located on the West 34th Street sidewalk widening line and extend along at least 70 percent of the West 34th Street frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. For portions of #buildings# exceeding a height of 150 feet, a setback of 20 feet from the #street line# of West 34th Street shall be required. However, a #street wall# may rise without setback along the sidewalk widening line provided the

aggregate width of such #street wall# does not exceed 50 percent of the width of the West 34th Street frontage of the #zoning lot# and provided all other portions of the #building# that exceed a height of 150 feet are set back at least 20 feet from the #street line# of West 34th Street.

(c) Tenth Avenue

The regulations set forth in paragraph (b) of Section 93-512 shall apply.

(d) Rear setback

The provisions of paragraph (d) of Section 93-512 shall apply.

93-514 - Eastern Rail Yard Subarea A1

LAST AMENDED
6/6/2024

(a) Location of #buildings#

#Buildings# shall be located only in the following areas:

(1) east of the southerly prolongaton of the eastern sidewalk widening line of Hudson Boulevard East;

(2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street;

(3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:

(i) such area contains only #uses# listed under Use Group III; or

(ii) where such area includes #residential use#, such #residential use# shall be located only in a #building#, or portion of a #building#, located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include #uses# listed under Use Group III. In addition, #uses# listed under Use Group III may be located in a #building# separate from any #building# containing #residential use#, provided that any such separate #building# may not be located closer than 50 feet east of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West.

(4) for any #building# located at or above the elevation of the #High Line bed# which faces the #ERY High Line#, the #street wall# shall not be located closer than five feet to the edge of the #ERY High Line# and such five foot separation shall remain unobstructed, from the level of the #High Line bed# adjacent to such #building# to the sky. Notwithstanding the foregoing, for any #building# located partly within 335 feet of the Tenth Avenue #street line#, any portion thereof of up to 280 feet in width, as measured parallel to West 30th Street, may be located above the #High Line bed# at a height of 60 feet or more measured from the #High Line bed#, provided such portion has a maximum width of 200 feet along the West 30th Street #street line# and a maximum average width of 240 feet. Structural columns and related architectural features placed within the maximum width of 200 feet along the West 30th Street #street line# supporting such portion of the #building# may be located within five feet of the southern edge of the #ERY High Line#, and such columns and related

architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 50 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the mean level of the adjoining public sidewalk to a height of 60 feet above the level of the #High Line bed#. A maximum of 30 percent of such measured area may be constructed of opaque materials. Additionally, such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 45 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the level of the #High Line bed# to a height of 25 feet above the level of the #High Line bed#.

(b) Height and setback

No setbacks shall be required for any #building# wall facing Eleventh Avenue, West 30th Street or West 33rd Street. Along Tenth Avenue, a #street wall# with a minimum height of 60 feet is required to extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot# not occupied by the public plaza required pursuant to Section 93-71. Such #street wall# shall align with any existing #street wall# facing Tenth Avenue. Existing #street walls# shall be treated in a manner that provides for visual articulation.

(c) Length of #building# walls

The provisions of paragraph (d) of Section 93-42 limiting the length of #building# walls above a height of 500 feet shall not apply.

93-52 - Special Height and Setback Regulations in the Farley Corridor Subdistrict B

LAST AMENDED
2/2/2011

The tower #lot coverage# requirements of paragraph (c) of Section 93-42 shall not apply within the Farley Corridor Subdistrict B.

93-521 - 450 West 33rd Street

LAST AMENDED
2/2/2011

The provisions of this Section shall apply within an area bounded by Tenth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building# shall exceed a height of 150 feet within 10 feet of West 33rd Street, 15 feet of Tenth Avenue and 20 feet of West 31st Street, except as provided below:

(a) along West 31st Street, a #building# may rise without setback provided no part of such #building# is within 15 feet of West 31st Street; and

(b) along West 33rd Street, a #building# may rise without setback, provided that the #aggregate width of street walls# above a height of 150 feet and within 10 feet of the West 33rd Street #street line# does not exceed 50 percent of the length of the West 33rd Street frontage of the #zoning lot#.

However, if more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, the reconstructed #buildings# shall not exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#.

93-522 - Ninth Avenue Rail Yard

LAST AMENDED
4/29/2014

The provisions of this Section shall apply within the area bounded by Ninth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building or other structure# shall exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#. However, on a #narrow street#, a #building# may rise without setback provided no part of such #building# is within 15 feet of the #narrow street line#.

No #rear yard# or #rear yard equivalent# regulations shall apply to any #building# #developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, Dyer Avenue and West 33rd Street.

93-523 - Pennsylvania Station Subarea B4

LAST AMENDED
2/2/2011

Along Eighth Avenue, #street walls# shall be provided as follows:

(a) A #street wall# shall be provided for the mandatory public space required pursuant to paragraph (a) of Section 93-74. Such #street wall# shall extend for at least 100 feet along the Eighth Avenue sidewalk widening line and rise without setback to a minimum height of 60

feet. No portion of such #street wall# shall exceed a height of 150 feet within 15 feet of the Eighth Avenue #street line#. However, such #street wall# may encroach upon the mandatory sidewalk widening provided the height of such #street wall# within the sidewalk widening does not exceed 90 feet.

(b) In addition to the #street wall# required pursuant to paragraph (a) of this Section, #street walls# shall be provided along at least 35 percent of the Eighth Avenue frontage of the #zoning lot#. Such #street walls# shall be located within 10 feet of the Eighth Avenue #street line# and rise without setback to a minimum height of 90 feet and a maximum height of 150 feet, except that no setbacks shall be required where such #street walls# are located 10 feet from the Eighth Avenue #street line#.

(c) No #street walls# shall be located further than 10 feet from the Eighth Avenue #street line# unless they front upon a public plaza provided pursuant to paragraph (c) of Section 93-74. Along West 31st and West 33rd Streets, any portion of a #street wall# that exceeds a height of 150 feet shall be set back at least 15 feet from the West 31st and West 33rd Street #street lines#, as applicable. As an alternative, if the entire #building# is set back at least 10 feet from the West 31st or West 33rd Street #street line#, such #building# may rise without setback along such #street#.

93-53 - Special Height and Setback Regulations in the 34

LAST AMENDED
2/2/2011

(a) 34th Street

For #zoning lots# with frontage on 34th Street, the #street wall# of a #building# shall be located on and extend along the entire West 34th Street #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#. Such #street walls# shall rise without setback to a minimum base height of 120 feet and a maximum base height of 150 feet. For #corner lots#, these provisions shall also apply along any intersecting #street line# for a minimum distance of 50 feet and a maximum distance of 100 feet from its intersection with West 34th Street. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(b) Tenth Avenue

For #zoning lots# with frontage on Tenth Avenue, the provisions of paragraph (a) of Section 93-541 shall apply.

(c) Midblocks between Eighth Avenue and Ninth Avenue

For #zoning lots# with frontage on West 33rd Street or West 35th Street beyond 100 feet of Eighth Avenue and Ninth Avenue, the #street wall# of any #building# shall be located on and extend along the entire West 33rd Street or West 35th Street frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions

of paragraph (b) of Section 93-42 shall apply. The #street wall# of any #building# may rise to a height less than 80 feet, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 80 feet.

93-54 - Special Height and Setback Regulations in Hell's Kitchen Subdistrict D

LAST AMENDED
1/19/2005

93-541 - Height and setback in Subareas D1 and D2

LAST AMENDED
2/2/2011

(a) Tenth Avenue

(1) For #zoning lots# that do not occupy the entire Tenth Avenue #block# front, and for #zoning lots# that occupy the entire Tenth Avenue #block# front where existing #buildings# containing #residences# will remain, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire Tenth Avenue #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines. Such #street wall# shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet,

except that such minimum base height requirement shall not apply to any existing #buildings# containing #residences# to remain. Where such #zoning lots# also front upon a #narrow street#, these provisions shall apply along such #narrow street# frontage for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(2) For #zoning lots# that occupy the entire Tenth Avenue #block# front, and where no existing #buildings# fronting upon Tenth Avenue will remain, the #street wall# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. These provisions shall apply for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue.

Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, the Tenth Avenue #street wall# may rise above 150 feet without setback, provided that:

(i) the aggregate width of such #street wall# does not exceed 100 feet;

(ii) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet;

(iii) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42; and

(iv) all portions of the Tenth Avenue #street wall# that do not exceed a height of 90 feet are located 10 feet from the Tenth Avenue #street line#, except that recesses may be provided in accordance with the recess provisions of paragraph (a) of Section 93-50. Above a height of 90 feet, up to a height of 150 feet, any #street wall# facing Tenth Avenue shall be located no closer to Tenth Avenue than 10 feet.

(b) Hudson Boulevard

The regulations set forth in paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that wherever a setback from the Hudson Boulevard #street line# is required to be at least 25 feet deep, such setback depth may be reduced to 15 feet.

(c) Midblocks between Tenth Avenue and Hudson Boulevard

The regulations set forth in paragraph (c) of Section 93-512 shall apply.

(d) Length of #building# wall

The maximum length of any #story# located above a height of 150 feet that faces north or south shall not exceed 100 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 150 feet. Any side of such rectangle from which perpendicular lines may be drawn to the nearest #narrow# #street line# shall not exceed 100 feet.

(e) Tower #lot coverage#

Where more than one tower on a #zoning lot# contains #residences#, the minimum #lot area# requirement of paragraph (c)(1) of Section 93-42 shall not apply to the highest 80 feet of at least half of the number of such towers.

93-542 - Height and setback in Subareas D4 and D5

LAST AMENDED
12/5/2024

In Subareas D4 and D5 of Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

(a) the rooftop regulations set forth in Section 93-41 shall apply;

(b) within the C2-5 District of Subarea D4, #commercial# #uses# shall be limited to two #stories# or a height of 30 feet, whichever is less; and

(c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation.

93-543 - Authorization for the provision of public open areas

LAST AMENDED
2/2/2011

For #zoning lots# that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas adjacent to or over the Lincoln Tunnel Approaches or Dyer Avenue, the City Planning Commission may authorize height and setback modifications within C2-5 Districts mapped within R8A Districts and the distribution of #floor area# without regard to district boundaries, provided the Commission finds that:

(a) such publicly accessible open area provides an appropriate amenity to the surrounding area;

(b) such publicly accessible open area has appropriate access, circulation, landscaping, seating, paving and lighting;

(c) modifications to the height and setback regulations of C2-5 Districts mapped within R8A Districts result in a #building# that does not exceed a height of 180 feet and is compatible with the scale and character of the surrounding area; and

(d) all necessary approvals have been granted by the Port Authority, or adequate provision has been made for the receipt of such approvals prior to the issuance of any building permit.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Publicly accessible open areas authorized by this Section shall be accessible to the public at all times, except where the Commission has authorized a nighttime closing pursuant to Section 37-727 (Hours of access). Furthermore, such open areas shall comply with the requirements for #public plazas# set forth in Sections 37-744 (Litter receptacles), 37-75 (Signs), 37-77 (Maintenance) and paragraph (a) of Section 37-78 (Compliance).

All plans for publicly accessible open areas, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the

form of a legal instrument providing notice of the certification of the publicly accessible open areas and setting further such provisions as necessary to ensure compliance with the requirements of this Section. Such filing and recording of the instrument, together with the grant of all necessary approvals by the Port Authority, shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# subject to the provisions of this Section until the Chairperson of the Commission certifies to the Department of Buildings that the public access area is substantially complete and that the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson of the Commission certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access area.

93-55 - Special Height and Setback Regulations in the South of Port Authority Subdistrict E

LAST AMENDED
12/5/2024

(a) #Zoning lots# with Eighth Avenue frontage

For #zoning lots# with frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the Eighth Avenue sidewalk widening line and, where applicable, on the West 39th Street and West 40th Street #street lines#, and extend along the entire #street# frontage of the

#zoning lot#. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. The #street wall# of any #building# may rise to a height less than 90 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 90 feet.

Above a height of 120 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Street, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance, except as provided below:

(1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-642, as applicable, may penetrate the #sky exposure plane#;

(2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, pursuant to the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts), may penetrate the #sky exposure plane#.

(b) #Zoning lots# without Eighth Avenue frontage

For #zoning lots# without frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street walls# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged# #building# may rise without setback

to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. The #street wall# of any #building# may rise to a height less than 80 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 80 feet.

93-56 - Special Height and Setback Regulations in Subdistrict F

LAST AMENDED
4/29/2014

The height and setback regulations set forth in this Section, inclusive, shall apply to specific development sites identified as Sites 1 through 6 on Map 2 (Subdistrict F: Site Plan) in Appendix B. All #buildings or other structures# #developed# or #enlarged# within Subdistrict F, with the exception of those approved as part of a public access area pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), shall occur within these designated site locations. However, portions of a #building# located entirely below grade, and exempt from the definition of #floor area#, shall be permitted to extend beyond such designated site locations. Furthermore, the boundary of Site 6 may be extended in a westerly direction, by up to 40 feet, to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6).

Map 4 (Mandatory Sidewalk Widenings) in Appendix A identifies the location of a sidewalk widening required along Eleventh Avenue that is referenced in this Section, inclusive. Regulations governing the design of this sidewalk widening are set forth in Section 93-61.

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B identifies the location of publicly accessible open spaces, private streets and pedestrian ways that are referenced in this Section.

Publicly accessible open spaces are comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection and the #High Line#. General rules governing such publicly accessible open spaces are set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

Publicly accessible private streets are comprised of the West 32nd Street Extension (including the Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B) and the West 31st Street Extension. Publicly accessible pedestrian ways are comprised of the West 30th Street Corridor, and the Connector. General rules governing such private streets and pedestrian ways are set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

For the purposes of applying height and setback regulations, the term "#buildings#" shall include #buildings or other structures#.

93-561 - General rules for Subdistrict F

LAST AMENDED
4/29/2014

The following regulations shall apply to all #buildings# within Sites 1 through 6:

(a) #Street wall# location

For the purposes of applying the height and setback regulations of this Section, inclusive,

wherever a #building# fronts upon any publicly accessible open space, private street or pedestrian way, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B, the boundary of such publicly accessible open spaces, private streets or pedestrian ways shall be considered to be a #street line#. Furthermore, for the purposes of applying such height and setback regulations, the sidewalk widening line required along Eleventh Avenue shall be considered the Eleventh Avenue #street line#.

Wherever a #building# on Sites 1, 5 or 6 faces the #High Line#, the #street wall# shall not be located closer than five feet to the edge of the #High Line#, as shown on Map 3. Such five foot separation shall remain unobstructed, from the level of finished grade adjacent to a #building#, to the sky, except as permitted:

(1) for that portion of a #building# on Site 5 located above a height of 50 feet as measured from the #High Line bed#, pursuant to Section 93-567 (Site 5);

(2) for that portion of a #building# on Site 6 located below the #High Line#, pursuant to Section 93-568 (Site 6); and

(3) pursuant to paragraph (d) of Section 93-756 (General requirements for the High Line).

(b) Measurement of #building# heights

(1) Measurement of #building# base and transition heights

For portions of a #building# that front upon a publicly accessible sidewalk, the maximum #building# base height and, where applicable, the maximum transition height of a #street wall#, shall be measured from the mean level of the public sidewalk that such #street wall# fronts upon. For portions of a #building# that front upon

publicly accessible open spaces in which no sidewalks are provided adjacent to a #street wall#, the maximum #building# base height or, where applicable, the maximum transition height of a #street wall#, shall be measured from the mean level of the final grade of the open space that such #street wall# fronts upon. However, the following #street wall# heights shall be measured from the #High Line bed#:

(i) on Site 6, the portion of a #street wall# above the #High Line bed# facing the #High Line# beyond 60 feet of Eleventh Avenue; and

(ii) on Site 6, along the Southwest Open Space within 60 feet of the #High Line#.

(2) Measurement of tower heights

The height of a tower shall be measured from the highest level of the public sidewalk or finished grade located nearest such tower, to the ceiling of the highest #story# of the tower where #floor area# occupies more than 75 percent of the gross area of such #story#. However, on Site 5, the height of the tower shall be measured from the #High Line bed#.

Where minimum height differences are required between towers, such heights, for each tower, shall be measured from the Manhattan Datum, which is 2.75 feet above sea level.

(c) Towers

Criteria for towers on Sites 1 through 6 are set forth in this Section, inclusive. The minimum distance between all such towers shall be 60 feet.

93-562 - Street wall regulations for certain streets

LAST AMENDED
4/29/2014

The locations of all #street walls# identified in this Section are shown on Map 5 (Subdistrict F: Mandatory Street Wall Requirements) in Appendix B.

(a) Applicability

The provisions of this Section shall apply to:

(1) All #street walls# of #buildings# on Site 1 that front along:

(i) the West 32nd Street Extension;

(ii) the Western Open Space within 60 feet of the West 32nd Street Extension; and

(iii) the Midblock Connection within 60 feet of the West 32nd Street Extension.

(2) All #street walls# of #buildings# on Site 2 that front along:

(i) Eleventh Avenue south of the Northeast Plaza;

(ii) the West 32nd Street Extension; and

(iii) the Midblock Connection within 60 feet of the West 32nd Street Extension.

(3) All #street walls# of a #building# on Site 4 that front along:

(i) Eleventh Avenue;

(ii) the West 32nd Street Extension within 50 feet of Eleventh Avenue; and

(iii) the West 31st Street Extension within 50 feet of Eleventh Avenue.

(4) All #street walls# of a #building# on Site 6 that front along:

(i) Eleventh Avenue five feet north of the #High Line#;

(ii) the West 31st Street Extension;

(iii) the #High Line#, completely above the #High Line bed#;

(iv) the Southwest Open Space within 60 feet of the #High Line#; and

(v) the Southwest Open Space within 60 feet of the West 31st Street Extension.

(b) #Street wall# location

All #street walls# identified in paragraph (a) of this Section shall be located on the #street line#.

All such #street walls# shall extend along the entire #street# frontage of the site or the required portion identified in paragraph (a). However, such #street wall# location rules may be modified in accordance with the recess provisions of paragraph (c) of this Section.

(c) Recesses

(1) Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances;

(2) To allow for corner articulation, the required #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines;

(3) To ensure variation in the required #street wall#, a #building# shall provide recesses or ground floor level setbacks in accordance with the following provisions:

(i) A minimum of 20 percent of the #aggregate width of street walls# shall provide a minimum recess of three feet from the #street wall# above the level of the second #story#. However, for the portion of Site 6 that fronts along the #High Line#, such recess shall be provided above the level of the first #story#. However, no portion of such recess shall be located within 30 feet of the intersection of two #street lines#, except where corner articulation is provided in accordance with paragraph (c)(2) of this Section.

(ii) A maximum of 30 percent, or 50 percent for Site 4, of the #aggregate width of street walls# may provide a recess of up to 15 feet at any level, which may extend to the height of the #building# base and may allow for portions of towers to rise without setback from the ground floor level. However, no such setbacks shall be permitted within 30 feet of the intersection of two #street lines#, except where corner articulation is provided in accordance with paragraph (c)(2) of this Section.

93-563 - Site 1

LAST AMENDED
2/2/2011

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 1.

(a) #Building# base

(1) Facing West 33rd Street

The #street wall# of the #building# facing West 33rd Street may rise without setback to a maximum base height of 120 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

(2) Facing the West 32nd Street Extension

The provisions of this paragraph, (a)(2), shall apply to #street walls# facing the West 32nd Street Extension, the Western Open Space and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum base height of 60 feet and a maximum base height of 90 feet.

(3) Facing the Western Open Space

The provisions of this paragraph, (a)(3), shall apply to #street walls# facing the

Western Open Space beyond 60 feet of its intersection with the West 32nd Street Extension. The #street wall# of the #building# may rise without setback to a maximum base height of 90 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

(b) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (a) of this Section shall be set back in accordance with the provisions of this paragraph (b), except that where towers are provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the tower provisions of paragraph (c) of this Section.

Portions of a transition height facing West 33rd Street shall be set back from the West 33rd Street #street line# a minimum of 20 feet. Portions of a transition height facing the Western Open Space that exceed the maximum base height shall be set back from the #street wall# of a #building# facing the Western Open Space a minimum of 30 feet. However, in both cases, no such setback shall be required within 150 feet of Twelfth Avenue.

Above the maximum base height, a #street wall# may rise to a maximum transition height equal to one-half the height of the #street wall# of the #building# base facing the Western Open Space. Such a transition height shall not exceed a maximum height of 135 feet.

All portions of a #building# that exceed the maximum transition height shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum transition height

shall be considered a “tower” and shall comply with the provisions of this paragraph (c).

(1) Required setbacks

All towers, or portions of a transition height located beneath a tower, shall be set back at least 15 feet from the #street line# of West 33rd Street and from the #street walls# of the #building# facing the West 32nd Street Extension, except that the depth of such setback distance may include the depth of any permitted recesses. However, no setbacks shall be required within 150 feet of Twelfth Avenue, along the Western Open Space or along the Midblock Connection to allow portions of towers that comply with the provisions of paragraphs (c)(2) and (c)(3) of this Section to rise without setback.

(2) Maximum floor plate

If more than one tower is provided on Site 1, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(3) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 110 feet and the north-south dimension shall not exceed a length of 160 feet. Where more than one tower is located on Site 1, each tower shall comply independently with such maximum dimensions.

If more than one tower is located on Site 1, the height of the easternmost tower shall be a minimum of 100 feet greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

93-564 - Site 2

LAST AMENDED
2/2/2011

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 2.

(a) #Building# base

(1) Facing Eleventh Avenue

The provisions of this paragraph (a)(1) shall apply to #street walls# facing Eleventh Avenue (exclusive of #street walls# facing the Northeast Plaza, which need not set back), and the West 32nd Street Extension within 60 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 120 feet and a maximum height of 150 feet. Above a height of 150 feet, all portions of such #building# shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. These #building# base provisions may apply along the West 32nd Street Extension #street line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(2) Facing the West 32nd Street Extension

The provisions of this paragraph (a)(2) shall apply to #street walls# facing the West 32nd Street Extension beyond 60 feet of Eleventh Avenue (or beyond 100 feet if the optional #building# base provisions of paragraph (a)(1) of this Section are applied along the West 32nd Street Extension), and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of such #buildings# facing the West 32nd Street Extension shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Midblock Connection within 60 feet of the West 32nd Street Extension need not set back above the maximum base height to allow tower portions that comply with the provisions of paragraph (b) of this Section to rise without setback.

(3) Facing West 33rd Street

#Street walls# facing West 33rd Street (exclusive of the Northeast Plaza) may rise without setback to a maximum base height of 150 feet. Above a height of 150 feet, setbacks shall be required as follows:

(i) portions of a #building# facing West 33rd Street within 150 feet of the Eleventh Avenue #street line# shall provide a 15 foot setback from the #street line# of West 33rd Street;

(ii) portions of a #building# beyond 150 feet of Eleventh Avenue that do not exceed an #aggregate width of street wall# of 150 feet, as measured along the West 33rd Street #street line#, shall be permitted to rise without setback; and

(iii) portions of a #building# located beyond 150 feet of Eleventh Avenue that exceed the #aggregate width of street wall# of 150 feet, as measured along the West 33rd Street #street line#, shall be set back a minimum of 15 feet from the #street line# of West 33rd Street.

All portions of a #building# that exceed a height of 150 feet shall comply with the tower provisions of paragraph (b) of this Section.

(b) Towers

All #stories# of a #building# located partially or wholly above a height of 150 feet shall be considered a tower and shall comply with the provisions of this paragraph, (b). Not more than one tower shall be allowed on Site 2.

(1) Maximum floor plate

The gross area of any tower #story# shall not exceed 40,000 square feet.

(2) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 250 feet.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

93-565 - Site 3

LAST AMENDED
6/6/2024

The regulations of this Section shall apply to all #buildings# within Site 3.

All #stories# of a #building# located wholly or partially above the highest level of the adjoining public sidewalk or finished grade on Site 3 shall be considered a tower and shall comply with the provisions of this Section. Not more than one tower shall be permitted on Site 3.

(a) Ground floor

A maximum of 6,000 square feet of the ground floor shall be permitted to provide #residential uses#. The remaining portion of the ground floor shall provide an area that is accessible to the surrounding publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F). Such space may provide ground floor #uses# pursuant to paragraph (a) of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses), or may be considered part of the Central Open Space and comply with the regulations set forth in Section 93-75.

If such remaining ground floor level space provides ground floor #uses#, such #uses# shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

If such remaining ground floor level space is considered part of the Central Open Space, such space may be open or enclosed. An open space provided pursuant to this paragraph (a) shall have a clear height of at least 40 feet measured from the level of an adjoining finished grade or sidewalk. An enclosed publicly accessible space provided pursuant to this paragraph (a) shall

adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

(b) Maximum floor plate

The gross area of any #story# of a tower on Site 3 shall not exceed 12,000 square feet.

(c) Maximum length and height

The maximum horizontal dimension of a tower, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 3 rectangle in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower within Site 3 shall be a minimum of 100 feet taller than the tower height of Site 5.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

93-566 - Site 4

LAST AMENDED
4/29/2014

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 4.

(a) Street wall location along West 31st and West 32nd Street Extensions

Any portion of a #street wall# facing the West 32nd Street Extension within 100 feet of Eleventh Avenue shall be set back at least 15 feet from the West 32nd Street Extension #street line#, which shall coincide with the northern edge of the Site 4 boundary. Any portion of a #street wall# facing the West 32nd Street Extension that extends beyond 100 feet of Eleventh Avenue, as measured along the West 32nd Street Extension #street line#, shall be set back at least 30 feet from the West 32nd Street Extension #street line#. Any portion of a #street wall# facing the West 31st Street Extension that extends beyond 100 feet of Eleventh Avenue, as measured along the West 31st Street Extension #street line#, shall be set back at least 15 feet from the West 31st Street Extension #street line#.

(b) #Building# base facing Eleventh Avenue

The provisions of this paragraph (b) shall apply to #street walls# below a height of 120 feet facing Eleventh Avenue and the West 31st and West 32nd Street Extensions within 50 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of a #building# facing Eleventh Avenue shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the West 31st and West 32nd Street Extensions within 50 feet of Eleventh Avenue need not set back above the maximum base height to allow tower portions that comply with the provisions of paragraph (c) of this Section to rise without setback.

All portions of a #building# that exceed the maximum base height of 120 feet shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum base height of 120 feet shall be considered a tower and shall comply with the provisions of this paragraph (c). Not more than one tower shall be permitted on Site 4.

(1) Maximum floor plate

The gross area of any such #story# shall not exceed 12,000 square feet.

(2) Maximum length and height

For any portion of a tower above 120 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 4 rectangle, in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower on Site 4 shall be a minimum of 100 feet taller than any tower located on Site 3.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

93-567 - Site 5

LAST AMENDED
4/29/2014

All #stories# of a #building# located wholly or partially above finished grade on Site 5 shall be considered a tower and shall comply with the provisions of this Section.

On Site 5, a #building# may be located adjacent to and above the #High Line#, provided no portion of such #building# or an associated structural column is located within five feet of the edge of the #High Line# from the level of finished grade to a level of 50 feet above the level of the #High Line bed#, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(a) Maximum floor plate

The gross area of any #story# within that portion of a #building or other structure# located east of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 5,000 square feet.

The aggregate gross area of any portion of a #building or other structure# located west of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 700 square feet, and the maximum aggregate horizontal dimension of such portions, individually measured in their longest dimension, shall not exceed 30 feet.

The gross area of any #story# within that portion of a tower located above a height of 50 feet above the #High Line bed# shall not exceed 12,000 square feet.

(b) Maximum length and height

At or below a height of 50 feet above the #High Line bed#, if a #building# is located so that it has portions on both sides of the #High Line#, the minimum horizontal dimension, measured in any direction between such portions shall be 60 feet.

For that portion of a tower located above a height of 50 feet above the #High Line bed#, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 5 rectangle, in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet. Furthermore, the maximum horizontal dimension for that portion of a tower that spans the #High Line#, measured in any direction, shall not exceed 120 feet.

The maximum height of a tower on Site 5 shall be 350 feet.

93-568 - Site 6

LAST AMENDED
4/29/2014

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 6.

(a) Height and setback regulations

(1) #Street wall# beneath the #High Line#

The provisions of this paragraph (a) shall apply to #street walls# on Site 6 beneath the #High Line# that face West 30th Street, Eleventh Avenue and the Southwest Open Space.

All such #street walls# shall extend along the entire #street# frontage of the site, except that along West 30th Street, the #street wall# shall be no closer to the northerly #street line# of West 30th Street than the northerly edge of the southern row of structural columns of the #High Line#, and along the Southwest Open Space and Eleventh Avenue, the #street wall# shall extend to a point five feet north of the #High Line#. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances.

All such #street walls# shall rise without setback to a maximum height of the underside of the #High Line bed#.

(2) #Building# base

(i) Facing Eleventh Avenue and the West 31st Street Extension, north of the #High Line#

The provisions of this paragraph (a)(2)(i) shall apply north of the #High Line# to #street walls# facing Eleventh Avenue, the West 31st Street Extension, portions of #street walls# facing the #High Line# within 60 feet of Eleventh Avenue, and portions of #street walls# facing the Southwest Open Space within 60 feet of the West 31st Street Extension. Such #street walls# shall rise without setback to a minimum height of 60 feet and a maximum height of 90

feet. Above a height of 90 feet, all portions of a tower, or portions of a transition height located beneath a tower facing Eleventh Avenue, the #High Line# and the West 31st Street Extension, shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the West 31st Street Extension need not set back above the maximum base height to allow portions of towers, or portions of a transition height located beneath a tower that comply with the provisions of paragraphs (a)(3) and (a)(4) of this Section, respectively, to rise without setback. These #building# base provisions may apply along the #High Line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(ii) Facing West 30th Street, north of the #High Line#

The provisions of this paragraph (a)(2)(ii) shall apply to #street walls# above the #High Line bed#, facing the #High Line# beyond 60 feet of Eleventh Avenue, and to those portions of #street walls# facing the Southwest Open Space that are within 60 feet of the #High Line#. Such #street walls# shall rise without setback to a minimum height of 50 feet as measured above the level of the #High Line bed#, and a maximum height of 60 feet as measured above the level of the #High Line bed#. Above a height of 60 feet, all portions of a tower, or portions of a transition height located beneath a tower facing the #High Line#, shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the #High Line# need not set back above the maximum base height to allow portions of a tower, or portions of a transition height located beneath a tower that comply with the provisions of paragraphs (a)(3) and (a)(4),

respectively, to rise without setback.

All portions of a #building# that exceed the maximum base height of 90 feet shall comply with the tower provisions of paragraph (a)(4), with the exception of a #building# which provides a transition height in accordance with the provisions of paragraph (a)(3).

(3) Transition height

If the outermost walls of all #stories# of any tower provided in accordance with the tower provisions of paragraph (a)(4) are individually inscribed within a rectangle where the east-west dimension does not exceed a length of 110 feet, a transition height may be provided above the #building# base in accordance with the provisions of this paragraph (a)(3).

Above the maximum base height, a #street wall# may rise to a maximum transition height equal to two-thirds of the height of the #street wall# of the #building# base facing the West 31st Street Extension. Such a transition height shall not exceed a maximum height of 150 feet, as measured above the West 31st Street Extension #street line#.

All portions of a transition height shall be set back 30 feet from the #street wall# of the #building# base along the West 31st Street Extension and the #High Line#, except that where towers are provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the #building# base provisions of paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum transition height shall comply with the tower provisions of paragraph (a)(4).

(4) Towers

All #stories# of a #building# located partially or wholly above a height of 90 feet, or 150 feet if a transition height is provided in accordance with the provisions of paragraph (a)(3), shall be considered a tower and shall comply with the provisions of this paragraph (a)(4).

(i) Maximum floorplate

If more than one tower is provided on Site 6, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(ii) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 160 feet and the north-south dimension shall not exceed a length of 110 feet. Where more than one tower is located on Site 6, each tower shall comply independently with such maximum dimensions.

The #aggregate width of street walls# of all #stories# of a tower facing the West 31st Street Extension or the #High Line# shall not exceed 220 feet within 40 feet of the #street wall# of the #building# base.

If more than one tower is provided on Site 6, such towers shall either be equal in height, or the easternmost tower shall have a height greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

(b) Certification to expand Site 6

The area of Site 6, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, may be extended westward by up to 40 feet in order to accommodate a public #school# upon certification of the Chairperson of the City Planning Commission, that:

(1) the Chairperson is in receipt of a letter from the School Construction Authority that describes the need for the additional area;

(2) the site and landscape plans for the Southwest Open Space have been approved by the Chairperson, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F);

(3) no portion of a tower located on Site 6 extends beyond 395 feet west of the Eleventh Avenue #street line#; and

(4) any portion of a #building# located beyond 395 feet from the Eleventh Avenue #street line# shall affect southwesterly view corridors from the Central Open Space towards the Hudson River to the minimum extent necessary to accommodate a public #school#.

93-569 - Tower top articulation

LAST AMENDED

All towers that exceed a height of 350 feet shall provide articulation in accordance with this Section.

For the purposes of this Section, a minimum of the uppermost 15 percent of the height of a #building or other structure#, including all rooftop mechanical structures and their required enclosures pursuant to the regulations of paragraph (b) of Section 93-41 (Rooftop Regulations), shall henceforth be referred to as the "Tower Top Zone". However, chimneys, antennae or decorative spires shall not be considered part of the Tower Top Zone, provided no such structures contain #floor area#.

The height of such #building or other structure# shall be measured from the highest level of the public sidewalk or finished grade located nearest such #building or other structure#.

The Tower Top Zone shall contain an "Upper Zone" and a "Lower Zone." The Lower Zone shall be a minimum of 50 percent of the height of the Tower Top Zone and shall contain tower #stories#. The Upper Zone shall contain the highest tower #story# where #floor area# occupies more than 75 percent of the gross area of such #story#, and any enclosed rooftop mechanical equipment.

For the purposes of this Section, each tower of a #building or other structure# shall be comprised of four separate tower top elevation views that shall be used to measure compliance with the regulations of this Section. Each elevation view shall have an angle of 90 degrees from another such view.

Each tower top shall provide the following forms of articulation:

(a) Change in the #building or other structure# profile

(1) Constructing the profile change boundary

To comply with the provisions of this paragraph (a)(1), a rectilinear boundary within the Tower Top Zone shall be created in each elevation view to determine the required amount of profile change. In order to construct such boundary, two datum lines shall first be drawn in each elevation view. Such datum lines shall begin at the average

outermost edges of those portions of tower floor plates above a height of 350 feet containing #floor area# below the Tower Top Zone, and shall extend upward for the entirety of the height of the #building or other structure#. The rectilinear profile change boundary shall include the portion of these two datum lines within the Tower Top Zone, as well as their intersection with two datum lines indicating the uppermost elevation and the lowermost elevation of the Tower Top Zone. In addition, a datum line shall indicate the boundary between the Upper and Lower Zone, creating a boundary for both the Upper Zone and Lower Zone.

(2) Required profile change

A minimum of 10 percent of the area of the profile change boundary within the Lower Zone shall remain open to the sky in each required elevation view. Such profile change shall begin upward at the lowermost datum line of the Tower Top Zone. In addition, a minimum of 20 percent of the area of the profile change boundary within the Upper Zone shall remain open to the sky in each required elevation view.

However, for portions of a #building or other structure# providing enclosed rooftop mechanical equipment within the Upper Zone, the width (as viewed in elevation) of the lowermost portion of enclosed rooftop mechanical space at that point in elevation which coincides with the uppermost portion of the highest tower #story# shall in no event be reduced beyond 50 percent of the width of such highest tower #story#. Upwards of such a point in elevation, no restriction on maximum width reduction for enclosed rooftop mechanical spaces shall apply.

(b) Change in the #building or other structure# #lot coverage#

For portions of a #building or other structure# within the Lower Zone, the average #lot coverage # for all tower #stories# within such zone shall not exceed 80 percent of the #lot

coverage# of the tower #story# with the largest #lot coverage# below the Tower Top Zone and above a height of 350 feet.

(c) Material continuity

A minimum of 10 percent of the surface area of the exterior portion of the facade of the #building or other structure# within the Tower Top Zone, as viewed in elevation, shall be composed of a single material. Such material shall be continuously visible (in each elevation view) from the lowermost datum line of the Tower Top Zone to the uppermost datum line of the Tower Top Zone. However, within each #story# of the Lower Zone, a break in the vertical continuity of the material shall be permitted, provided that the vertical break does not exceed 12 inches.

93-57 - Special Height and Setback Regulations in Subdistrict G

LAST AMENDED
2/2/2011

(a) Required setbacks

The required minimum setback for portions of #buildings or other structures# that exceed the maximum base height specified in paragraph (a) of Section 93-42 shall be 10 feet from a #wide street# and 15 feet from a #narrow street#. However, the required minimum setback along West 39th Street shall be five feet.

(b) Tower #lot coverage#

The portion of any #building# or #buildings# located above a height of 150 feet shall be considered a “tower.”

(1) Towers shall occupy a minimum of 20 percent of the #lot area# of the #zoning lot#, except that this requirement shall not apply to the highest 40 feet of such tower or towers.

(2) Towers containing #residences# shall occupy a maximum of 40 percent of the #lot area#.

(3) The aggregate #lot area# of all towers, including #residential# and non-#residential# towers, shall not exceed 65 percent of the #lot area#.

93-58 - Special Permit for Modification of Height and Setback Regulations

LAST AMENDED
6/11/2025

Within the #Special Hudson Yards District#, except within C1-7A Districts, or C2-5 Districts mapped within R8A Districts, for #developments# or #enlargements# on #zoning lots# with at least 20,000 square feet of #lot area# or #developments# or #enlargements# on any size #zoning lot# that occupy the entire #block# front along a #wide street#, the City Planning Commission may modify the regulations set forth in Sections 93-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, and 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, and, within Subdistrict F, may modify or waive the regulations set forth in Sections 93-10 (USE REGULATIONS), inclusive, 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES), inclusive, and 13-242 (Maximum width of curb cuts), provided the Commission finds that:

(a) such modifications will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;

(b) where the regulations set forth in Section 93-70 are modified or waived, the resulting arrangement of public access areas on the #zoning lot# results in better site planning;

(c) such modifications are consistent with the goal of the special district to provide flexibility of architectural design and encourage more attractive building forms;

(d) such modifications will result in a #development# or #enlargement# that enhances the streetscape and will be compatible with development in the surrounding area; and

(e) such modifications to the curb cut regulations are necessary to accommodate a turnaround area for fire apparatus and other vehicular traffic.

The Commission may establish an appropriate level or levels instead of the mean level of the public sidewalk, the mean level of the final grade of open space, the #High Line bed#, or the highest level of the public sidewalk or finished grade, as applicable, as the reference plane for the applicable regulations relating to the measurement of #building# heights within Subdistrict F.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.

93-59 - Special Yard Regulations in Subdistrict G

LAST AMENDED10/21/2021

No rear yard equivalent shall be required in Subdistrict G.

93-60 - MANDATORY IMPROVEMENTS

LAST AMENDED
1/19/2005

93-61 - Sidewalk Widenings

LAST AMENDED
1/19/2005

Map 4 (Mandatory Sidewalk Widenings) in Appendix A of this Chapter specifies locations of mandatory sidewalk widenings. The depth of such sidewalk widenings shall be as indicated on Map 4 in Appendix A and shall be measured perpendicular to the #street line#. All sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

93-62 - Street Tree Planting

LAST AMENDED
5/29/2019

In addition to the applicable underlying #street# tree planting requirements, in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, trees shall also be provided along the #street# edge of the mandatory sidewalk widenings along West 34th Street. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at

least three feet, six inches. Species shall be selected and installed in accordance with specifications established by the Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

93-63 - Pedestrian Circulation Space

LAST AMENDED
2/2/2011

In C2-8 and C6-4 Districts, except within Subdistrict G, all #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-50. In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

Pedestrian circulation space shall not be required if any of the following conditions exist:

(a) The #zoning lot# is entirely occupied by a #building# of no more than one #story# in height.

(b) The #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage.

(c) The #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length.

(d) The #zoning lot# is required to provide public access pursuant to Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES).

93-64 - Major Building Entrances

LAST AMENDED
2/2/2011

Any #development# or #enlargement# with a #commercial# #floor area ratio# of 5.0 or greater and located on a #zoning lot# with frontage upon Hudson Boulevard shall provide a major entranceway to the #commercial# portion of the #building# on Hudson Boulevard.

Any #development# or #enlargement# containing #residences# located on #zoning lots# with frontage upon Tenth Avenue north of West 33rd Street shall provide a major entrance to the #residential# portion of the #building# on or within 100 feet of Tenth Avenue.

The #street wall# of any #building# facing east towards Ninth Avenue south of West 33rd Street shall contain either a major #building# entrance or have at least 70 percent of its ground floor frontage occupied by retail #uses#.

93-65 - Transit Facilities

LAST AMENDED
10/27/2010

(a) Any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue shall provide an easement for public access to the subway mezzanine or station as illustrated on Map 5 (Transit Facilities) in Appendix A of this Chapter. The easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

The Chairperson of the City Planning Commission shall certify that a plan has been submitted indicating the volume of the easement necessary for future construction of a subway entrance. Such plan shall be developed in consultation with, and with the approval of, the Transit Authority. The Chairperson may alternately certify that a plan has been submitted whereby the applicant agrees to provide the required easement, at the applicant's expense, within two years of request by the Transit Authority or by its designee.

An instrument establishing such transit easement, or agreement to provide one within two years of request by the Transit Authority, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of such certification. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

Floor space within any required transit easement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public use of the easement area is required. A minimum notice of six months in

writing shall be given by the Transit Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

(b) For the locations listed in this paragraph, (b), floor space devoted to subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station, which are established pursuant to an easement or other agreement, shall be excluded from the definition of #floor area# in Section 12-10:.

(1) The volume bounded by Eleventh Avenue, a line 52 feet north of and parallel to West 33rd Street, the western boundary of the #public park#, and West 33rd Street, up to a height of 82 feet, as illustrated on Map 5.

(2) The volume bounded by Eleventh Avenue, West 36th Street, a line 95 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 36th Street, up to a height of 129 feet, as illustrated on Map 5.

(3) The tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of the #Special Clinton District#.

(4) The volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of the #Special West Chelsea District#.

Any transit easement or other agreement for such subway-related #use# shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

93-66 - Open Area Requirements in the Large-Scale Plan Subdistrict A

LAST AMENDED
10/17/2007

In Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, the provisions of this Section shall apply to all open areas between the #street wall# of any #development# or #enlargement# and the #street line#.

(a) Where such open areas are sidewalk widenings required pursuant to Section 93-61, or where a sidewalk widening is not required but an open area extends along the entire #street line# of the #zoning lot#, no obstructions shall be permitted within such open areas within five feet of the #street line#. Beyond five feet of the #street line#, up to a distance of 10 feet from the #street line#, obstructions shall be limited to seating, tables, and trees planted flush to grade. Any open area provided beyond 10 feet of the #street line# shall comply with the provisions of paragraphs (b) through (d) of this Section, as applicable.

(b) All open areas less than 1,200 square feet in area, or open areas of any size but with a width or depth of less than 30 feet, shall be paved or contain landscaping. Paved areas shall be at the same elevation as the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.

(c) All open areas at least 1,200 square feet in area, and with a width and depth of at least 30 feet, shall be paved and contain landscaping. Paved areas shall not be more than 2 feet, 6 inches above or below the level of the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.

(d) Open areas described in paragraphs (b) and (c) of this Section may be occupied by features, equipment and appurtenances normally found in #public parks# and playgrounds, as listed in Section 37-726 (Permitted obstructions). In addition, gates or fences shall be permitted for open areas described in paragraph (c) of this Section, provided such gates are fully open during business hours, such gates or fences are not higher than five feet, and are a minimum of 65 percent open to permit visibility of the open area. No parking areas shall be permitted in any open area. Driveways in any open area shall lead directly to an enclosed parking or loading facility, except that portes-cocheres are allowed in any open area on #zoning lots# with at least 80,000 square feet of #lot area#. #Building# trash storage facilities and mechanical equipment shall be screened by a wall or planted area sufficient to visually conceal these facilities from the #street# or any public access area. All paved areas shall be accessible to the public during business hours and have lighting with a minimum level of two foot candles. Edges of planters in all landscaped areas shall not be higher than 2 feet, 6 inches above the level of any adjacent paved area.

93-70 - PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

LAST AMENDED
4/29/2014

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning

Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, the requirements set forth in paragraph (h) of Section 93-71, shall apply. For certifications relating to 450 West 33rd Street, the requirements set forth in Section 93-722 shall apply. For certifications relating to the Ninth Avenue Rail Yard, the requirements set forth in Section 93-732 shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For the Eastern Rail Yard Subarea A1, such phased development plan may provide for the outdoor plaza described in paragraph (b) of Section 93-71 to be constructed in phases. For 450

West 33rd Street and the Ninth Avenue Rail Yard, such phased development plan shall comply with additional provisions set forth in Sections 93-722 and 93-732, respectively.

For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in paragraph (h) of Section 93-71, and Section 93-732. Issuance of a temporary or permanent certificate of occupancy for any #building#, or portion of a #building#, not occupied by an #ERY Culture, Festival and Exhibit Facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

For an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for such #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza described in paragraph (j) of Section 93-71 is substantially complete and open to and useable by the public and no permanent certificate of occupancy from the Department of Buildings may be issued for the #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza is complete. If a moveable portion of the #ERY Culture, Festival and Exhibit Facility# is not initially constructed as part of the #ERY Culture, Festival and Exhibit Facility#

but is constructed at a later date, any closure of the Culture Facility Plaza necessary for such construction shall not affect the validity of any certificate of occupancy previously issued for the #ERY Culture, Festival and Exhibit Facility#. No temporary certificate of occupancy for the moveable portion that is thereafter constructed, or an amended temporary certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is substantially complete and open to and useable by the public and no permanent certificate of occupancy for the moveable portion that is thereafter constructed, or an amended permanent certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is complete.

93-71 - Public Access Areas in the Eastern Rail Yard Subarea A1

LAST AMENDED
6/6/2024

Any #development# in the Eastern Rail Yard Subarea A1 shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and

paragraphs (h) and (j), of this Section. For purposes of determining compliance with such 55 percent and 40 percent requirements, the Culture Facility Plaza, any portion of the connection to the High Line allowed to be covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility# pursuant to paragraph (f), and any portion of the connection to the High Line that is not required to have a clear height of 60 feet pursuant to paragraph (f) shall be deemed publicly accessible and open to the sky at all times, including any time when a moveable portion of an #ERY Culture, Festival and Exhibit Facility# extends over the Culture Facility Plaza or the connection to the High Line. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the #Tenth Avenue Spur#. If the Cultural Facility Plaza is closed during the construction of the moveable portion of the #ERY Culture, Festival and Exhibit Facility#, the amount of publicly accessible open space shall not be considered reduced during such period.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public, as follows:

(1) unenclosed public access areas shall be accessible between the hours of 6:00 a.m. and 1:00 a.m., except that any portions of the outdoor plaza, as described in paragraph (b) of this Section, designed and constructed for purposes of vehicular use, shall be accessible at all times, except as necessary to perform maintenance and repairs or address hazardous or emergency conditions;

(2) enclosed portions of the through block connection and connection to the public plaza, described in paragraphs (d) and (e) of this Section, shall be accessible to the public between the hours of 8:00 a.m. and 10:00 p.m.; and

(3) upon completion of the Tenth Avenue bridge, described in paragraph (g) of this Section, access between the bridge and the outdoor plaza shall be provided by means of

the through block connection between the hours of 6:00 a.m. and 1:00 a.m.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage erected at conspicuous locations. Such signs shall include the statement "Open to the Public," followed by the hours of operation specified in this paragraph (a). The public space signage for the Culture Facility Plaza may include additional information, consistent with the provisions of paragraph (j) of this Section.

(b) Outdoor plaza

A publicly accessible space, open to the sky (hereinafter referred to as the "outdoor plaza"), shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West. Such open area may extend beyond such boundaries and have necessary grade changes, and up to 10 percent of the area of such outdoor plaza may be covered by a #building or other structure#.

In addition, a #building# containing eating or drinking establishments and other #uses# listed under Use Group VI may be located within the outdoor plaza (but shall not be included as public access area pursuant to paragraph (a) of Section 93-71), provided that any such #building#:

(1) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;

(2) covers no more than 3,600 square feet of the #zoning lot# at the level of the outdoor plaza and above;

(3) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;

(4) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;

(5) is located such that the maximum east-west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east-west dimension shall increase at a rate of one foot in the east-west dimension for every four feet in the north-south dimension from such line, up to a maximum east-west dimension of 60 feet; and

(6) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a #building# may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

No #building# location or setback requirements shall apply to any #building# walls facing the northern, eastern or southern boundaries of the outdoor plaza.

#Building# walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum

height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such #building# wall may rise without setback at such prolongation line, provided the aggregate width of such #building# wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of paragraph (k) of this Section shall apply to at least 70 percent of the length of all #building# walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building#, or portion of a #building#, located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street containing #uses# listed under Use Group III or an #ERY Culture, Festival and Exhibit Facility#.

(c) Public plaza

A publicly accessible space, (hereinafter referred to as a "public plaza"), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 180 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street. Such public plaza shall be open to the sky except that such space may be covered by the #ERY High Line# structure, including any connections to the #ERY High Line# or other design features, as well as a #building# or portion of a #building# as allowed pursuant to Section 93-514, paragraph (a)(4), except that no #building# or portion of a #building# may encroach within the area that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street. In addition, no more than 50 percent of the public plaza shall be covered by the permitted obstructions described in Section 37-726, paragraph (a), as well as any vents or shafts that are placed by the Department of Environmental Protection within the portion of the public plaza that is subject to an access easement.

Such public plaza shall contain the following amenities:

(1) no less than 120 linear feet of fixed seating;

(2) no less than 12 moveable tables and 48 moveable chairs; and

(3) no less than four trees or multi-stemmed equivalents measuring at least four inches in caliper at the time of planting, which trees or multi-stemmed equivalents may be planted in a planting bed. In addition, such public plaza shall contain at least two of the following additional amenities:

(i) artwork;

(ii) water features; or

(iii) food service located in a retail space directly accessible from the public plaza.

The glazing requirements of paragraph (k) of this Section shall apply to at least 70 percent of the length of all #building# walls, other than the #building# walls of any facility operated by the Long Island Rail Road, or its successor, facing each side of the public plaza. In addition, at least 25 percent of the frontage of all #building# walls facing the portion of the public plaza that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street shall be occupied by #uses# listed in Use Group VI or the connection to the public plaza described in paragraph (e) of this Section.

(d) Through block connection

A publicly accessible through block connection shall be provided connecting the outdoor plaza with the Tenth Avenue sidewalk within 50 feet or anywhere north of the center line of West 32nd Street. Public access shall also be provided between such through block connection and

the Tenth Avenue bridge at the time such bridge is constructed pursuant to paragraph (g) of this Section, and may connect to other public access areas or sidewalks. Such through block connection may be open to the sky or enclosed, need not be linear and may have necessary grade changes.

Such through block connection shall have a minimum width of 30 feet and any enclosed portion shall have a minimum height of 30 feet. As an alternative, if an enclosed atrium space adjacent to the outdoor plaza is provided as part of the through block connection that meets all the following dimensional requirements: (1) comprises no less than 4,000 square feet with a minimum height of 60 feet and a minimum depth of 50 feet as measured by a line parallel from the #building# wall facing the outdoor plaza; (2) is free of #building# structural obstructions other than vertical circulation and other elements occupying no more than 500 square feet in the aggregate; and (3) contains interior walls facing such area that comply with the ground floor retail #use# requirements of paragraph (k) of this Section then such through block connection may: (i) have a minimum width of 24 feet; and (ii) have a minimum height of 34 feet for at least 70 percent of the aggregate enclosed area of the through block connection (including the atrium), provided that no portion of the through block connection shall have a minimum height less than 17 feet.

The retail and glazing requirements of paragraph (k) of this Section shall apply to at least 50 percent of the length of all #building# walls facing each side of the through block connection (or, if enclosed, the interior walls facing the through block connection). The through block connection may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the through block connection, and a single path of travel no less than 24 feet in width is maintained. Vertical circulation elements traversing the grade changes of the through block connection shall be considered a part of the through block connection and not an obstruction.

(e) Connection to public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza. Such connection need not be linear and may have necessary grade changes. The retail and glazing requirements of paragraph (k) of this Section shall apply to at least 50 percent of the length of all #building# walls facing each side of such connection (or, if enclosed, the interior walls facing the connection). The minimum clear width of such public way shall be 20 feet. For any portions that are enclosed, the minimum clear height shall be 34 feet within at least 50 percent of the enclosed area of the connection to the public plaza, provided that no portion of the connection to the public plaza shall have a minimum height less than 17 feet. The connection to the public plaza may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the connection to the public plaza and a single path of travel no less than 20 feet in width is maintained. Vertical circulation elements traversing the grade changes of the connection to the public plaza shall be considered a part of the connection to the public plaza and not an obstruction.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza (hereinafter referred to as the "connection") shall be provided that has a minimum width, measured parallel to the High Line, of 60 feet and is located east of the Culture Facility Plaza. For a width of 60 feet measured parallel to the High Line, the clear height of the connection shall be at least 60 feet. Above such height, overhangs of the 60 foot width dimension of the connection shall be permitted by the movable portion of the #ERY Culture, Festival and Exhibit Facility#, provided that the angle of such overhang is a maximum of 14 degrees east of the vertical extension of the western edge of such 60 foot width, as measured from the intersection of such

vertical extension with the 60 foot clear height of the connection. Additionally, such overhang shall project over no more than 16 feet of the 60 foot width dimension. Any portion of the connection east of the minimum 60 foot width shall, if covered, have a minimum clear height of 60 feet. The movable portion of the #ERY Culture, Festival and Exhibit Facility# shall be permitted to overhang any portion of the connection west of such minimum 60 foot width, provided that the angle of such overhanging portion is a maximum of 14 degrees measured at the western edge of the connection at its ground level. The glazing requirements of paragraph (k) of this Section shall apply to at least 50 percent of the length of all #building# walls facing the connection.

(g) Tenth Avenue bridge

A publicly accessible pedestrian bridge shall be provided over Tenth Avenue linking the through block connections required pursuant to paragraph (d) of this Section and paragraph (a) of Section 93-72 (Public Access Areas at 450 West 33rd Street). Such bridge need not be constructed until the 450 West 33rd Street through block connection has been completed. Such bridge may be open or enclosed, have a minimum clear width of 30 feet and, if enclosed, have a minimum clear height of 15 feet. Such bridge shall be located within 10 feet of the center line of West 32nd Street and be at the same elevation as the through block connection required pursuant to paragraph (a) of Section 93-72.

(h) #ERY High Line# and #Tenth Avenue Spur#

The #ERY High Line# shall be provided as a publicly accessible open area. The #Tenth Avenue Spur# may, at the option of the owner, also be provided as a publicly accessible open area.

(1) In order to meet the public access area requirements of Section 93-71, paragraph (a), and this paragraph (h), the following shall be provided for the #ERY High Line#, and shall,

if the owner has elected to include the #Tenth Avenue Spur# as a public access area, be further provided for the #Tenth Avenue Spur#:

(i) Payment of the #High Line Rehabilitation Deposit#; or subject to entry into construction-related agreements with the City or its designee, completion of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, not later than March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms thereof. If the owner has elected to perform the rehabilitation work, then all such work shall be completed in accordance with plans and specifications prepared by or on behalf of the City;

(ii) Payment of the #High Line Landscape Improvement Deposit#;

(iii) Provision of #High Line Maintenance Funding#;

(iv) An easement agreement allowing use of the #ERY High Line# for public space in accordance with the requirements of this paragraph (h), as well as for use and access for rehabilitation, improvement, maintenance and repair purposes, acceptable to the City.

Such requirements shall be set forth in agreements or instruments in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. The execution of such agreements by the owner, and mortgagees and parties in interest of the owner, and, where appropriate, the filing and recordation of such instruments in the Borough Office of the City Register of the City of New York, indexed against the property, shall be a precondition to the Chairperson's

certification to the Department of Buildings for a building permit under Section 93-70. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

(2) No certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 shall be permitted unless the #ERY High Line# is included as a public access area for the initial phase in accordance with the provisions of this paragraph (h).

(3) No crane permit shall be granted for construction of a #development# or #enlargement# in such initial phase until the Chairperson certifies to the Department of Buildings that: (i) either the #High Line Rehabilitation Deposit# has been made or all construction documents and instruments necessary for accomplishment of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in accordance with paragraph (h)(1)(i) of this Section, have been executed and delivered; and (ii) the #High Line Landscape Improvement Deposit# has been made.

(4) No temporary or permanent certificate of occupancy for a #development# or #enlargement# in such initial phase shall be granted unless the Chairperson certifies to the Department of Buildings that (i) either the #High Line Rehabilitation Deposit# has been previously furnished or the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been completed in accordance with the construction documents and instruments; (ii) the initial installment of #High Line Maintenance Funding# has been delivered, provided and to the extent that the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed and are open for use by the public; and (iii) the easement agreement described in paragraph (h)(1)(iv) of this Section, is in effect for the #ERY High Line#.

The requirement for a certification of substantial completion of public access areas before the granting of a temporary certificate of occupancy for the #development# or #enlargement# within such phase pursuant to Section 93-70 shall not apply with respect to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

(5) Nothing herein shall be construed to affect any obligation of the owner to make the #High Line Rehabilitation Deposit# at an earlier date, in accordance with the terms of agreements or instruments entered into by the parties, or to complete rehabilitation work for the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, by March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms of such agreements.

(6) Use by the City of the #High Line Landscape Improvement Deposit# for improvement of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, shall be subject to approval by the Chairperson, based upon a determination that the design and location of access points to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been arranged such that public use thereof will not result in any significant adverse impacts with respect to transit or pedestrians.

(i) Certifications for phased development pursuant to Section 93-70 granted before May 31, 2012

If a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before May 31, 2012, such certification shall expire 45 days following such date and shall thereupon no longer be in force and effect. Within said 45-day period, a new application for certification pursuant to Section 93-70 and Section 93-71, paragraph (h), shall be filed by the owner which shall include the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as public access areas associated with the initial phase, in addition to any other public access areas previously so certified. The expiration of any certification under Section 93-70 granted before May 31, 2012, shall not affect the validity of

any permit issued by the Department of Buildings prior to the expiration of such 45-day period, provided the new application under Section 93-70 and Section 93-71, paragraph (h), is made within such 45-day period.

In the event that a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before May 31, 2012, and a crane permit for the construction of a #development# or #enlargement# within such initial phase was granted prior to 45 days after May 31, 2012, the preconditions to issuance of a crane permit set forth in Section 93-71, paragraph (h), shall be prerequisites for the grant of any new certification for phased development made under this paragraph (i).

(j) Culture Facility Plaza

A publicly accessible space located east of and #abutting# the non-moveable portion of an #ERY Culture, Festival and Exhibit Facility#, and bounded to the north by the outdoor plaza and to the south by the #ERY High Line# shall be provided. During times when the Culture Facility Plaza is not covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza may be used for purposes of outdoor events related to an #ERY Culture, Festival and Exhibit Facility#. Outdoor installations for such events, including seating, shall be restricted to the Culture Facility Plaza. All such events shall be open and accessible to the general public free of admission charge, provided that ticketed events with tickets available on a first come, first served, or timed basis, shall be permitted. During all times when the Culture Facility Plaza is not used for an #ERY Culture, Festival and Exhibit Facility# event or covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza shall be open and accessible to the public between the hours of 6:00 a.m. and 1:00 a.m. Notwithstanding any other provision, the Culture Facility Plaza may be closed to the public not more than 12 days each calendar year for an event related to the #ERY Culture, Festival and Exhibit Facility#, provided that not less than five days prior to any such

closing, notice is given to the applicable community board and is posted at conspicuous locations at such plaza. No #building# or portion of a #building# that is not used for an #ERY Culture, Festival and Exhibit Facility# shall have any obligation to comply with the requirements of paragraph (a), or this paragraph (j), of this Section related to the Culture Facility Plaza.

(k) Retail continuity requirements for public access areas

Within the Eastern Rail Yard Subarea A1, the retail continuity and transparency requirements of this paragraph are applicable to specified #building# walls facing certain public access areas. The applicability of retail, transparency or both provisions, are set forth in the individual provisions of this Section.

(1) Retail requirements

#Uses# on the portion of the #ground floor level# frontage along a publicly accessible open space required pursuant to this paragraph, to the minimum depth set forth in Section 37-32 (Access and Circulation), inclusive, shall be limited to permitted #commercial uses#, except for lobbies, entrances and exits to off-street parking facilities and entryways to #mass transit stations#, as provided by Section 37-33 (Maximum Width of Certain Uses). However, within the Eastern Rail Yard Subarea A1, the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less. At least 50 percent of the frontage not otherwise occupied by excepted #uses# shall be allocated to #uses# listed under Use Groups VI and VIII. All parking shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35.

(2) Glazing requirements#

Ground floor level# #street walls# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

93-72 - Public Access Areas at 450 West 33rd Street

LAST AMENDED
4/29/2014

For the purposes of this Section 93-72, inclusive, 450 West 33rd Street shall be considered the area bounded by the eastern #street line# of Tenth Avenue, the northern #street line# of West 31st Street, a line 302 feet east of the eastern #street line# of Tenth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 1 and 15, existing on April 29, 2014. Any #development# or #enlargement# in such area shall provide public access areas in accordance with the provisions of this Section. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit. All public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(a) Through block connection

A publicly accessible through block connection shall be provided within 10 feet of the prolonged center line of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the Dyer Avenue Platform required pursuant to paragraph (b) of this Section and paragraph (e) of Section 93-

73 (Public Access Areas on the Ninth Avenue Rail Yard). Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on January 19, 2005, has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a #building# wall along the southern boundary of the through block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection that is open to the sky shall comply with the provisions for #public plazas# set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76 and 36-77.

An #enlargement# that does not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, shall not be considered an #enlargement# for purposes of this paragraph (a).

(b) Dyer Avenue Platform

A permanent easement shall be provided along the eastern edge of 450 West 33rd Street, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter, for the purposes of constructing the Dyer Avenue Platform required pursuant to paragraph (d) of Section 93-73. Such easement shall have a minimum width of 33 feet. Any amenities required by paragraph (d) of Section 93-73 may be located within such easement.

(c) West 31st Street Passageway

A publicly accessible passageway space, (hereinafter referred to as the "West 31st Street passageway") shall be provided connecting the Tenth Avenue podium required pursuant to paragraph (d) of this Section to the Dyer Avenue Platform required pursuant to paragraph (d) of Section 93-73, as shown on Map 1 in Appendix B. The West 31st Street passageway shall be located at the same elevation as the Dyer Avenue Platform. Such space shall be located within 35 feet of West 31st Street, have a minimum clear path of 10 feet and be visually open to West 31st Street except for structural elements of the #building# at 450 West 33rd Street.

(d) Tenth Avenue podium

(1) Location and minimum dimensions

A publicly accessible area (hereinafter referred to as the "Tenth Avenue podium") shall be provided at the corner of Tenth Avenue and West 31st Street, as shown on Map 1 in Appendix B. The Tenth Avenue podium shall have a minimum area of 1,800 square feet, be located at the same elevation as the Dyer Avenue Platform

required pursuant to paragraph (d) of Section 93-73, and shall connect to the West 31st Street passageway required pursuant to paragraph (c) of this Section.

(2) Required amenities

The Tenth Avenue podium shall contain a minimum of four trees and be directly accessible from West 31st Street by a staircase and elevator. The stair and the adjoining area shall be open to West 31st Street except for columns and structural elements of the 450 West 33rd Street #building#.

93-721 - Design and maintenance requirements for public access areas at 450 West 33rd Street

LAST AMENDED
8/9/2017

Public access areas at 450 West 33rd Street provided pursuant to the requirements of Section 93-72 shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of Section 93-72 shall comply with the following applicable design standards:

(1) at least two litter receptacles in such public access areas shall be provided;

(2) the public access areas at 450 West 33rd Street shall provide the following public signage system:

(i) One entry plaque shall be provided in each of the following locations:

(a) the Dyer Avenue access point to the West 31st Street Passageway;

(b) the Tenth Avenue Podium access point to the West 31st Street Passageway; and

(c) the #street# level entrance to the Tenth Avenue Podium.

(ii) Each entry plaque is subject to the signage standards as set forth in paragraphs (a)(1) through (a)(4) of Section 37-751 (Public space signage systems).

(iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas at 450 West 33rd Street that such plaque is provided in connection with, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to that portion of the public access areas at 450 West 33rd Street.

(iv) A minimum of two information plaques, constructed from the same permanent materials as the entry plaque, or combined with one or more of the required entry plaques, shall be provided within the public access areas. Information plaques shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.

(v) The information plaque is subject to the signage standards as set forth in paragraphs (b)(1) through (b)(6) of Section 37-751, except that paragraph (b)(3) shall be modified to read, "in lettering three-eighths of an inch in height, the words: 'This public access area contains:'" followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.

(3) the minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot);

(4) no gates, fences or other barriers shall be permitted within such public access areas; and

(5) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner(s) shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-722 - Certification for public access areas at 450 West 33rd Street

LAST AMENDED
4/29/2014

For #enlargements# that do not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, in accordance with the provisions of Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), no temporary or permanent certificate of occupancy shall be issued by the Department of Buildings for more than 3,204,000 square feet of #floor area developed# or #enlarged# on the Ninth Avenue Rail Yard until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a phasing plan has been submitted requiring the West 31st Street Passageway and the Tenth Avenue Podium, required pursuant to paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street), respectively, to be substantially complete and open to and useable by the public.

93-73 - Public Access Areas on the Ninth Avenue Rail Yard

LAST AMENDED
6/6/2024

For the purposes of this Section 93-73, inclusive, the Ninth Avenue Rail Yard shall be considered the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 50 and 60, existing on April 29, 2014. Any #development# in such area shall provide public access areas in accordance with the provisions of Section 93-73, inclusive.

Public access areas on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section. Public access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section 93-61. The entry plaza and the art plaza, as set forth in paragraphs (a) and (c) of this Section, respectively, shall be subject to the hours of access provisions set forth in Section 37-727. All other public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(a) Entry Plaza

(1) Location and minimum dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the "entry plaza"), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza area shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required amenities

The entry plaza shall have the following amenities:

(i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);

(ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;

(iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

(iv) ground floor transparency, in accordance with the provisions of Section 37-34 , shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and

(v) one clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and minimum dimensions

A publicly accessible space (hereinafter referred to as the “central plaza”), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line

478 feet west of and parallel to the western #street line# of Ninth Avenue, a line 167 feet north of and parallel to the northern #street line# of West 31st Street beyond 40 feet of the western street line of Ninth Avenue, a line 40 west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street within 40 feet of the western street line of Ninth Avenue, as shown on Map 1 in Appendix B of this Chapter. Except as provided in paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension of 100 feet as measured from the #building# walls of the #buildings# facing onto the central plaza of. The central plaza shall be open to the sky, except:

(i) for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section; and

(ii) within a line 115 feet west of and parallel to the western #street line# of Ninth Avenue, a #building# may cantilever over the central plaza and required circulation paths located therein, provided such cantilever extends no greater than 10 feet over such central plaza.

(2) Required amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), and planting beds which, in the aggregate, occupy an area of at least 7,500 square feet.

Within the area bounded by the western #street line# of Ninth Avenue and a

line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet of such total requirement shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating of such total requirement shall be provided, of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the "event space"). Such event space may be used for events not exceeding a maximum area of 4,500 square feet, except as set forth below for summer public events and winter public events. When the event space is not being used for an event (general public events, summer public events, winter public events and private events), it shall contain a minimum of 192 linear feet of seating, with 96 moveable chairs and 24 moveable tables and, between April 1 and November 15, a minimum of two moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section. When the event space is being used for an event (general public events, summer public events, winter

public events and private events), the additional tables, chairs and moveable food carts may be removed.

(a) General Public Events

At all times of the year, the event space may be used to host general public events which are open and accessible to the general public and free of admission. During such public events, the event space may contain associated temporary structures and seating.

(b) Summer Public Events

For not more than 75 days between April 1 and November 15, the event space may be used for summer public events which are open and accessible to the general public and free of admission charge, where the temporary structures and seating associated with such summer public events may extend beyond 4,500 square feet, provided that the total area used for such summer public events does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue.

(c) Winter Public Events

Between November 15 and April 1, an ice skating rink, together with associated temporary structures, may extend beyond 4,500 square feet, provided that the total area used for the ice skating rink together with associated temporary structures does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue. The ice

skating rink shall be open and accessible to the general public, but a fee for use of the ice skating rink may be charged, provided the combined total admission and equipment rental fees do not exceed the highest of such combined fees charged at any one rink operating in a #public park#.

(d) Private Events

The City Planning Commission may allow the closing of the event space for up to 12 private events per year pursuant to a restrictive declaration acceptable to the City and recorded in the Office of the City Register for New York County and indexed against the property.

For all events specified in this Section, temporary structures or seating associated with such an event (general public events, summer public events, winter public events and private events) permitted by this paragraph may be installed in the event space, provided the circulation paths required in paragraph (b)(2)(iv) of this Section remain unobstructed at all times.

(iv) Circulation paths

Circulation paths in the central plaza shall meet the following minimum requirements:

(a) pedestrian circulation paths with an aggregate width of not less than 30 feet shall be provided;

(b) at least two of the required circulation paths with a minimum clear width of 12 feet shall be located within 20 feet of the facade of each #building# facing the central plaza;

(c) in addition to the circulation paths required by paragraph (b)(2)(iv)(a) of this Section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i) of this Section, which connect with the circulation paths required by paragraph (b)(2)(iv)(b) of this Section;

(d) all circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this Section; and

(e) clear paths, with a total minimum aggregate width of 20 feet, shall be located at the boundary between the entry plaza, required pursuant to paragraph (a) of this Section, and the central plaza, required by paragraph (b) of this Section, and at the boundary between the art plaza, required pursuant to paragraph (c) of this Section, and the central plaza, required by paragraph (a) of this Section, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza, respectively, and that all clear paths counted toward the aggregate minimum width required by this paragraph shall be a minimum of 7 feet, 6 inches in clear width, and be located no further than 12 feet apart from one another.

(v) Transparency

The transparency requirements of Section 37-34 (Minimum Transparency Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of

Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses) and at least 50 percent of the aggregate frontage of all #buildings# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 37-76. Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion, and any seating associated with a #use# in the pavilion, shall be located at least ten feet west of the prolongation of the east face of the #building# fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet, with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one #story# in height, except such one #story# limitation may be exceeded by portions of the pavilion allocated to mechanical equipment as well as restrooms and a food preparation kitchen occupying, in the aggregate, no more than 200 square feet area. Such pavilion shall not exceed a height limit of 25 feet, except that the permitted obstructions set forth in Section 33-42, as well as restrooms and a food preparation kitchen located above the level of the first #story# may be permitted to exceed such height limit provided that the height of such restroom and food preparation kitchen do not exceed ten feet. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such seating shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor

area#. At least 60 percent of the exterior walls of the pavilion shall be transparent except for structural supports, provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural supports.

(3) Alternative design option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the western #street line# of Ninth Avenue, and further provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

(c) Art Plaza

(1) Location and minimum dimensions

A publicly accessible space open to the sky (hereinafter referred to as the "art plaza") shall be located in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 40 feet west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street, as shown on Map 1 in Appendix B. The art plaza shall have a minimum area of 7,480 square feet, a minimum east-west dimension of 40 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section.

(2) Required amenities

The art plaza shall contain the following features and amenities:

(i) a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);

(ii) planting beds which, in the aggregate, occupy an area of at least 410 square feet;

(iii) a minimum of 45 linear feet of seating;

(iv) one or more pieces of artwork. Such artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and

(v) the transparency requirements of Section 37-34 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.

(d) Dyer Avenue Platform

(1) Location and minimum dimensions

A publicly accessible platform shall be constructed over Dyer Avenue connecting West 33rd Street and West 31st Street (hereinafter referred to as the "Dyer Avenue Platform"), as shown on Map 1 in Appendix B. The Dyer Avenue Platform shall include the easement area described in paragraph (b) of Section 93-72 and shall directly connect with the central plaza and the West 31st Street connector required by paragraphs (b) and (e) of this Section, respectively. The Dyer Avenue Platform shall have a minimum east-west dimension of 53 feet and a minimum north-south dimension of 455 feet. However, such minimum east-west dimension may be reduced

to accommodate an extension of such existing egress stair in order to adjoin the level of the platform, or to accommodate up to 15 inches of additional exterior wall thickness added to the eastern face of the existing #building# at 450 West 33rd Street. Except for any portion of the Dyer Avenue Platform which on April 29, 2014, was covered by the #building# located at 450 West 33rd Street and the existing egress stairs on the eastern face on such #building#, or the permitted additions thereto, respectively, the Dyer Avenue Platform shall be open to the sky.

(2) Required amenities

The Dyer Avenue Platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue Platform located within the easement provided pursuant to paragraph (b) of Section 93-72 (Public Access Areas at 450 West 33rd Street):

(i) a minimum of 16 trees (or other amounts equivalent to a minimum of 64 caliper inches), of which a minimum of 12 trees (or other amounts equivalent to a minimum of 48 caliper inches) shall be located south of the center line of the prolongation of West 32nd Street;

(ii) planting beds, which in the aggregate, occupy an area of at least 1500 square feet, of which a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of West 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

(iii) a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the prolongation of West 32nd Street and a

minimum of 50 linear feet of seating located within 30 feet of the southern street line of West 33rd Street;

(iv) the glazing requirements of Section 37-34 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue Platform; and

(v) at least two pedestrian circulation paths with a minimum clear path of eight feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue Platform, from West 31st Street to West 33rd Street.

Vertical circulation elements, including stairs and ramps traversing the grade changes of the Dyer Avenue Platform shall be considered a part of the Dyer Avenue Platform and not an obstruction.

(e) West 31st Street Connector

(1) Location and minimum dimensions

A publicly accessible connection (hereinafter referred to as the "West 31st Street connector") shall be provided between the Dyer Avenue Platform required pursuant to paragraph (e) of this Section and West 31st Street, as shown on Map 1 in Appendix B. The West 31st Street connector shall be located on West 31st Street adjoining the eastern boundary of the Dyer Avenue Platform and shall have a minimum area of 450 square feet.

(2) Required amenities

The West 31st Street connector shall be directly accessible from West 31st Street by a staircase with a minimum width of eight feet and by an elevator.

(f) Connection to below-grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# shall be constructed that connects with such passage.

93-731 - Design and maintenance requirements for public access areas on the Ninth Avenue Rail Yard

LAST AMENDED
8/9/2017

Public access areas on the Ninth Avenue Rail Yard provided pursuant to the requirements of Section 93-73, shall comply with the applicable design reference standards set forth in paragraph (a) and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

(1) seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive;

(2) where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation requirements of Section 37-742 (Planting and trees). Where trees are provided, they shall meet the planting standards, soil requirements and irrigation standards set forth in Section 37-742;

(3) steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps);

(4) kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section 93-73. Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-73;

(5) the public access areas on the Ninth Avenue Rail Yard shall provide the following public signage system:

(i) One entry plaque in each of the following locations:

(a) entry to the Entry Plaza from West 33rd Street;

(b) entry to the Central Plaza from Ninth Avenue;

(c) entry to the Art Plaza from West 31st Street;

(d) sidewalk level entry to the West 31st Street Connector; and

(e) entry to the Dyer Avenue Platform from West 33rd Street.

(ii) Each entry plaque is subject to the signage standards as set forth in paragraph (a)(1) through (a)(4) of Section 37-751 (Public space signage systems).

(iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such

free-standing post shall be six feet, with a maximum width and depth of 16 inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas on the Ninth Avenue Rail Yard that such plaque is provided in connection with, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to that portion of the public access areas on the Ninth Avenue Rail Yard.

(iv) A minimum of one information plaque, constructed from the same permanent materials as the entry plaques, or combined with one or more of the required entry plaques, shall be provided within the Art Plaza, the Entry Plaza, the Central Plaza and Dyer Avenue. The information plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.

(v) Each information plaque is subject to the signage requirements as set forth in paragraphs (b)(1) through (b)(6) of Section 37-751 except that paragraph (b)(3) shall be modified to read, "in lettering three-eighths of an inch in height, the words: 'This public access area contains:'" followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.

(6) where #buildings# front on to public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions);

(7) the aggregate number of litter receptacles in such public access areas shall be 21;

(8) no gates, fences or other barriers shall be permitted within such public access areas except that protective bollards provided in connection with the development of the Ninth Avenue Rail Yard may be located within the required public access areas; and

(9) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-732 - Certification for public access areas on the Ninth Avenue Rail Yard

LAST AMENDED
4/29/2014

No certification for the phased development of public access areas on the Ninth Avenue Rail Yard shall be permitted until a plan has been submitted that provides for the completion of public access areas in accordance with the provisions of this Section. Such plan shall provide, at a minimum, that the entry plaza, required pursuant to paragraph (a) of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard) will be provided in connection with the construction of a #building#

located on the northeast corner of the Ninth Avenue Rail Yard, that the art plaza, required pursuant to paragraph (c) of Section 93-73, will be provided in connection with the construction of a #building# located on the southeast corner of the Ninth Avenue Rail Yard and that in connection with the construction of a #building# on the southwest corner of the Ninth Avenue Rail Yard, the West 31st Street connector required by paragraph (e) of Section 93-73, and a 20-foot wide paved area along the eastern edge of Dyer Avenue and extending for the north-south dimension of such #building# will be provided.

An application for certification under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include a site plan indicating the area and dimensions of the public access area, or portions thereof, and a detailed plan or plans demonstrating compliance with the requirements of Section 93-73.

Plans for the public access areas shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Office of the City Register of the City of New York for New York County and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the plans for public access area, or portions thereof associated with such phase.

No temporary certificate of occupancy from the Department of Buildings may be issued for a #building#, or portion thereof, where the total amount of #floor area# that has been #developed# or #enlarged# on the Ninth Avenue Rail Yard exceeds 3,204,000 square feet until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access areas at 450 West 33rd Street required by paragraphs (c) and (d) of Section 93-72 and that all public access areas on the Ninth Avenue Rail Yard required by Section 93-73 have been substantially completed and are open and usable by the public. Notwithstanding the foregoing, the Chairperson may, with respect to the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 at 450 West 33rd Street, certify to the Commissioner of Buildings that such temporary certificate of occupancy may be issued absent their substantial completion provided that:

(a) the owner of 450 West 33rd Street has submitted proof that all or portions of the area of the West 31st Street passageway required by paragraph (c) of Section 93-72 was at any time subject to a lease with an expiration date of December 31, 2019, and was not able to obtain control of the areas subject to such lease on or before December 31, 2017;

(b) a letter of credit has been posted in accordance with City requirements, and such letter of credit:

(1) is in an amount equal to 200 percent of the estimated cost to construct the public access area and the elevator at 450 West 33rd Street, required by paragraphs (c) and (d) of Section 93-72, respectively, as set forth in a cost estimate prepared by a professional engineer. Such cost estimate shall be based upon construction documents prepared by a registered architect and submitted with the application for certification pursuant to this Section, and shall be subject to review and acceptance by the City; and

(2) authorizes the City to draw upon the letter of credit if such public access area and elevator have not been substantially completed and are not open and usable by the

public by December 31, 2022;

(c) that an easement agreement has been recorded granting the City access to 450 West 33rd Street and the Ninth Avenue Rail Yard, as may be necessary for purposes of constructing the public access area and elevator required by paragraphs (c) and (d) of Section 93-72, respectively, if they are not completed by the owner by December 31, 2022; and

(d) in addition to the foregoing, such letter of credit shall be maintained from the date of certification for temporary certificates of occupancy, pursuant to this Section, until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 have been substantially completed and are open and usable by the public, or until same have been substantially completed by the City. The Chairperson may, no more frequently than annually, require the submission of an updated or new letter of credit in an amount that reflects changes in costs over time, and such updated or new letter of credit shall be subject to the requirements and procedures of paragraph (b) of this Section, until such letter of credit is released based upon substantial completion.

Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-734 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with a phase of #development#, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, has been fully completed in accordance with the plan therefor, and that such public access area, or portions thereof, are open and useable by the public.

93-733 - Certification to modify general requirements of public access areas for ventilation demands

LAST AMENDED
4/29/2014

The Chairperson of the City Planning Commission may modify the general requirements of the public access areas listed in Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Ninth Avenue Rail Yard. In addition to the site plan required pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-734 - Certification to temporarily modify public access areas for construction staging

LAST AMENDED
4/29/2014

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that the area designated for public access will be required for construction staging or similar activities in a future phase of #development#, the application for the site plan approval may be accompanied by a request for approval of a temporary public area which may include fewer amenities and other features required pursuant to Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), as necessary to accommodate such future construction staging or similar activities.

Such temporary public access area plan shall be subject to review and approval in the same manner as site plan approval pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard) and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site plan shall be implemented.

93-74 - Public Access Areas in Pennsylvania Station Subarea B4

LAST AMENDED
6/6/2024

The provisions of this Section shall apply to any #development# in the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

(a) Public space

A publicly accessible enclosed space with a minimum area of 32,500 square feet shall be provided. Such space shall have at least 100 feet of frontage along the Eighth Avenue #street line#, and have a minimum clear height of 60 feet. The length of such space shall not exceed four times its narrowest width. Up to one-half of such space may be below- grade but shall be visually connected to the at-grade space. Furthermore, such below-grade space shall be connected to the at-grade space by escalators on at least two sides. The retail and glazing requirements of Section 37-76 shall apply to least 70 percent of the length of all #building# walls facing each side of such space. Such space shall provide direct access to the through block connection required pursuant to paragraph (b) of this Section, adjacent #building# lobbies and transit facilities.

(b) Through block connection

A through block connection shall be provided linking West 31st Street and West 33rd Street, at least 300 feet from Eighth Avenue and with direct access to the public space required pursuant to paragraph (a) of this Section. Such through block connection shall have a minimum clear width of 20 feet and may be open or enclosed. If enclosed, such through block connection shall have a minimum clear height of 30 feet.

(c) Plaza

A publicly-accessible plaza, open to the sky, may be provided at the intersection of Eighth Avenue and West 31st Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31st Street, and be provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.

(d) Corner circulation space

Corner circulation spaces shall be provided at the corners of Eighth Avenue and West 31st Street and Eighth Avenue and West 33rd Street. Such spaces shall comply with the requirements for corner circulation spaces of paragraph (d) of Section 37-53. Such spaces shall count towards meeting the pedestrian circulation space requirements of Section 93-63. However, no corner circulation space shall be required at the corner of Eighth Avenue and West 31st Street if a plaza is provided at such corner in accordance with paragraph (c) of this Section.

93-75 - Publicly Accessible Open Spaces in Subdistrict F

LAST AMENDED
4/29/2014

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible open spaces are listed in this Section, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the #High Line# as described within this Section, inclusive. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B identifies the location of publicly accessible open spaces.

General requirements for each publicly accessible open space are set forth within this Section. Design requirements for each publicly accessible open space are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible open space is set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

All publicly accessible open spaces listed in this Section shall be accessible to the public from the hours of 6:00 a.m. to 1:00 a.m. with the exception of the #High Line# and the Northeast Plaza. The Northeast Plaza shall provide hours of access pursuant to Section 37-727.

93-751 - General requirements for the Western Open Space

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the “Western Open Space”), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that amenities that are provided in accordance with this Section and Section 93-77 (Design Criteria for Public Access Areas in

Subdistrict F) shall be permitted to cover a portion of the Western Open Space.

(a) General purpose

The Western Open Space is intended to serve the following purposes:

(1) to provide a major open space that joins the northern portion of the #High Line# open space network on its west to the open space networks leading to the Hudson Park and Boulevard on its east;

(2) to provide a large open lawn area overlooking the Hudson River for public use and enjoyment; and

(3) to provide transition areas that offer shade, supplemental space between the open lawn and surrounding #building# and connections between surrounding publicly accessible open spaces.

(b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly #street line# of Twelfth Avenue.

(c) Core elements

The Western Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum area of one acre. Any lawn area located within 40 feet of a #building# wall on Sites 1 or 5 shall not contribute towards this one acre requirement. The required lawn area shall be comprised of the following amenities:

(i) a continuous lawn area shall be provided over a minimum of 75 percent of the required one acre. Such area shall have a maximum slope of three degrees and unobstructed visual access toward the Hudson River; and

(ii) a transitional lawn area may be provided for a maximum of 25 percent of the required one acre of lawn area. Such area need not be continuous, and shall have a maximum slope of 15 degrees. Trees and other plantings shall be permitted in such area.

(2) #High Line# connection

Access to the #High Line# shall be provided along a minimum of 75 feet and a maximum of 150 feet of #High Line# frontage length. Such frontage need not be continuous, however, in order to qualify as unobstructed access that contributes to the minimum 75 foot requirement set forth in this paragraph (c)(2), a minimum frontage width of five feet is required. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756 (General requirements for the High Line).

(3) Supplemental area

Any space provided in the Western Open Space which does not meet the criteria for lawn area set forth in paragraph (c)(1) of this Section or the criteria for the #High Line# connection set forth in paragraph (c)(2) shall be designated as supplemental area and shall comply with the requirements set forth in this paragraph (c)(3).

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the Allee of the West 32nd Street Extension, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B, to the #High Line#, and the second such pedestrian access shall link the West 31st Street Extension to the #High Line#.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Permanent structures such as food or information kiosks, pavilions or public restrooms may be placed within the supplemental area, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet, and such structures shall be exempt from the definition of #floor area#.

(d) Transparency

For portions of #buildings# on Site 1 and Site 5 fronting upon the Western Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted transparent material.

(e) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 32nd Street Extension shall be permitted to encroach upon the supplemental area of the Western Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Western Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-752 - General requirements for the Central Open Space

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the "Central Open Space"), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that portions of a #building# on Site 3 and amenities that are provided in accordance with Sections 93-75 and 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Central Open Space.

(a) General purpose

The Central Open Space is intended to serve the following purposes:

(1) to serve as a neighborhood open space;

(2) to provide amenities for area residents, workers and the general public; and

(3) to provide areas that offer varied programs, supplemental spaces between amenities and surrounding #buildings# and connections between surrounding publicly accessible open spaces.

(b) Location and dimensions

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31st Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 that are not covered by #buildings# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Central Open Space shall have a minimum dimension in the north-south direction as measured from the southerly #street line# of the West 32nd Street Extension to the northerly #street line# of the West 31st Street Extension of 175 feet. In addition, the minimum dimension of the Central Open Space in the north-south direction between the northern boundary of Site 3 and the southerly #street line# of the West 32nd Street Extension shall be 55 feet.

The Central Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of the Connector to the westerly #street line# of Eleventh Avenue of 545 feet. In addition, the minimum dimension of the open space in the east-west direction between the eastern boundary of Site 3 and the western boundary of Site 4 shall be 265 feet.

Within 350 feet of the Eleventh Avenue #street line#, the maximum height of the finished grade of the Central Open Space shall be 45 feet above the Manhattan Datum, which is 2.75

feet above sea level. Beyond 350 feet of Eleventh Avenue, the maximum height of the finished grade shall be 47 feet above the Manhattan Datum.

(c) Core elements

The Central Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum aggregate area of 10,000 square feet and a maximum slope of three degrees. Such area need not be continuous. Any lawn area located within 12 feet of a #building# wall on Sites 3 or 4 shall not contribute towards such minimum gross area.

(2) Playground

A playground shall be provided with a minimum area of 10,000 square feet.

(3) Supplemental area

Any space in the Central Open Space other than the required lawn area set forth in paragraph (c)(1) of this Section or the required playground space set forth in paragraph (c)(2) of this Section, shall be designated as supplemental area and shall comply with the requirements set forth in this Section.

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 1,500 square feet of the supplemental area. Such trees may be

distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. Such pedestrian access shall link the West 31st and West 32nd Street Extensions and be no closer than 150 feet to one another at any point.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Within 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 7.5 degrees, or a maximum height of two feet. Beyond 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 15 degrees.

(d) Permanent structures

Permanent structures, such as food or information kiosks, pavilions or public restrooms may be placed within the Central Open Space, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet and such structures shall be exempt from the definition of #floor area#.

(e) Transparency

For portions of #buildings# in Site 4 fronting upon the Central Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted, transparent material.

(f) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 31st Street Extension shall be permitted to encroach upon the supplemental area of the Central Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Central Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-753 - General requirements for the Southwest Open Space

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the "Southwest Open Space"), shall be provided in Subdistrict F. Such accessible open space shall be open to the sky, except that portions of a #building or other structure# on Site 5, the #High Line# and amenities that are provided in accordance with Sections 93-75 and 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Southwest Open Space.

(a) General purpose

The Southwest Open Space is intended to serve the following purposes:

(1) to serve as an inviting pedestrian gateway to the Western Rail Yard from open space networks along the Hudson River;

(2) to provide pedestrian amenities and connections between surrounding public spaces both on and adjacent to the Western Rail Yard; and

(3) to offer a unique open space experience for pedestrians through the negotiation of the area's grade changes.

(b) Location and minimum dimensions

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6 and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a #building or other structure# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Southwest Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of Twelfth Avenue to the western boundary of Site 6 of 400 feet. However, if the length of Site 6 is extended to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6), the minimum dimension of the Southwest Open Space shall be 360 feet.

The Southwest Open Space shall have a minimum dimension in the north-south direction as measured from the northerly #street line# of West 30th Street to the southern boundary of the Western Open Space of 180 feet and a maximum dimension of 200 feet.

(c) Core elements

The Southwest Open Space shall have the following core elements. For the purpose of determining the amount of an amenity to provide in relation to the area of the Southwest

Open Space, the area of the Southwest Open Space shall exclude the area occupied by a #building or other structure# on Site 5 and the #High Line#.

A minimum of 50 percent of the area of the Southwest Open Space shall be landscaped with soft ground cover, and the remaining 50 percent of the Southwest Open Space may be paved. At least one tree shall be provided for every 1,500 square feet of Southwest Open Space.

An unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the West 31st Street Extension. If such pedestrian access contains 'switchbacks,' comprised of a series of ascending pedestrian ways, the minimum distance between midpoints of each way, as measured, in plan, from the northerly edge of one way to the southerly edge of the next ascending way shall be 15 feet.

A second unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the #High Line bed# or with an elevator located adjacent to the #High Line# that provides public access to the #High Line bed#. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756.

A minimum of one linear foot of seating shall be provided for every 75 square feet of soft ground cover provided within the Southwest Open Space. At least 50 percent of such required seating shall provide seatbacks.

Permanent structures, such as food or information kiosks, pavilions or public restrooms shall be permitted within the Southwest Open Space, provided the height of such structures does not exceed 20 feet. The maximum area #lot coverage# that all such permanent structures may occupy shall be 1,000 square feet, provided that such structures are located entirely west of the #High Line#. Such permanent structures shall be exempt from the definition of #floor area#.

(d) Permitted encroachments from private streets

The terminus of the West 31st Street Extension shall be permitted to encroach upon the Southwest Open Space, provided that the site and landscape plans for the West 31st Street Extension are approved in conjunction with the Southwest Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

93-754 - General requirements for the Northeast Plaza

LAST AMENDED
4/29/2014

A publicly accessible open space, (henceforth referred to as the "Northeast Plaza"), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The area of such space shall be at least 2,600 square feet, and shall have a minimum #street# frontage of 40 feet along each #street#. The Northeast Plaza shall be provided in accordance with the standards for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

93-755 - General requirements for the Midblock Connection

LAST AMENDED
4/29/2014

A pedestrian way, (henceforth referred to as the "Midblock Connection"), shall be provided between West 33rd Street and the West 32nd Street Extension, as shown on Map 3 (Subdistrict F: Public

Access Area Plan) in Appendix B.

(a) General purpose

The Midblock Connection is intended to serve the following purposes:

(1) to provide pedestrian access between West 33rd Street and the Western Rail Yard Subdistrict F; and

(2) to provide amenities similar to a through block public plaza.

(b) Location and dimensions

The entirety of the Midblock Connection shall be located between 335 feet and 455 feet west of the westerly Eleventh Avenue #street line#.

The minimum width of the Midblock Connection, measured in the east-west direction, shall be 60 feet.

(c) Core elements

The Midblock Connection shall provide the following core elements:

(1) A minimum of one unimpeded pedestrian access, with a minimum width of 12 feet, shall be provided to connect the West 32nd Street Extension with West 33rd Street;

(2) A minimum of one linear foot of seating shall be provided for every 75 square feet of the Midblock Connection. A minimum of 50 percent of the required seating shall

provide seatbacks; and

(3) A minimum of 20 percent of the gross area of the Midblock Connection shall be landscaped with soft ground cover, and shall provide a minimum of one tree per every 1,500 square feet.

93-756 - General requirements for the High Line

LAST AMENDED
2/2/2011

For the portion of the #High Line# that is located within the boundary of Subdistrict F, the following provisions shall apply.

(a) General purpose

The #High Line# is intended to serve the following purposes:

(1) to serve as a continuation of the #High Line# public open space to the east and to the south of West 30th Street;

(2) to offer a pedestrian and passive open space experience similar to the #High Line# open space south of West 30th Street, through planting, materials and amenities, while taking into account the nature and character of the Western Rail Yard Subdistrict F; and

(3) to allow for connections to other public areas on the Western Rail Yard Subdistrict F.

(b) Permitted #uses#

Any permitted change of #use# for the #High Line# shall be made pursuant to the provisions of Section 93-10 (USE REGULATIONS).

(c) Core elements

The #High Line# open space shall provide amenities including, but not limited to, planting, seating and lighting designed to complement and be integrated with portions of the #High Line# south of West 30th Street in a manner that provides both visual and pedestrian continuity along the #High Line# open space network. The #High Line# open space shall not be subject to the design criteria for public access areas in Subdistrict F set forth in Section 93-77.

The site and landscape plans for the #High Line# approved pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F) shall make provision for access points to and from the #High Line# open space, including the public access provided in the Southwest Open Space pursuant to Section 93-753 (General requirements for the Southwest Open Space) and, subject to agreement, shall include support facilities necessary for the operation, maintenance and public enjoyment of the #High Line# open space located in Subdistrict F, or at other locations north of West 30th Street.

(d) Certification to modify requirements adjacent to the #High Line#

The Chairperson of the City Planning Commission may modify certain regulations on adjacent development sites 1 through 6, provided that the Chairperson certifies to the

Commissioner of Buildings that such a change is necessary in order to provide access to the #High Line# open space or to accommodate facilities for the #High Line# open space, and that such change is compatible with the character of developed portions of the #High Line# south of West 30th Street.

The following regulations may be modified:

(1) The ground floor level requirements set forth in Section 93-14 (Ground Floor Level Requirements), where applicable;

(2) The unobstructed five foot separation between the #High Line# and a #street wall# on Sites 1, 5 and 6 required pursuant to paragraph (a) of Section 93-561 (General rules for Subdistrict F) in order to accommodate a pedestrian access way, open to the sky, between the #High Line# and such development sites. However, the required five foot #street wall# separation from the edge of the #High Line# shall not be modified;

(3) The #street wall# requirements for Site 6 set forth in Section 93-562 (Street wall regulations for certain streets), only as necessary to accommodate pedestrian access onto the #High Line#;

(4) The general requirements for the Western Open Space and the Southwest Open Space set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F); and

(5) The general requirements for the 30th Street Corridor set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

Any application for such change shall be included in the application for the site and landscape plans submitted pursuant to the provisions of Section 93-78 (Site and Landscape Plans for

Public Access Areas in Subdistrict F) for the #High Line# open space.

93-76 - Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F

LAST AMENDED
4/29/2014

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section 93-75. Such private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

General requirements for each publicly accessible private street and pedestrian way are set forth within this Section. Design requirements for each publicly accessible private street and pedestrian way are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible private street and pedestrian way are set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Publicly accessible private streets and pedestrian ways listed in this Section shall be accessible to the public at all times.

93-761 - General requirements for the West 32nd Street Extension

A private street, (henceforth referred to as the "West 32nd Street Extension"), shall be provided south of and parallel to West 33rd Street.

(a) General purpose

The West 32nd Street Extension is intended to serve the following purposes:

(1) to serve as the primary publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;

(2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts;

(3) to provide a unique urban park-like experience for an active public #street# by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian Allee, as defined in paragraph (c)(2) of this Section and shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B; and

(4) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street #street line#, as shown on Map 3 in Appendix B, except that a terminus to the West 32nd Street Extension, located west of the

Connector shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section 93-751 (General requirements for the Western Open Space).

(c) Core elements

The West 32nd Street Extension shall provide the following core elements:

(1) Streets and sidewalk requirements

The West 32nd Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

(i) a road bed, paved with asphalt, with a minimum width pursuant to the requirements set forth by the Fire Department;

(ii) a 20 foot minimum sidewalk along its entire northern curb; and

(iii) a 25 foot minimum sidewalk along its entire southern curb.

(2) Planting and seating requirements for the southern sidewalk and the Allee

Two trees shall be planted for every 20 feet of southern curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree.

Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension.

Along the southern sidewalk, trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the Connector shall henceforth be referred to as the Allee, as shown on Map 3 in Appendix B. No #building or other structure# shall be permitted within 15 feet of the southern edge of the Allee.

The Allee shall provide a minimum of one linear foot of seating for every 75 square feet of the Allee. A minimum of 50 percent of the required seating shall provide seatbacks.

(3) Planting requirements for the northern sidewalk

One tree shall be planted for every 25 feet of curb length of the West 32nd Street Extension along its northern curb between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Along the northern sidewalk, trees shall be planted within five feet of the curb.

(4) Curb cuts

No curb cuts shall be permitted along the West 32nd Street Extension, except for

access to the Connector if required by the Fire Department.

93-762 - General requirements for the West 31st Street Extension

LAST AMENDED
4/29/2014

A private street, (henceforth referred to as the "West 31st Street Extension"), shall be provided north of and parallel to West 30th Street.

(a) General purpose

The West 31st Street Extension is intended to serve the following purposes:

(1) to serve as a publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;

(2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts; and

(3) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th Street #street line#, as shown on Map 3

(Subdistrict F: Public Access Area Plan) in Appendix B, except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section 93-753 (General requirements for the Southwest Open Space), and/or paragraph (f) of Section 93-752 (General requirements for the Central Open Space), as applicable.

(c) Core Elements

The West 31st Street Extension shall provide the following core elements:

(1) Street and sidewalk requirements

The West 31st Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

(i) a road bed, paved with asphalt, with a minimum width pursuant to requirements set forth by the Fire Department;

(ii) a 15 foot minimum sidewalk along its entire northern curb; and

(iii) a 20 foot minimum sidewalk along its entire southern curb.

(2) Planting requirements for sidewalks

One tree shall be planted for every 25 feet of curb length of the West 31st Street

Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street between Eleventh Avenue and the Connector.

(3) Curb cuts

One curb cut shall be permitted along each side of the West 31st Street Extension. The maximum width of such curb cut shall be 30 feet. A third curb cut accessing the Connector shall be permitted if required by the Fire Department.

93-763 - General requirements for the West 30th Street Corridor

LAST AMENDED
4/29/2014

A pedestrian way (henceforth referred to as the "West 30th Street Corridor"), shall be provided along the northerly sidewalk of West 30th Street adjacent to the area below the #High Line#.

(a) General purpose

The West 30th Street Corridor is intended to serve the following purposes:

(1) to serve as a transition space between the #High Line# and the West 30th Street sidewalk;

(2) to allow for active frontages with publicly accessible spaces for establishments below the #High Line#; and

(3) to provide an overall streetscape design that complements and provides views of the #High Line# along West 30th Street.

(b) Location and dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30th Street and the eastern edge of the Southwest Open Space, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

In the north-south direction, the West 30th Street Corridor shall extend from the #street wall# of #buildings# beneath the #High Line# facing West 30th Street (which shall coincide with the northerly edge of the southern row of structural columns of the #High Line#) to the northerly #street line# of West 30th Street.

(c) Core elements

The West 30th Street Corridor shall have the following provisions for its core elements:

(1) a pedestrian access area at least 10 feet in width shall be provided along the entire length of the West 30th Street Corridor, linking Eleventh Avenue with the sidewalk adjacent to the Southwest Open Space. Such area shall be located a minimum of five feet beyond the northerly curb line of West 30th Street, and shall be free of obstructions;

(2) portions between the required pedestrian access area and the #High Line# may be paved or landscaped; and

(3) street trees shall be planted within five feet of the northern curb of West 30th Street. One tree shall be planted for every 25 feet of curb length. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of West 30th Street.

93-764 - General requirements for the Connector

LAST AMENDED
4/29/2014

A publicly accessible connection (henceforth referred to as the "Connector"), shall be provided between the West 32nd Street Extension and the West 31st Street Extension.

(a) General purpose

The Connector is intended to serve the following purposes:

(1) to serve as a connection between the West 32nd Street Extension and the West 31st Street Extension;

(2) to provide a space that complements the surrounding publicly accessible open spaces; and

(3) to provide an emergency egress connector pursuant to Fire Department standards.

(b) Location and dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(c) Core elements

The Connector shall provide the following core elements:

(1) the Connector shall be constructed to minimum Fire Department standards for an emergency egress connection between the West 32nd Street Extension and the West 31st Street Extension, including, but not limited to, the width and materials of paved area, and permitted obstructions within such area; and

(2) the Connector shall not be located within 15 feet of a #building#.

93-77 - Design Criteria for Public Access Areas in Subdistrict F

LAST AMENDED
6/6/2024

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

(a) Design criteria

Where private streets, pedestrian ways and publicly accessible open spaces, with the exception of the #High Line#, provide elements listed in this Section, such elements shall comply with the applicable minimum design standards, set forth in paragraph (a) of this Section, as a minimum design standard.

(1) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741, inclusive.

(2) Planting and trees

Where planting areas are provided, they shall meet the planting bed requirements and irrigation requirements of Section 37-742 (Planting and trees).

Where trees are provided, they shall meet the applicable minimum tree caliper standards, soil requirements and irrigation standards set forth in Section 37-742, except that within the Western Open Space, the Central Open Space and the Southwest Open Space, the soil requirements for tree planting shall not apply. In lieu thereof, all trees in the Central and Western Open Spaces shall be planted in areas with soil depth of at least five feet. In the Southwest Open Space, all trees shall be planted in continuous planted areas that have a minimum depth of five feet and a minimum area of 500 square feet of soil.

(3) Paving

Paving, exclusive of the required asphalt paving of the West 31st and West 32nd Street Extension roadbeds, shall meet the minimum standards set forth in Section 37-

718.

(4) Steps

Steps shall meet the minimum dimensional standards set forth in Section 37-725.

(5) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes). Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

(6) Standards of accessibility for persons with disabilities

All publicly accessible open spaces, private streets and pedestrian ways shall be designed pursuant to the standards of accessibility for persons with disabilities set forth in Section 37-728.

(7) Lighting and electrical power

All publicly accessible open spaces, private streets and pedestrian ways shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743.

(8) Litter receptacles

All publicly accessible open spaces, private streets and pedestrian ways shall provide litter receptacles pursuant to the standards set forth in Section 37-744.

(9) Bicycle parking

Bicycle racks sufficient to accommodate at least 25 bicycle parking spaces shall be provided in the Southwest Open Space, bicycle racks sufficient to accommodate at least 30 bicycle parking spaces shall be provided in the Central Open Space and bicycle racks sufficient to accommodate at least 33 bicycle parking spaces shall be provided in the Western Open Space. Such racks shall be located adjacent to a paved circulation path within the open space or in public sidewalks adjacent to the open space.

(10) Playgrounds and additional amenities

Where playgrounds and additional amenities are provided in publicly accessible open spaces, such amenities shall be designed pursuant to the standards set forth in Section 37-748.

(11) Signs

All open spaces within the publicly accessible open spaces shall provide open space signage pursuant to the standards set forth in Section 37-751.

(12) Canopies, awnings, marquees and sun control devices

Where #buildings# front onto publicly accessible open spaces, private streets and pedestrian ways, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions).

(13) Gates and fences

Gates, fences or other barriers shall be permitted at the perimeter of any playgrounds, tot lots or dog runs provided as part of a publicly accessible open space or pedestrian way. Additional gates, fences or other barriers shall be permitted in the Midblock Connection, the Southwest Open Space and the #High Line# only as approved as part

of the site and landscape plans submitted pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Such gates, fences or other barriers shall have a maximum height of 48 inches, as measured from the adjoining grade level, and shall be at least 70 percent open. However, where gates, fences or other barriers are mounted on a solid curb, such minimum transparency shall not include the surface area of the curb, provided that the height of such curb does not exceed six inches.

Chain link fencing or barbed or razor wire shall not be permitted.

(14) Public restrooms

At least one public restroom shall be provided to serve either the Central Open Space or the Western Open Space, whichever is developed first pursuant to the provisions of Section 93-78. Such public restroom shall provide separate restroom spaces for each gender, and may be located in either the publicly accessible open space or within the ground floor of any adjacent #building#.

(b) Maintenance

The owner of each of Sites 1 through 6 in Subdistrict F shall be responsible for the maintenance of all publicly accessible open spaces, private streets and pedestrian ways, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the portion of the Subdistrict associated with such site in the phased development provided in the site and landscape plans required pursuant to Section 93-78. Notwithstanding the foregoing, maintenance of the #High Line# shall be governed by such agreements as are entered into with respect thereto.

(c) Interim #use#

Open #uses# listed under Use Group I, with the exception of cemeteries and golf courses, shall be permitted as interim #uses# within the designated boundary of any public access area described in Sections 93-75 or 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F) with the exception of the #High Line# open space, or within the designated boundary of any development site described in Section 93-56 (Special Height and Setback Regulations in Subdistrict F). Such interim #uses# may be #developed# prior to the approval of the site and landscape plans for the public access area in which it is located, and may continue until such time as development commences on such public access area pursuant to the approved site and landscape plans. Any such interim #uses# shall be open to and usable by the public, and may include temporary structures, provided that all associated #floor area# is appurtenant to the interim #use#.

93-78 - Site and Landscape Plans for Public Access Areas in Subdistrict F

LAST AMENDED
4/29/2014

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

All publicly accessible open spaces, or portions thereof, listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways, or portions thereof, listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), shall comply with the following provisions:

(a) No building permit shall be issued for any #development# or #enlargement# within Subdistrict F unless the Chairperson of the City Planning Commission has certified to the Commissioner of Buildings that the site and landscape plans for the Subdistrict F public access area have been

approved by the Chairperson pursuant to the provisions of this Section. Notwithstanding the foregoing, the Chairperson shall allow for the phased development of public access areas, or portions thereof, upon certification to the Commissioner of Buildings that site and landscape plans have been submitted that provide for the completion of public access areas in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.

(b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include:

(1) a site plan indicating the area and dimensions of the public access area, or portions thereof, and the location of all proposed #buildings# in the phase subject to the application;

(2) a landscape plan, prepared by a registered landscape architect, for the public access area, or portions thereof, in the phase subject to the application; and

(3) a report to the Chairperson demonstrating:

(i) that the site and landscape plans have been presented by the applicant to the affected Community Board, City Council Member and Borough President and the Community Board, City Council Member and Borough President have had at least 60 days to review; and

(ii) that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered by the applicant, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall identify how the design has been

modified.

(c) The Chairperson of the City Planning Commission shall approve the site and landscape plans within 45 days following filing, provided that the following provisions are met:

(1) the site and landscape plans provide for the improvement of the public access area, or portions thereof, which, taking into account relevant considerations relating to platform construction and engineering, are:

(i) of sufficient size to provide a valuable public amenity and promote site access for the benefit of residents and workers in the #buildings# in the phase to which they relate, as well as for the general public; and

(ii) appropriately sited and located in suitable proximity to the #building# locations in the phase to which they relate.

(2) the site and landscape plans are consistent with the general purposes and contain the core elements listed in Sections 93-75 and 93-76, inclusive;

(3) all elements in the site and landscape plans comply with the design criteria as set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F), or, in the case of the #High Line#, that the elements in the landscape plan comply with the criteria set forth in paragraph (c) of Section 93-756 (General requirements for the High Line);

(4) the site and landscape plans are consistent and appropriate in relation to any previously approved landscape plan for other phases and in relation to conceptual plans for future phases, as applicable;

(5) the level of public amenity provided in the landscape plan is equal to or better than the level of public amenity required in #public plazas# that are provided in accordance with the standards of Section 37-70 or, in the case of the #High Line#, than the level of public amenity provided on developed portions of the #High Line# south of West 30th Street. All public amenities that are provided in the landscape plan shall take into account the nature and character of the Subdistrict F public access areas; and

(6) a maintenance plan, including any necessary maintenance facilities for the public access area, or portions thereof, in the phase, has been established that will ensure compliance with the provisions of paragraph (b) of Section 93-77.

Approved site and landscape plans shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

(d) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with the site and landscape plans, and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or

#enlargement# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the site and landscape plans for the public access area, or portions thereof associated with such phase. Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-782 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within the phase until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with the phase previously improved pursuant to the temporary public access area plan, has been fully completed in accordance with the site and landscape plans therefor, and that the public access area, or portions thereof, are open to and useable by the public.

(e) Where a phase of development results in all development sites in Subdistrict F, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, having been #developed# in whole or in part pursuant to the provisions of Section 93-56 (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially complete, and are open to and useable by the public. However, in the event that the site and landscape plans for the #High Line# open space have not been approved, pursuant to paragraph (c) of this Section, at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are

substantially complete.

93-781 - Certification to modify general requirements of public access areas for ventilation demands

LAST AMENDED
12/21/2009

The Chairperson of the City Planning Commission may modify the general requirements of the publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Western Rail Yard. In addition to the site and landscape plans required pursuant to Section 93-78, a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-782 - Certification to temporarily modify public access areas for construction staging

LAST AMENDED
2/2/2011

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that a public access area will be required for construction staging or similar activities in a future phase of #development# or #enlargement#, the application for the site and landscape plans may be accompanied by a request for approval of a temporary public access area plan

for the public access area which may include fewer than all core elements required as part of a phase of #development# or #enlargement# of such public access area pursuant to paragraph (c)(2) of Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), as necessary to accommodate such future construction staging or similar activities. Such temporary public access area plan shall be subject to review and approval in the same manner as the site and landscape plans, pursuant to Section 93-78 and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site and landscape plans, including all core elements for such public access area, shall be implemented.

93-80 - OFF-STREET PARKING REGULATIONS

LAST AMENDED
5/8/2013

In Subdistricts A, B, C, D and E, the regulations governing permitted #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall not apply, except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistricts F and G, the regulations of Article I, Chapter 3, shall apply.

93-81 - Definitions

LAST AMENDED

Hudson Yards parking regulations applicability area

The “Hudson Yards parking regulations applicability area” is comprised of Subdistricts A, B, C, D and E of the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District#.

Hudson Yards development parking supply

The “Hudson Yards development parking supply” shall be the aggregate number of off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking lots# and #public parking garages# in the #Hudson Yards parking regulations applicability area#:

(a) that have been constructed, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010, to the extent that such spaces satisfy the ratios of Section 93-821;

(b) that have been constructed, pursuant to a City Planning Commission special permit approved subsequent to January 19, 2005, and before April 14, 2010;

(c) for which the Chairperson has issued a certification, pursuant to Section 93-821, paragraph (e); and

(d) that have been approved by Board of Standards and Appeals variance, pursuant to Section 72-21 , to the extent that such spaces satisfy the ratios of Section 93-821.

However, all off-street parking on Site 1, as shown on the map of the Special 42nd Street Perimeter Area in Appendix A of the #Special Clinton District# (Article IX, Chapter 6), shall be counted toward the #Hudson Yards development parking supply#.

For purposes of this definition, "constructed" shall include any off-street parking spaces in #accessory# or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were completed on April 14, 2010, under construction on such date with the right to continue construction pursuant to Section 11-331 or granted a City Planning Commission special permit after January 19, 2005, where such permit had not lapsed as of April 14, 2010.

Public parking

"Public parking" shall be off-street parking that is open to the public during the business day for hourly, daily or other time-defined rental of parking spaces, for which a fee is charged.

Reservoir deficit

The “reservoir deficit” shall be the amount by which the #reservoir surplus# is less than zero.

Reservoir parking supply

The “reservoir parking supply” shall be the sum of:

(a) all off-street parking spaces lawfully operating as of May 27, 2009, in the #Hudson Yards parking regulations applicability area# as #public parking#; and

(b) any off-street parking spaces for which a valid building permit had been issued, as of May 27, 2009, and which have been constructed before April 14, 2010.

However, any off-street parking space that satisfies the definition of the #Hudson Yards development parking supply# in this Section shall not be counted as part of the #reservoir parking supply#.

For purposes of this definition, “constructed” shall include any off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were either completed on April 14, 2010, or under construction on such date with the right to continue construction pursuant to Section 11-331.

Reservoir surplus

The initial #reservoir surplus# shall be 3,600 off-street parking spaces. The "reservoir surplus" shall be increased by:

(a) the aggregate number of off-street parking spaces in the #reservoir parking supply# for which a building permit has been issued, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010;

(b) the number of off-street parking spaces in the #Hudson Yards parking regulations applicability area# above the ratios permitted in Section 93-821, either certified by the Chairperson pursuant to Section 93-822, paragraph (c), or by City Planning Commission special permit, pursuant to Section 93-823; and

(c) the number of off-street parking spaces lawfully added in the #Hudson Yards parking regulations applicability area#, other than those permitted pursuant to Section 93-80, inclusive, except for any increase by Board of Standards and Appeals variance that is counted as part of the #Hudson Yards development parking supply#;

The #reservoir surplus# shall be decreased by:

(a) the aggregate number of parking spaces counted at any time in the #reservoir parking supply#, that subsequently are:

(1) reduced through modification or discontinuance of the applicable Department of Consumer Affairs license or certificate of occupancy or otherwise cease operation permanently; or

(2) not constructed in accordance with the applicable building permit, as reflected in a modification of such building permit or the issuance of a certificate of occupancy for a reduced number of spaces; or

(b) the issuance of a certificate of occupancy for a #development# or #enlargement# providing a smaller number of spaces than allowed, pursuant to Section 93-821, to the extent of the difference between the number of #accessory# off-street parking spaces allowed, and the number provided. However, this paragraph shall not apply to Sites 2, 3, 4 and 5, as shown on Map 6 of Appendix A, and shall apply to no more than 200 #accessory# off-street parking spaces on Site 6 as shown on Map 6.

Substantial construction

"Substantial construction" shall mean the substantial enclosing and glazing of a new #building# or of the #enlarged# portion of an existing #building#.

93-82 - Permitted Parking

LAST AMENDED
4/14/2010

#Developments# or #enlargements# in the #Hudson Yards parking regulations applicability area# may provide #accessory# parking spaces in accordance with the provisions of this Section. The provisions of Sections 36-52 (Size, Location and Identification of Spaces) and 36-53 (Width of Curb Cuts and Location of Access to the Street) shall apply to all permitted #accessory# off-street parking spaces.

93-821 - Permitted parking when the reservoir surplus is greater than or equal to zero

LAST AMENDED
12/5/2024

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

(a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 27-11, #accessory# off-street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.

(b) For #transient hotels# listed under Use Group V, the applicable provisions of Section 13-12 (Permitted Parking for Non-residential Uses) shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.

(c) For Office #uses# listed under Use Group VII, not more than 0.16 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#.

(d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph (d):

(1) for #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#;

(2) for #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces; and

(3) in no event shall the total number of #accessory# off-street parking spaces for all #uses# exceed 1,000.

(e) The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section, unless the Chairperson has certified that:

(1) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(1)(i), (e)(1)(ii) and (e)(1)(iii), is less than or equal to 5,084 spaces:

(i) the #reservoir surplus# or zero;

(ii) the #Hudson Yards development parking supply#; and

(iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and

(2) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(2)(i), (e)(2)(ii), (e)(2)(iii) and (e)(2)(iv), is less than or equal to 5,905 spaces:

(i) all off-street parking spaces in the #Hudson Yards parking regulations applicability area# that have been categorized, in accordance with the

definition in Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81;

(ii) all off-street parking spaces in the #Hudson Yards parking regulations applicability area# that have been categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;

(iii) the #Hudson Yards development parking supply#; and

(iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.

(3) Notwithstanding paragraphs (e)(1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yard Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yard Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e)(1) and (e)(2), respectively.

(4) Any certification granted by the Chairperson, pursuant to this Section, shall lapse after two years if #substantial construction# of the #development# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse

after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-822 - Permitted parking when a reservoir deficit exists

LAST AMENDED
6/6/2024

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

(a) The number of permitted #accessory# off-street parking spaces for Use Group V hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by the applicable provisions of Section 13-12 (Permitted Parking for Non-residential Uses).

(b) The number of permitted #accessory# off-street parking spaces for #uses# included under Offices in Use Group VII may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).

(c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:

(1) a #reservoir deficit# exists;

(2) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and

(3) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821.

(d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

93-823 - Parking permitted by special permit

LAST AMENDED
6/6/2024

When a #reservoir deficit# exists, the City Planning Commission may allow, by special permit, #uses# included under Offices in Use Group VII to exceed the number of #accessory# off-street parking spaces permitted by Section 93-822, provided that:

(a) within the vicinity of the site, there are insufficient parking spaces available;

(b) the facility will not create or contribute to serious traffic congestion nor unduly inhibit vehicular and pedestrian movement;

(c) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and

(d) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this condition.

In addition, the Commission shall find that the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# that is the subject of the application under review, does not exceed the #reservoir deficit#; and that such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 do not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821. In making such finding, the Commission shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

93-824 - Publication of data

LAST AMENDED
4/14/2010

The Department of City Planning shall make available, in a form easily accessed by the public, regularly updated calculations of the current #Hudson Yards development parking supply#, #reservoir parking supply#, spaces described in paragraphs (e)(2)(i) and (e)(2)(ii) of Section 93-821, and #reservoir surplus# or #reservoir deficit#, as applicable.

93-83 - Use and Location of Parking Facilities

LAST AMENDED
6/6/2024

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

(a) All off-street parking spaces #accessory# to #residences# shall be used exclusively by the occupants of such #residences#. Except in the Eastern Rail Yard Subarea A1, all off-street parking spaces #accessory# to #transient hotels# listed under Use Group V and #uses# included under Offices in Use Group VII may be made available for public use. No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

(b) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:

(1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or

(2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor# #area#, so that no portion of such parking facility is visible from

adjoining #streets# or publicly accessible open areas.

93-831 - Authorization for above-grade parking

LAST AMENDED
2/2/2011

The City Planning Commission may authorize parking facilities that do not comply with the provisions of paragraph (b) of Section 93-83 (Use and Location of Parking Facilities) and may authorize floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

(a) below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-way or other conditions that impose practical difficulties for the construction of below-grade parking facilities;

(b) the scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;

(c) the materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;

(d) the ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining

#streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;

(e) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential# #floor area#, to minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

(f) for portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties; and

(g) the location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

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

93-84 - Curb Cut Restrictions

LAST AMENDED
4/14/2010

Along all avenues in the #Special Hudson Yards District#, and along Hudson Boulevard and West 34th Street, and along the north side of West 35th, West 36th, West 37th and West 38th Streets

between Tenth and Eleventh Avenues, no driveway curb cuts for parking facilities or loading berths shall be permitted, except:

(a) for entrances or exits to a public parking garage located beneath Hudson Boulevard and the adjacent #public parks#; or

(b) where the Commissioner of Buildings determines there is no alternative means of access to required off-street parking spaces or required loading berths from other #streets# bounding the #zoning lot#. However, in no event shall curb cuts be permitted on or within 40 feet of Hudson Boulevard.

93-841 - Curb cut restrictions in the Large-Scale Plan Subdistrict A

LAST AMENDED
4/14/2010

In Subarea A2 of the Large-Scale Plan Subdistrict A, curb cuts for parking and loading facilities shall be prohibited on West 34th Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33rd Street or West 35th Street to access a required parking or loading facility.

93-842 - Curb cut restrictions in the Farley Corridor Subdistrict B

LAST AMENDED
4/14/2010

No curb cuts shall be permitted on Eighth or Ninth Avenues between West 31st and West 33rd Streets. In the Pennsylvania Station Subarea B4, the maximum aggregate width of curb cuts on West 33rd Street shall be 90 feet. On the south side of West 33rd Street between the Lincoln Tunnel Approach and Ninth Avenue, the maximum aggregate width of curb cuts shall be 90 feet.

93-85 - Authorization for Additional Curb Cuts

LAST AMENDED
4/14/2010

Along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, for #zoning lots# greater than 20,000 square feet, the City Planning Commission may authorize curb cuts, provided the Commission finds that such curb cuts are needed for required loading berths, do not unduly inhibit surface traffic or pedestrian flow and do not impair the essential character of the surrounding area. Loading berths shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot# and thereby permit a more efficient loading operation.

93-90 - HARASSMENT

LAST AMENDED
8/14/2025

(a) Definitions

(1) Anti-harassment area

"Anti-harassment area" shall mean the #Special Hudson Yards District#.

(2) Application date

"Application date" shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

(3) Certification of no harassment

"Certification of no harassment" shall mean a certification by the Department of Housing Preservation and Development pursuant to this Section that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(4) Cure compliance lot

"Cure compliance lot" shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. A #cure compliance lot# may be a #cure requirement lot#.

(5) Cure requirement

Except as otherwise provided in paragraph (e) of this Section with respect to Subareas 4 and 5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, "cure

requirement" shall mean #floor area# in an amount not less than the greater of:

(i) 28 percent of the total #residential# and #hotel# #floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or

(ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

(6) Cure requirement lot

"Cure requirement lot" shall mean:

(i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or

(ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required for the full or partial demolition or #material alteration# of a #multiple dwelling# located in the #anti-harassment area#, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(7) Dwelling unit

"Dwelling unit" shall have the meaning set forth in the Multiple Dwelling Law.

(8) Exempt hotel

"Exempt hotel" shall mean any #multiple dwelling#:

(i) which is a #transient hotel# and was a #transient hotel# on the #referral date#;

(ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and

(iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(9) Exempt institutional residence

"Exempt institutional residence" shall mean any #multiple dwelling#:

(i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#, and

(ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(10) Harassment

"Harassment" shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

(i) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(ii) the interruption or discontinuance of essential services which

(a) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit#, and

(b) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;

(iii) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or

(iv) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to

surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

(11) Inquiry period

"Inquiry period" shall mean a period which:

(i) commences upon the later of the #referral date# or a date which is 15 years prior to the #application date#, and

(ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

(a) set such commencement date upon any date which is on or after the #referral date# and is more than 15 years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section, and

(b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(12) Low income housing

"Low income housing" shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than 80 percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(13) Material alteration

"Material alteration" shall mean any alteration to a #multiple dwelling# or other #building#, including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling# or other #building#, #converts# #floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

(i) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#, or

(ii) a repair or replacement of existing elements of such #multiple dwelling# or other #building# without materially modifying such elements.

(14) Multiple dwelling

"Multiple dwelling" shall have the meaning set forth in the Multiple Dwelling Law.

(15) Referral date

"Referral date" shall mean June 21, 2004.

(16) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#,

(ii) provides that the #low income housing# must comply with the requirements of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development,

(iii) contains such other terms as the Department of Housing Preservation and Development shall determine,

(iv) has been approved by the Department of Housing Preservation and Development,

(v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors,

(vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors, and

(vii) is perpetual in duration.

(17) Rooming unit

"Rooming unit" shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

(1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, the Department of Buildings shall not issue a permit for:

(i) the full or partial demolition of a #multiple dwelling# located in the #anti-harassment area#; or

(ii) the #material alteration# of a #multiple dwelling# located in the #anti-harassment area#.

(2) Any permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

(i) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or

(ii) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

(3) The following structures shall be exempt from the provisions of this Section:

(i) any city-owned #multiple dwelling#;

(ii) any #multiple dwelling# which is the subject of a program approved by Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;

(iv) any #exempt hotel#;

(v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and

(vi) any #exempt institutional residence#.

(4) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

(1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(2) There shall be a rebuttable presumption that any of the acts or omissions described in paragraph (a)(10) of this Section occurring within the #inquiry period# were committed by or on behalf of the owner of such #multiple dwelling# and that such acts or omissions:

(i) were committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy, and

(ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.

(3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:

(i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application,

(ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development, including, but not limited to, costs for publication of any notices, and

(iii) establish the duration for which a #certification of no harassment# will remain effective, and

(iv) authorize the recission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such recission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.

(4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:

(i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#,

(ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or

(iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.

(5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.

(6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than 15 years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with

paragraph (a)(11) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged harassment.

(7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.

(i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.

(ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

(8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been harassment, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

(1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

(2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

(i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.

(ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:

(a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and

(b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.

(iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where:

(a) the #cure requirement lot# is not the #cure compliance lot#; and

(b) the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#.

Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(3) No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to the provisions of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, as modified by the provisions of the #Special Hudson Yards District#; or

(ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

(4) Demolition in Subareas 4 and 5 of the Hell's Kitchen Subdistrict D

Notwithstanding any provision of paragraph (a)(5) of this Section or paragraph (d) of this Section to the contrary, with regard to any #multiple dwelling# to be demolished in Subareas 4 and 5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, #cure requirement# shall mean #floor area# in an amount not less than the greater of:

(i) 40 percent of the total #residential# or #hotel# #floor area# of any #multiple dwelling# to be demolished in which #harassment# has occurred; or

(ii) 30 percent of the total #floor area# of any new #building# on the same #zoning lot# as the #multiple dwelling# to be demolished.

93-91 - Demolition

LAST AMENDED
8/14/2025

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90 (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell's Kitchen Subdistrict D or within Subdistrict H of the #Special Hudson Yards District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Subdistrict H of the #Special Hudson Yards District#, where such partial demolition would decrease the amount of #residential# #floor area# in such #multiple dwelling# by 20 percent or more, unless:

(a) such #multiple dwelling# is an unsafe #building# or an emergency exists such that demolition is required pursuant to the provisions of Title 28, Chapter 2, Articles 215 or 216 of the New York City Administrative Code; or

(b) the Commissioner of the Department of Housing Preservation and Development, after providing 60 days notice and opportunity to comment to the local Community Board, has certified:

(1) if such #multiple dwelling# is to be substantially preserved, that an alteration permit is required to allow the removal and replacement of 20 percent or more of the #floor area#;

(2) if such #multiple dwelling# is not to be substantially preserved, that the Department of Housing Preservation and Development has determined that the rehabilitation of such #multiple dwelling# is not feasible under any active governmentally funded program; and

(3) that the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to Section 93-90, paragraph (c), or has certified compliance with the cure provisions of Section 93-90, paragraph (d).

(c) the following structures shall be exempt from the provisions of this Section:

(1) any city-owned #multiple dwellings#;

(2) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low- or moderate-income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(3) any #multiple dwelling# initially occupied for #residential# purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings#, pursuant to Article 7C of the Multiple Dwelling Law;

(4) any #exempt hotel#, as defined in Section 93-90;

(5) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory #use# and occupancy was restricted to clubhouse or school dormitory #use# on June 21, 2004; or

(6) any #exempt institutional residence#, as defined in Section 93-90.

Appendix A - Special Hudson Yards District

LAST AMENDED
8/14/2025

(8/14/25)

Map 1 — Special Hudson Yards District, Subdistricts and Subareas

(8/14/25)

? Map 2 — Mandatory Ground Floor Retail

(8/14/25)

Map 3 — Mandatory Street Wall Requirements

(8/14/25)

Map 4 — Mandatory Sidewalk Widenings

(8/14/25)

Map 5 — Transit Facilities

(8/14/25)

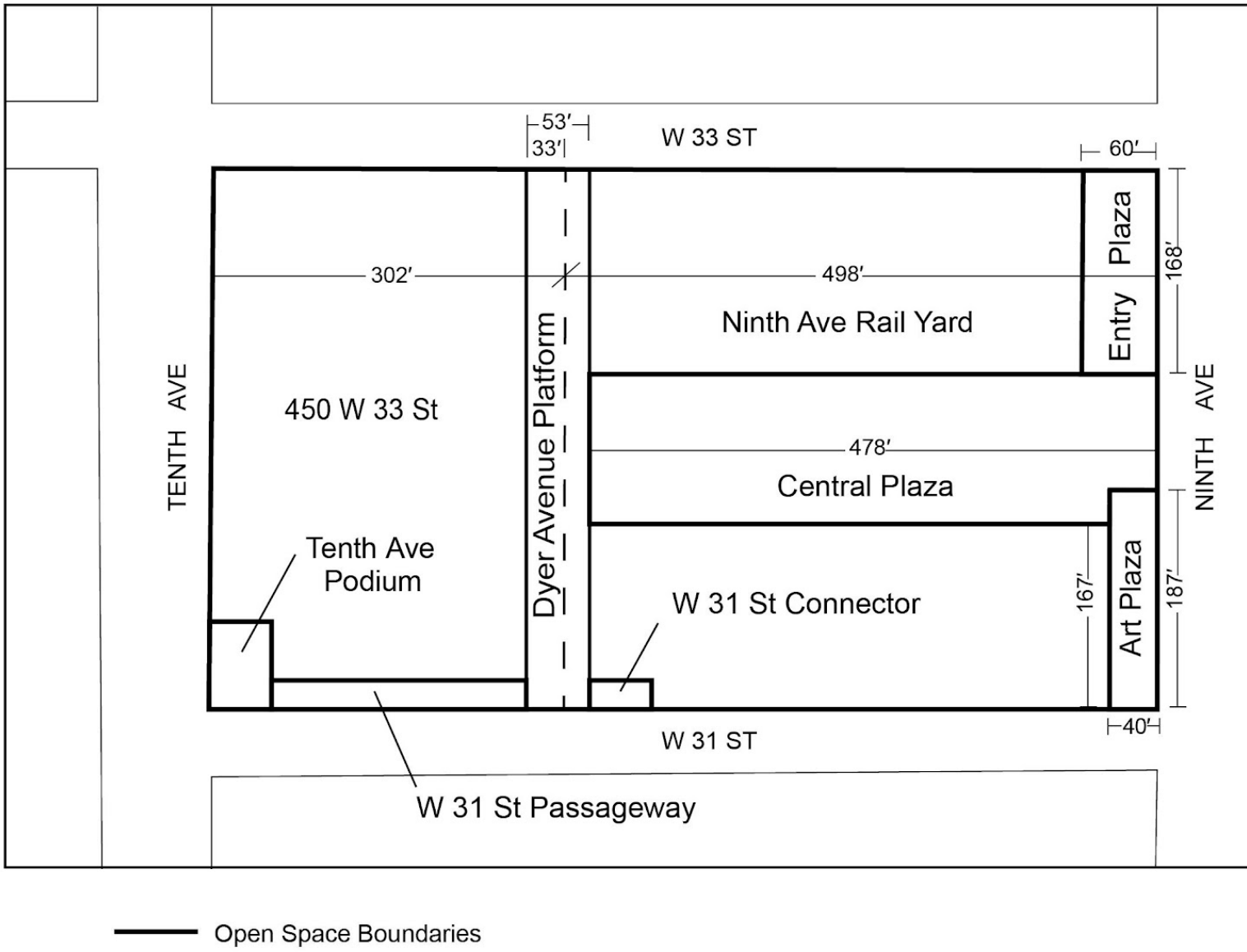
Map 6 — Sites Where Special Parking Regulations Apply

Appendix B - Special Hudson Yards Subdistricts Maps

LAST AMENDED

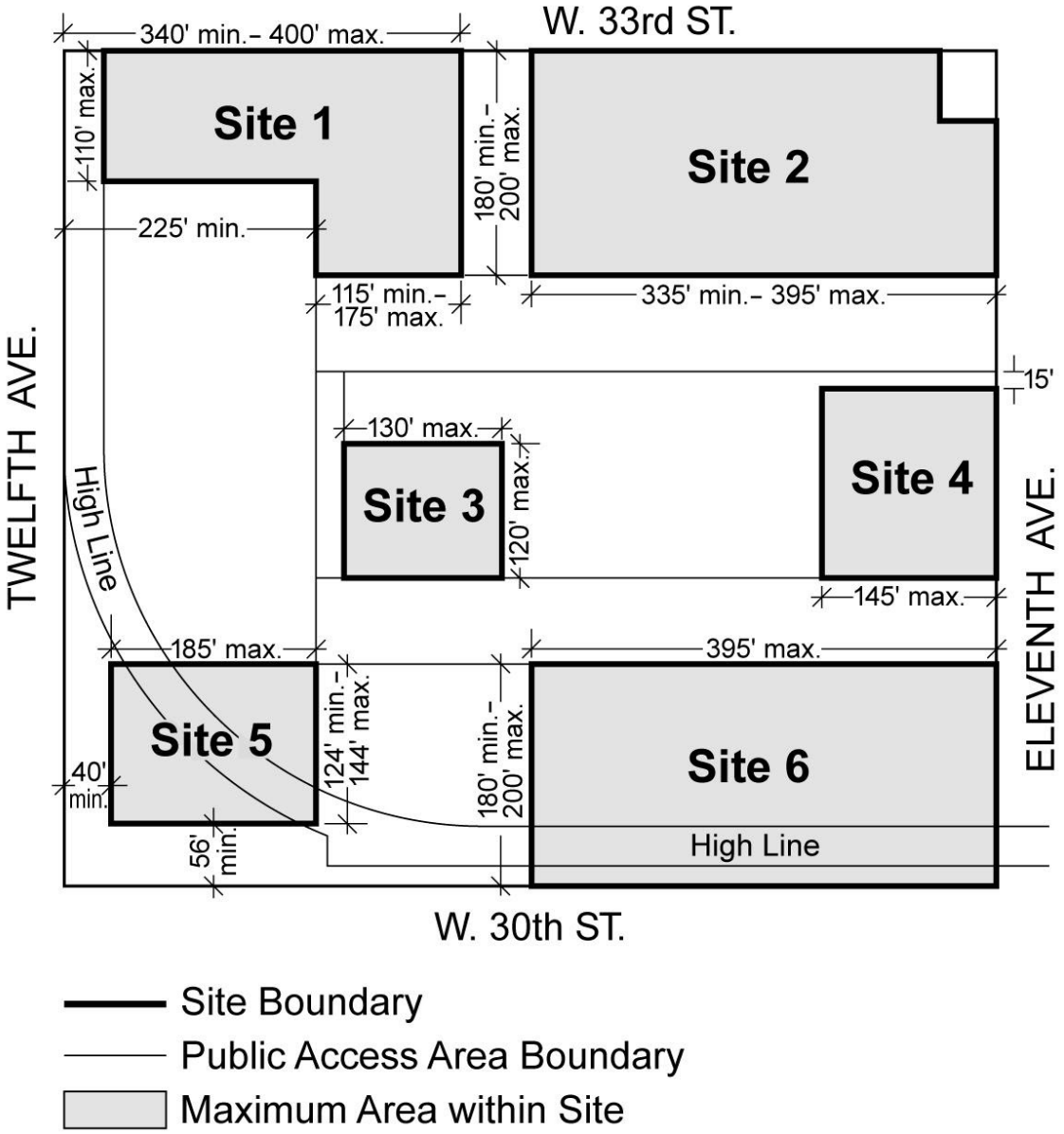
(8/9/17)

Map 1 — Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan (93-B1)



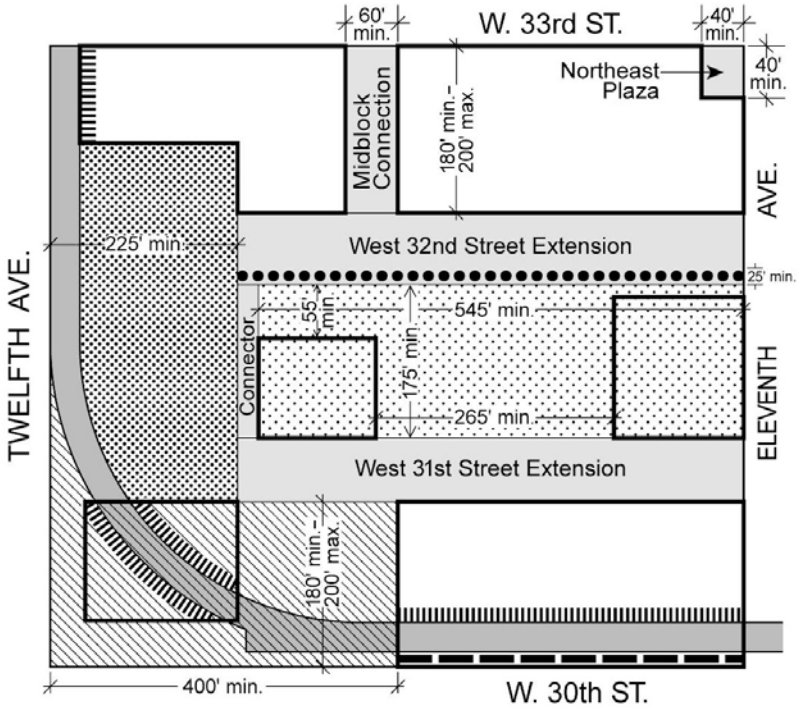
(4/29/14)

Map 2 — Subdistrict F: Site Plan (93-B2)



(4/29/14)

Map 3 — Subdistrict F: Public Access Area Plan (93-B3)



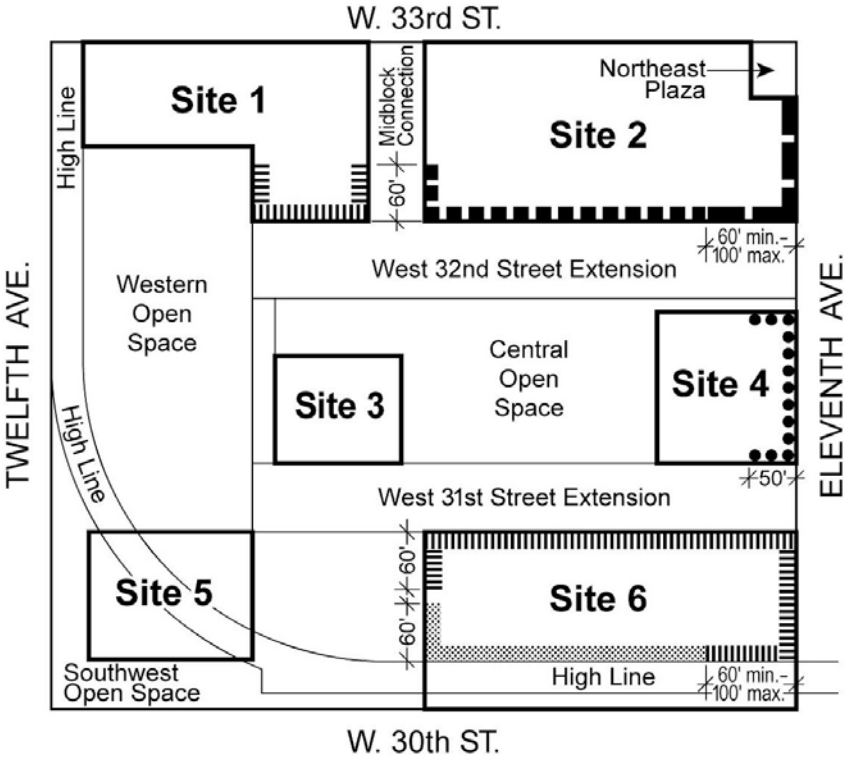
- Site Boundary
- Public Access Area Boundary
- Streets, Pedestrian Ways and Northeast Plaza
- Western Open Space
- Central Open Space (includes areas of Site 3 and Site 4 which are not part of a building)
- Southwest Open Space (connects beneath the High Line and includes areas of Site 5 which are not part of a building)
- High Line
- 30th Street Corridor
- Required 5' Setback from High Line
- Allee

(6/6/24)

Map 4 — Subdistrict F: Mandatory Ground Floor Requirements (93-B4)

(4/29/14)

Map 5 — Subdistrict F: Mandatory Street Wall Requirements (93-B5)



	Minimum Base Height	Maximum Base Height	Percentage of frontage that must be occupied by a street wall	Percentage of street wall which must recess	Maximum percentage of street wall which may set back
▒▒▒▒	50'*	60'*	100%	20%	30%
▮▮▮▮	60'	90'	100%	20%	30%
●●●●	90'	120'	100%	20%	50%
▬▬▬	90'	120'	100%	20%	30%
▬▬▬	120'	150'	100%	20%	30%

*As measured above the High Line bed

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Special Sheepshead Bay District (SB)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 4 - Special Sheepshead Bay District (SB)

94-00 - GENERAL PURPOSES

LAST AMENDED
5/12/2021

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

(a) to promote and strengthen the unique character of the "Special Sheepshead Bay District" area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which will complement and enhance the area as presently existing;

(b) to encourage the provision of housing with appropriate amenities in areas suitable for residential development;

(c) to improve vehicular and pedestrian circulation patterns by requiring limited curb cuts and uniform sidewalk widening, and encouraging the provision of public open space and other amenities as a related part of new development;

(d) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York;

(e) to facilitate flood-resilient construction and open space design to reduce the potential for property damage and disruption from regular flood events; and

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

94-01 - Definitions

LAST AMENDED
2/2/2011

Development

For the purposes of this Chapter, a "development" includes #development#, as defined in Section 12-10, or an #enlargement#.

Development rights

For the purposes of this Chapter, the "development rights" of a #granting lot# shall consist of the unused bonus #floor area# allowed by Section 94-08 (Special Floor Area Bonus Provisions). Any unused bonus #floor area# transferred from a #granting lot# may be used on a #receiving lot# either for #residential# or #commercial# #uses# as set forth in Section 94-094 (Authorization provisions for transfer of development rights to receiving lots).

Granting lot

For the purposes of this Chapter, a "granting lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, D or E, as indicated in Appendix A (District Map), and is #developed# pursuant to Sections 94-07 (Mandatory Provisions) and 94-08 (Special Floor Area Bonus

Provisions).

Person

For the purposes of this Chapter, a "person" is an individual, corporation (whether incorporated for business, public benefit, or non-profit purposes or otherwise), partnership, trust, firm, organization, other association or any combination thereof.

Receiving lot

For the purposes of this Chapter, a "receiving lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, E or F, as indicated in Appendix A (District Map), and on which #development rights# are transferred from a #granting lot# pursuant to Section 94-094.

94-02 - General Provisions

LAST AMENDED
12/5/2024

In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

94-04 - Requirements for Applications

LAST AMENDED
10/4/1973

An application to the City Planning Commission for the grant of a special permit or authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on both the #granting# and #receiving lots#; the location of all special amenities that are to be provided under the mandatory and bonus provisions; the location of all vehicular entrances and exits and off-street parking and loading spaces; and such other information as may be required by the Commission for its determination as to whether or not a special permit or authorization is warranted.

94-05 - Relationship to Public Improvement Projects

LAST AMENDED
10/4/1973

In all cases, the City Planning Commission shall deny a special permit or authorization application whenever the #development# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission or Site Selection Board, as determined from the calendar of each

agency issued prior to the date of the public hearing on the application for a special permit or authorization.

94-06 - Special Use Regulations

LAST AMENDED
10/4/1973

In order to preserve the character of the area and to encourage waterfront and related #uses#, special limitations are imposed on the location, size and kinds of #uses# permitted within the Special District as set forth in this Section.

94-061 - Permitted residential, community facility and commercial uses

LAST AMENDED
6/6/2024

A. #Residential# and #community facility# #uses#

#Residential# and #community facility# #uses# shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial# #uses#

In all Areas, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, the underlying C2 District regulations shall apply to #commercial# #uses#.

94-062 - Streetscape regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions of Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

(a) #ground floor level# #street# frontages in Areas A, B, C and D as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter along Emmons Avenue shall be considered #Tier C street frontages#;

(b) #ground floor level# #street# frontages in Areas A, B, C, E and F, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, along Sheepshead Bay Road, Ocean Avenue, Bedford Avenue, Nostrand Avenue, as well as, in Areas E and F, frontages along Emmons Avenue, shall be considered #Tier B street frontages#; and

(c) in Areas A, B, C and D, the size of #ground floor level# #commercial uses# shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at the #ground floor level# of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue, except that:

(1) such size limitation shall not apply to eating or drinking establishments listed under Use Group VI; and

(2) in Area B, grocery and convenience retailers listed under Use Group VI may exceed such size limitations if the following criteria are met:

(i) such establishment shall be on a #zoning lot# existing on May 27, 2015;

(ii) only one such establishment shall be permitted on a #zoning lot#; and

(iii) the size of such establishment shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products and, further, such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space.

94-063 - Additional sign regulations

LAST AMENDED
6/6/2024

Where #illuminated signs# are permitted by the underlying district regulations, such #signs# shall have only indirect illumination. Where #signs#, other than #advertising signs#, are permitted by the underlying district regulations, such #signs# shall not extend above the roof level of any #building or other structure# in the Special District.

94-07 - Mandatory Provisions

LAST AMENDED
10/4/1973

All #developments# within the Special District shall comply with the mandatory provisions made applicable by this Section and such mandatory improvements, when developed for a #floor area# bonus pursuant to Section 94-08 (Special Floor Area Bonus Provisions), shall require certification by

the City Planning Commission, pursuant to Section 94-13.

94-071 - Sidewalk extension area

LAST AMENDED
5/12/2021

All #developments# which are located on a #zoning lot# with frontage along Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue shall contain a sidewalk extension area, which complies with the following requirements:

(a) has a minimum depth of five feet, measured perpendicular to such #street lines#;

(b) extends the full length of the #zoning lot# along such #street lines#, except for existing #buildings# within five feet of the #street line#;

(c) is open and unobstructed from its lowest level to the sky;

(d) maintains continuity with the established sidewalk, to which it shall be immediately adjacent throughout its entire length;

(e) is available for public use at all times; and

(f) has a paved surface which complies with standards as established by the New York City Department of Transportation.

No sidewalk extension area shall be required along any portion of a #street line# where a plaza is provided in accordance with the provisions of Sections 94-072 (Special plaza provisions) or 94-081 (Plaza bonus).

94-072 - Special plaza provisions

LAST AMENDED
5/12/2021

In Areas A, C and E, all #developments# that are located on a #zoning lot# with frontage along Emmons Avenue, except for a #zoning lot# of less than 8,000 square feet that was in existence as of November 1, 1972, shall provide and maintain a plaza for public use which complies with the following requirements:

(a) The plaza shall #abut# the Emmons Avenue #street line# along the full length of such #lot line# or for a distance of at least 50 feet, whichever is less.

(b) The plaza shall be directly accessible to the public at all times from Emmons Avenue or a plaza.

(c) The size of the plaza shall be at least 4,000 square feet in one location with a minimum dimension of 35 feet, and shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS).

94-08 - Special Floor Area Bonus Provisions

LAST AMENDED
2/2/2011

In Areas A, C, D, E and F, any #development# on a #zoning lot# with an area of at least 20,000 square feet within the Special District shall be eligible for a #floor area# bonus as set forth in this Section.

In areas A and E, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #residential use# on the same #zoning lot# or may be transferred to a

#receiving lot# within the Special District, pursuant to Section 94-093 (Transfer of development rights from granting lots).

In Area C, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #commercial# #use# on the same #zoning lot# or may be transferred to a #receiving lot# within the Special District, pursuant to Section 94-093.

In Area D, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for the purposes of transfer to a #receiving lot# within the Special District, pursuant to Section 94-093.

In Area F, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for #residential use# on the same #zoning lot#.

In no event shall the aggregate bonus #floor area#, permitted under the provisions of this Section, exceed the basic #floor area ratio# permitted for #residential use# by Section 94-09 (Special Bulk Regulations) by more than 60 percent in Areas A, C, D or E, or by more than 20 percent in Area F.

Any #floor area# bonus received according to the provisions of this Section shall require certification by the City Planning Commission, pursuant to Section 94-13.

94-081 - Plaza bonus

LAST AMENDED
5/12/2021

In Areas A, C, D, E and F, any #development# on a #zoning lot# which provides and maintains a plaza for public use shall be eligible for a #floor area# bonus, in accordance with the following provisions:

(a) the #development# shall contain a minimum area of 20,000 square feet;

(b) the plaza shall comply with the following minimum area requirements:

(1) in Areas A, C, D and E, the plaza shall be at least 4,000 square feet in one location, with a minimum dimension of 35 feet;

(2) in Area F, the plaza shall be at least 5,000 square feet in one location, with a minimum dimension of 50 feet;

(c) the plaza shall not be located within 30 feet of the Leif Ericson Drive service road;

(d) the plaza shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS); and

(e) the #development# shall be eligible for a #floor area# bonus as follows:

(1) in Areas A, C, D, and E, the #floor area# bonus shall be at a rate of 3.5 square feet of #floor area# for every square foot of plaza area;

(2) in Area F, the #floor area# bonus shall be at a rate of one square foot of #floor area# for every two square feet of plaza area.

94-082 - Special parking bonus

LAST AMENDED
5/12/2021

In Areas C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every square foot of #accessory# #commercial# parking space above the minimum amount required by the underlying district regulations and made available for daily long-term parking.

To be eligible for a #floor area# bonus under the provisions of this Section, there shall be at least five additional parking spaces provided and the size of each parking space shall be at least 300 square feet. In no event shall the dimension of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

94-09 - Special Bulk Regulations

LAST AMENDED
10/4/1973

94-091 - Basic floor area ratio

LAST AMENDED
12/5/2024

For the purposes of this Chapter, the #floor area ratio# of a #zoning lot# within the Special District shall not exceed the #floor area ratio# permitted by the underlying district regulations.

94-092 - Maximum floor area ratio

LAST AMENDED
12/5/2024

The permitted basic #floor area ratio# for #community facility# #use# is 1.25. The underlying district #floor area ratio# may be increased on any #zoning lot# by the amount set forth in Section 94-08 (Special Floor Area Bonus Provisions) or through transfer provisions pursuant to Section 94-094 (Authorization provisions for transfer of development rights to receiving lots) or by special permit pursuant to Section 94-095 (Special permit for floor area, location within buildings, building height and related parking modifications within Area G).

94-093 - Transfer of development rights from granting lots

LAST AMENDED
10/4/1973

#Development rights# from a #granting lot# may be conveyed, or otherwise disposed of:

(a) directly to a #receiving lot#; or

(b) to a #person# for subsequent disposition to a #receiving lot# all in accordance with the provisions of this Special District. Any #person# may convey interest in all or any portion of such #development rights# to another #person#, but such #development rights# may only be used for a #development# on a #receiving lot#.

In transferring #development rights# from #granting lots#, such bonus #floor area# shall not exceed 40 percent of the basic #floor area ratio# in Areas A, C and E, and shall not exceed 60 percent of the basic #floor area ratio# in Area D, as permitted on such #granting lots# by Section 94-09 (Special Bulk Regulations), inclusive.

94-094 - Authorization provisions for transfer of development rights to receiving lots

LAST AMENDED
2/2/2011

The City Planning Commission, on application after public notice and hearing, may authorize the addition of all or any portion of the #development rights# from a #granting lot# to the permitted #floor area# of a #receiving lot#, provided that:

(a) the maximum #floor area# for any #development# on a #receiving lot# does not exceed the maximum #floor area# permitted by Section 94-092 (Maximum floor area ratio);

(b) the #development# shall aid in achieving the general purposes and intent of this Chapter as set forth in Section 94-00 (GENERAL PURPOSES);

(c) the design of the #development# shall not impair the character of the surrounding area or its future development;

(d) the distribution of the #bulk# on the #receiving lot# permits adequate access of light and air to surrounding #streets# and properties;

(e) the traffic created by the #development# will not create or contribute to serious traffic congestion and will make adequate provisions for unconstrained pedestrian circulation; and

(f) the requirements set forth in Sections 94-093 (Transfer of development rights from granting lots), 94-12 (Recordation) and 94-13 (Certification) are satisfied.

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

94-095 - Special permit for floor area, location within buildings, building height and related parking modifications within Area G

LAST AMENDED
12/5/2024

For #enlargements# to #buildings# in Area G, on #zoning lots# with a #lot area# of at least 10,000 square feet and existing on March 22, 2016, the City Planning Commission may:

(a) modify the provisions of Section 94-092 (Maximum floor area ratio) to increase the permitted #floor area ratio# for #commercial# #use# to 2.0 provided that such #enlargement#:

(1) is designed so as not to impair the character of the surrounding area or its future development; and

(2) will not cause undue congestion on local #streets# or impair pedestrian circulation;

(b) modify the height provisions of Section 33-431 (In C1 or C2 Districts with bulk governed by surrounding Residence District) relating to the requirements in Section 32-42 for location of #uses# within #buildings#, to allow a #commercial building# or portion thereof to exceed 30 feet in height or two #stories#, provided that such #building# shall not exceed a maximum height of 35 feet or three #stories#, whichever is less; and provided that the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and

(c) waive or reduce the number of #accessory# off-street parking spaces required by Section 36-21 (General Provisions) for such #use#, provided that the applicant has demonstrated that the number of #accessory# off-street parking spaces supplied is sufficient to meet the parking needs of such #use#.

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

94-10 - SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS

LAST AMENDED
12/5/2024

The height and setback regulations set forth in Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), 34-24 (Modification of Height and Setback Regulations) and 35-62 (Commercial Districts With an R1 Through R5 Residential Equivalent), shall apply to #buildings# in the #Special Sheepshead Bay District#.

In Areas A, B, C, D, E and F, the #street wall# or any other portion of a #residential building# or the #residential# portion of a #mixed building#, except for a structure which encloses only #accessory# parking fronting on the Leif Ericson Drive service road #street line#, shall be set back a minimum distance of 10 feet from all #street lines#. Such minimum setback may be modified in accordance with the provisions of Section 23-423. Beyond the #initial setback distance#, the #building# shall not exceed the maximum height as set forth in this Section.

Beyond the #initial setback distances# in Area A, the #building# shall not exceed seven #stories# or 85 feet, whichever is fewer.

In Areas E and F, within 75 feet of the Emmons Avenue #street line#, the maximum height of any portion of a #building# shall not be more than three #stories# or 35 feet, whichever is fewer. Beyond the #initial setback distance# of 75 feet in Areas E and F, the #building# shall not exceed six #stories# or 75 feet, whichever is fewer.

94-11 - Special Parking Provisions

LAST AMENDED
10/4/1973

94-111 - Curb cuts

LAST AMENDED
2/2/2011

No curb cuts shall be permitted on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue except that where no access is available on a #zoning lot# from another #street#, one curb cut shall be permitted.

94-112 - Treatment of parking areas

LAST AMENDED
6/6/2024

Any parking facilities in the Special District that are not completely enclosed shall be screened by shrubbery at least three feet high at the time of planting and expected to form a year-round dense screen at least five feet high within three years. When roof parking is provided, it shall be screened where it is visible from a #street# or plaza.

94-114 - Exceptions to application of waiver provisions

LAST AMENDED
3/22/2016

In areas A, B, C, D, E and F, the provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) do not apply.

The provisions relating to modifications of parking requirements of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) in Sections 73-10 through 73-52, shall not apply in the Special District.

94-115 - Location of commercial parking spaces

LAST AMENDED
5/12/2021

In Area F, #accessory# off-street parking spaces for #commercial# #uses# may be located outside the commercially zoned area but within 600 feet of the #building# to which it is #accessory#, only if an area equal to the #lot area# occupied by the parking in the #residential# area is provided as a plaza in the commercially zoned area to which the parking is #accessory#.

94-12 - Recordation

LAST AMENDED
10/4/1973

At the time of transfer of #development rights# from a #zoning lot#, there shall be recorded in the land records and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such lot from which the

#floor area# is taken, of any #building or other structure# which would contain a #floor area# in excess of that still available to the #zoning lot# after deducting the #floor area# removed. Such prohibition shall be non-cancelable for 99 years and, at the time of the addition of #development rights# to a #receiving lot# as provided in Section 94-094 (Authorization provisions for transfer of development rights to receiving lots), there shall be recorded in the land records and indexed against such #zoning lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation thereof.

94-13 - Certification

LAST AMENDED
10/4/1973

An application for certification pursuant to Sections 94-07 (Mandatory Provisions) or 94-08 (Special Floor Area Bonus Provisions), by the City Planning Commission shall include:

(a) written notice of intention to #develop# a #zoning lot# within the Special District;

(b) plans for lot improvements, which shall be constructed on both #granting# and #receiving lots#; and

(c) consents, agreements, restrictive declarations or legal documents obligating the owner of the #zoning lot# or its designee to #develop# its property in accordance with the provisions of this Chapter.

The Commission may prescribe appropriate conditions and safeguards in connection with the issuance of such certification.

94-20 - DESIGN REQUIREMENTS FOR PLAZAS

LAST AMENDED
5/12/2021

Where a plaza within the #Special Sheepshead Bay District# is provided in accordance with the provisions of this Chapter, such plaza shall comply with the applicable minimum design standards set forth in this Section.

(a) Design criteria

(1) Basic design criteria

Plazas shall comply with the standards set forth in paragraphs (a) and (b) of Sections 37-715 (Requirements for major portions of public plazas), 37-716 (Requirements for minor portions of public plazas), and 37-718 (Paving).

(2) Access and circulation

Plazas shall meet the requirements set forth in Section 37-721 (Sidewalk frontage), and Sections 37-723 (Circulation paths) through 37-726 (Permitted obstructions), inclusive. Hours of access shall be governed by Section 37-727 (Hours of access). Accessibility for persons with disabilities shall be provided in compliance with Section 37-728 (Standards of accessibility for persons with disabilities).

Plazas shall be located no lower than #curb level#.

(3) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements as set forth in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes), as applicable. In addition, kiosks may be placed on plazas upon certification by the Chairperson of the City Planning Commission as set forth in paragraph (c) of Section 37-73.

(4) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating).

(5) Planting and trees

Plazas shall provide planting areas in compliance with Section 37-742 (Planting and trees). All planted areas shall consist of salt-tolerant species recommended by the Department of Parks and Recreation.

(6) Lighting and electrical power

All plazas shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743 (Lighting and electrical power).

(7) Litter receptacles

All plazas shall provide litter receptacles pursuant to the standards set forth in Section 37-744 (Litter receptacles).

(8) Bicycle parking

All plazas shall provide bicycle parking pursuant to the standards set forth in Section 37-745 (Bicycle parking).

(9) Drinking fountains

A minimum of one drinking fountain shall be provided in all plazas.

(10) Signs

All plazas shall provide entry and information plaques that contain the words “Open to the public” and information regarding the hours of access. Prohibition and accessory signage may be provided pursuant to the standards set forth in Sections 37-752 (Prohibition signs) and 37-753 (Accessory signs).

(b) Maintenance

The owner shall be responsible for the maintenance of all plazas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot#.

(c) Compliance

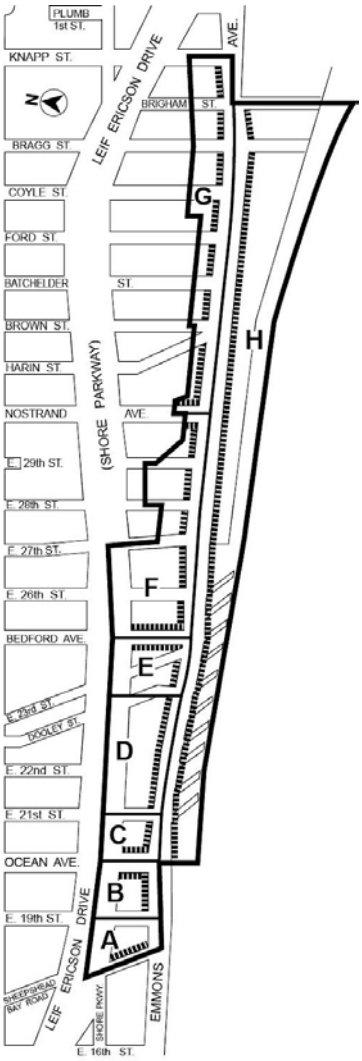
Plazas shall be governed by the compliance requirements of Section 94-13 (Certification).

Appendix A - Special Sheepshead Bay District Map

LAST AMENDED

5/12/2021

(94A)



Special Sheepshead Bay District

Area Boundary

MANDATORY PROVISIONS

Sidewalk Extension Area

Special Plaza Provisions – Areas A, C and E

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Special Transit Land Use District (TA)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 5 - Special Transit Land Use District (TA)

95-00 - GENERAL PURPOSES

LAST AMENDED
11/7/1974

The "Special Transit Land Use District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include the following specific purposes:

(a) to minimize the conflict between normal pedestrian movements on public sidewalks and access to underground transit systems, by requiring developments within the Special District to provide access to underground transit or other subway amenities;

(b) to reduce congestion on city streets in the vicinity of transportation nodes, by encouraging the provision of adequate underground pedestrian circulation systems;

(c) to require adequate access of light and air to the subway mezzanines or station areas of the underground transit system and other related facilities in order to provide greater visibility and safety to below ground spaces;

(d) to encourage development that reinforces and preserves the character of the existing communities within the area, by promoting needed pedestrian amenities;

(e) to coordinate the present and future relationship of land uses within the Special District including weather protected public access to the underground transit system; and

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

95-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS).

95-02 - General Provisions

LAST AMENDED
10/7/2021

#Special Transit Land Use Districts# are mapped in the vicinity of existing or proposed subway stations. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

Whenever this Special District overlaps another Special District and imposes contradictory regulations, the provisions of the #Special Transit Land Use District# shall apply. Nothing contained in this regulation shall be understood to supersede Landmark or Historic District designations of the New York City Landmarks Preservation Commission.

For #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI,

Chapter 4 shall control.

95-03 - Transit Easement

LAST AMENDED
11/30/2017

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

(a) the integration and relating of subway station design to surrounding development;

(b) the introduction of light and air to: stations; mezzanines; and other related facilities constructed pursuant to the provisions of Section 95-032 (Determination of transit easements at other stations);

(c) the reduction of conflict between pedestrian movements and station facilities on the #street# level;

(d) the provision of weather protection for subway entrances;

(e) the relation of subway entrances to #commercial# and other transit facilities;

(f) the provision of maximum visual exposure of subway entrances from public areas; and

(g) the elimination or reduction of adverse environmental impact accompanying subway development.

In no event, however, may the easement area be used temporarily or permanently for any other purpose not immediately related to pedestrian amenity, except as hereinafter provided.

95-031 - Selection of transit easement at certain stations

LAST AMENDED
11/30/2017

At the stations specified below, the transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

Six possible types of transit easements are listed in Table A and in Table B. The applicant for a #development# or an #enlargement# involving ground level construction shall, in consultation with the Metropolitan Transportation Authority and the City Planning Commission, select the easement type that is most appropriate for the location.

TABLE A

MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME (in feet)

Stations: Houston St., Kips Bay, Lenox Hill and E. 96th St.

Easement Type	Height above #Curb Level# (h)	Depth below #Curb Level#* (D)	Length (L)	Width(W)	#Zoning Lots# less than 10,000 sf	#Zoning Lots# 10,000 sf or more
1	15	20	80	20	x	
2	15	30	80	20	x	x
3	15	30	85	32		x
4	15	25	80	10	x	
5	15	30	80	10	x	
6	15	25	60	20	x	

* See Section 95—054

TABLE B

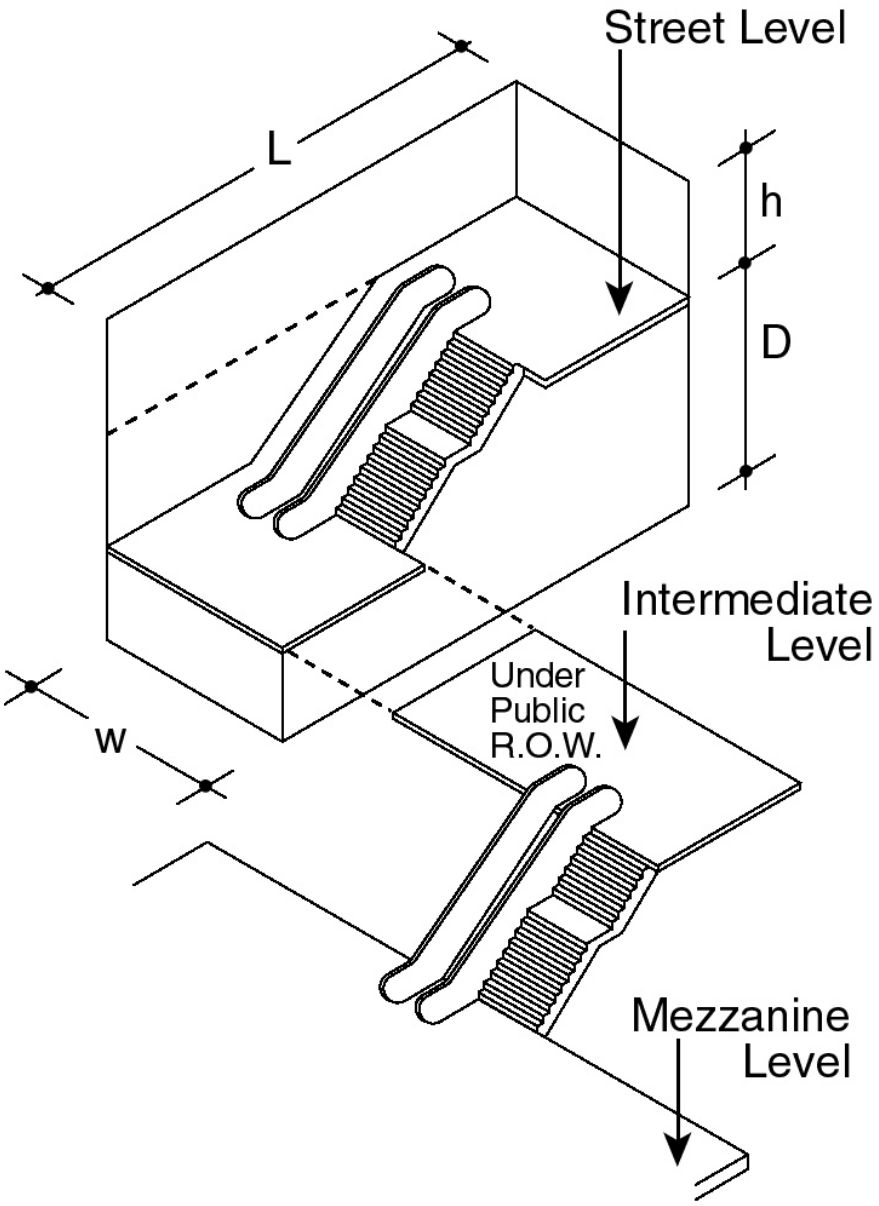
MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME (in feet)

Stations: Chatham Square, Grand St., 14th St., 23rd St., UN Plaza, East Midtown and Yorkville

Easement Type	Height above #Curb Level# (h)	Depth below #Curb Level#* (D)	Length (L)	Width(W)	#Zoning Lots# less than 10,000 sf	#Zoning Lots# 10,000 sf or more
1	15	20	80	20	x	
2	15	40	100	20	x	x
3	15	40	85	32		x
4	15	35	100	10	x	
5	15	40	100	10	x	
6	15	35	65	20	x	

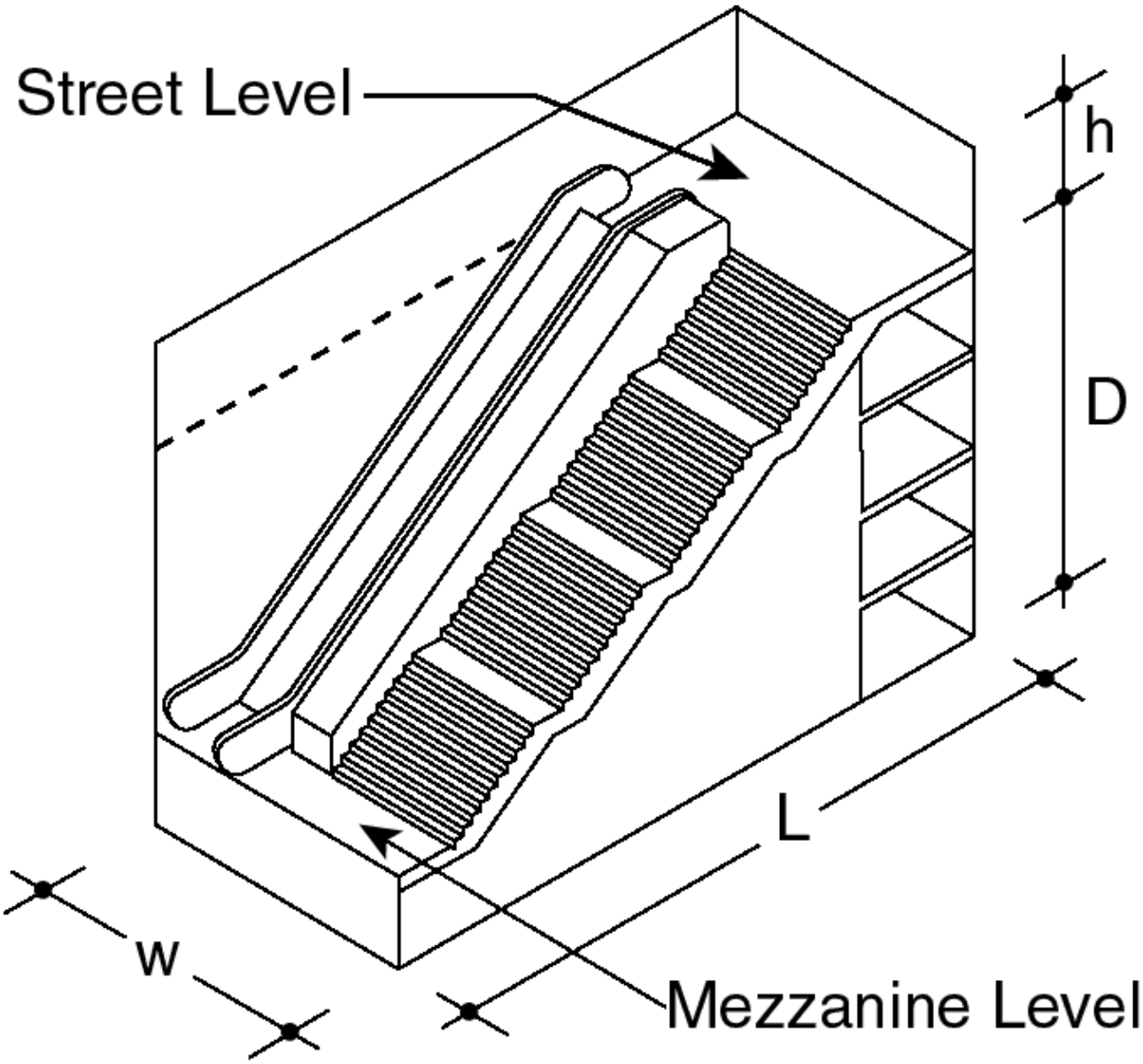
* See Section 95—054

Type 1 is appropriate on #zoning lots# of less than 10,000 square feet with adequate lot frontage and where the Metropolitan Transportation Authority provides final access to the subway mezzanine level under a public right-of-way.



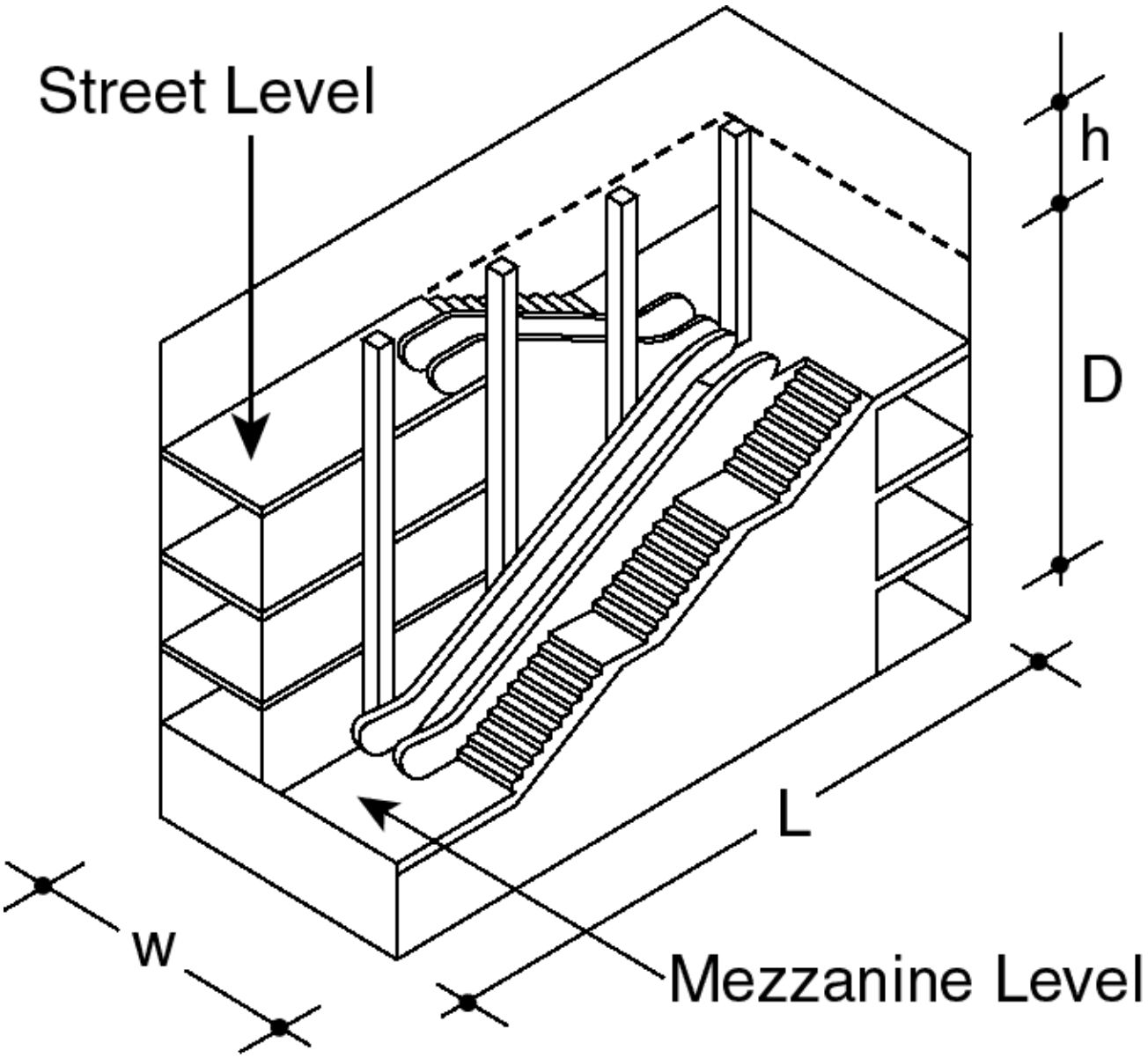
(95-031.1)

Type 2 is appropriate on any size #zoning lot# for providing direct access to the subway mezzanine level by a "straight run" stairway and/or escalator.



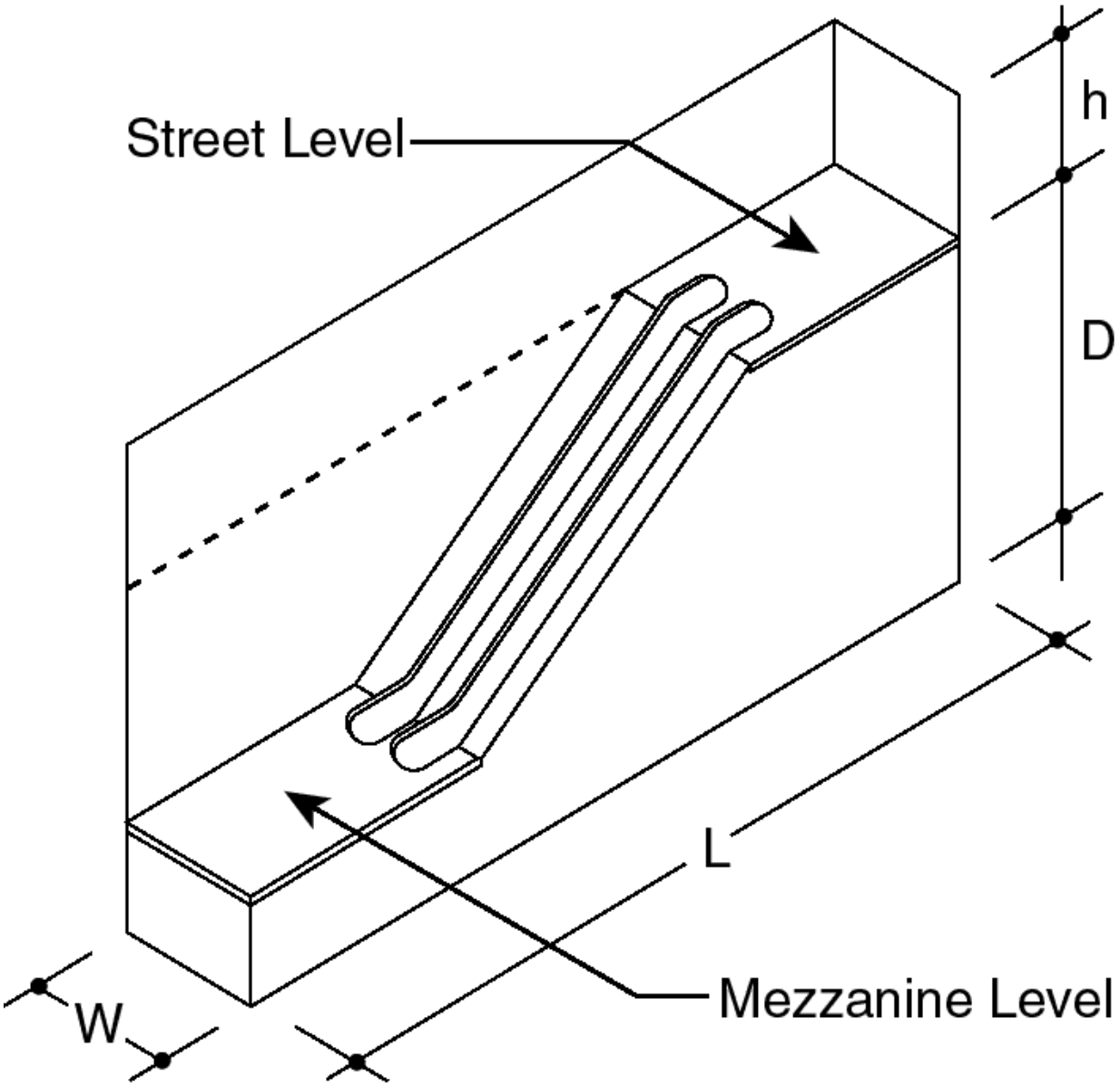
(95-031.2)

Type 3 is applicable to #zoning lots# of 10,000 square feet or more for providing a "turn around" arrangement of stairs.

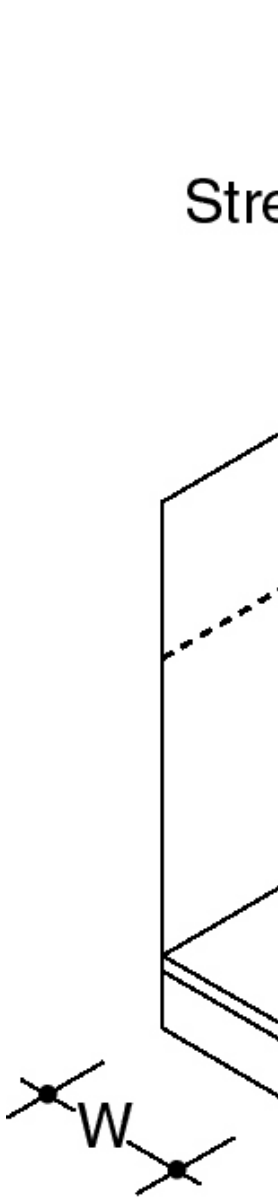


(95-031.3)

Types 4 and 5 are limited to #zoning lots# of less than 10,000 square feet with a narrow lot frontage for a single "straight-run" transit access facility, such as an escalator or stairway.

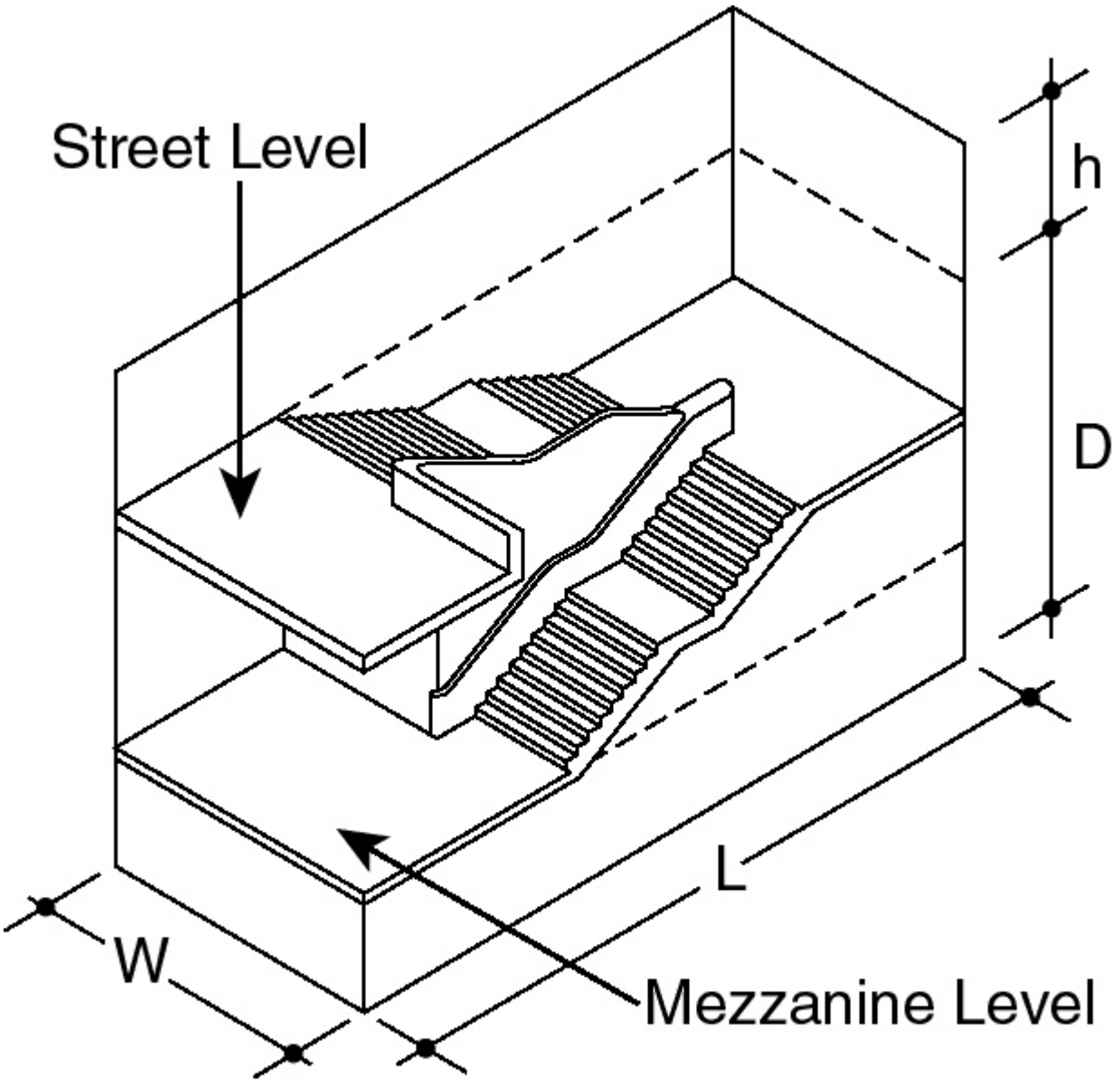


(95-031.4)



(95-031.5)

Type 6 is appropriate on #zoning lots# of less than 10,000 square feet for providing a "turn around" arrangement of stairs.



(95-031.6)

Where appropriate, any of these easement types may be used exclusively for light wells.

The Metropolitan Transportation Authority and the Commission, in consultation with the applicant, may make minor modifications of the dimensions of the easement volume type required on the applicant's site and the spacing of #building# columns permitted within the easement volume to facilitate the design and construction of circulation facilities appropriate for the area.

95-032 - Determination of transit easement at other stations

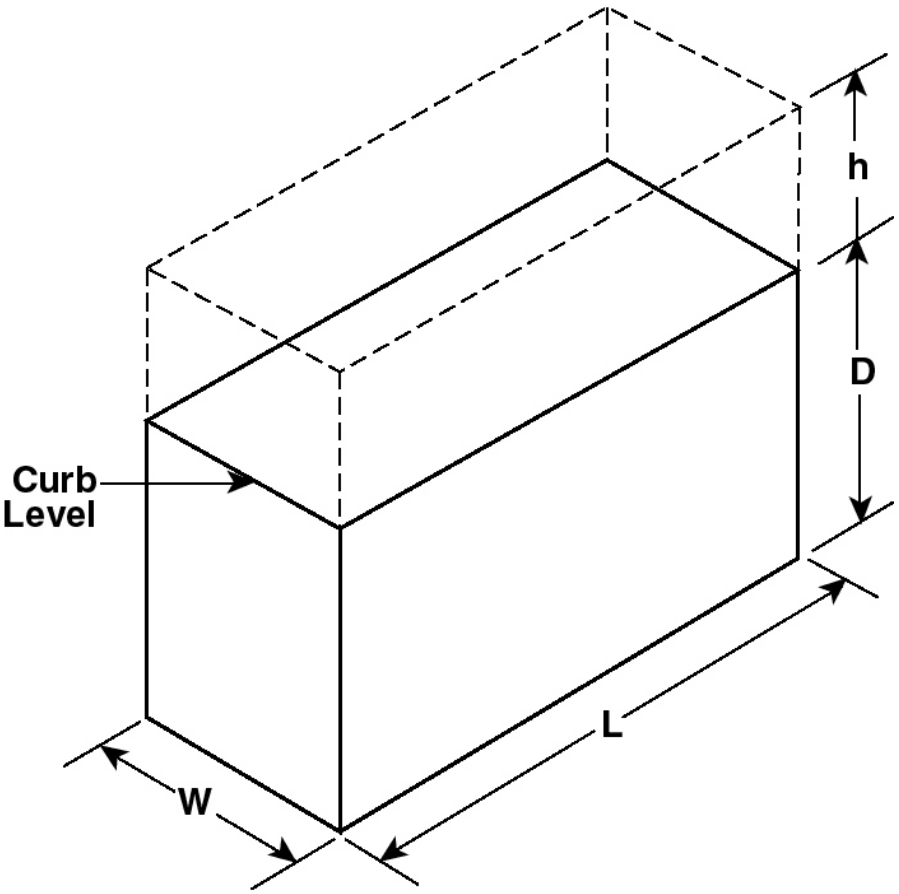
LAST AMENDED
11/30/2017

At the 106th Street, 116th Street and 125th Street stations, a transit easement shall be provided to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the Metropolitan Transportation Authority shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

95-033 - Location of transit easements

LAST AMENDED
11/30/2017

The transit easement volume may be located within a #building#, in open areas, including #public plazas#, or in areas covered by projected overhangs of a #building#. At least one vertical face of the easement volume shall be at a #front lot line#. The easement volume shall be located on the #zoning lot# as close as possible to the #street# containing the transit line.



h – Height above curb level

D – Depth below curb level

L – Length

W – Width

TRANSIT EASEMENT VOLUME

(95-032)

95-04 - Certification of Transit Easement Volume

LAST AMENDED

12/20/1979

95-041 - For developments or enlargements

LAST AMENDED
6/6/2024

Prior to filing any applications with the Department of Buildings for an excavation permit or building permit for a #development# or #enlargement# within the #Special Transit Land Use District#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority and the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Upon receipt of the completed application, the Commission shall furnish a copy to the affected Community Board.

Within 60 days after receipt of such application, the Metropolitan Transportation Authority and the Commission shall jointly certify whether or not an easement is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the Metropolitan Transportation Authority and the Commission indicate that such easement is required, the owner shall submit a site plan indicating the location and type of easement volume that would be most compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the Metropolitan Transportation Authority and the Commission. Copies of such certification shall be forwarded by the City Planning Commission to the Department of Buildings.

95-042 - For substantially vacant existing zoning lots

LAST AMENDED
2/2/2011

When a #zoning lot# located within the #Special Transit Land Use District# is substantially vacant and appropriate for a transit easement, the Metropolitan Transportation Authority may request the City Planning Commission to certify that a portion of such #zoning lot# is necessary for a transit easement.

As a condition for securing a transit easement on such #zoning lot#, the Commission shall make the following findings:

(a) that such transit easement is required by the Metropolitan Transportation Authority to provide public access to a subway mezzanine or to a public passageway leading to a subway mezzanine or platform;

(b) that such transit easement is located on a vacant portion of a #zoning lot#;

(c) that the use of the transit easement will not reduce development potential on the #zoning lot# under the applicable district regulations; and

(d) that the Metropolitan Transportation Authority and the owner agree that the construction within the easement volume will be integrated with the total development.

At such time as an existing vacant #zoning lot# on which a transit easement volume provided pursuant to the provisions of this Section, is #developed#, it shall be subject to all regulations of this Chapter.

95-05 - Terms and Conditions for Permitted Uses and Construction Within Transit Easement Volume

LAST AMENDED
10/7/2021

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, elevators or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#, , except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

The transit easement volume, any construction allowed therein or any weather protection provided thereon by an overhang or roofed area pursuant to Section 95-053, shall be considered permitted obstructions within required #yards#, #open space# or in a #public plaza# area.

95-051 - Development of transit access facilities

LAST AMENDED
11/30/2017

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section 95-031 (Selection of transit easement at certain

stations), or access and ancillary facilities required pursuant to the provisions of Section 95-032 (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

The subway entrance within the transit easement volume and any adjoining #public plaza# shall be at the same elevation as the adjoining sidewalk and shall be directly accessible to the public at all times. When such entrance is not located at the #street line#, it shall be visually prominent and directly accessible from a #street# by a paved pedestrian walk at least 20 feet in width and at the same elevation as the adjoining sidewalk. Such privately owned pedestrian walk shall be maintained by the owner. In order to provide natural light to the subway mezzanine level, at least 10 percent of the transit easement area at #curb level# shall be provided with light wells and skylights.

95-052 - Special access facilities for persons with disabilities at certain stations

LAST AMENDED
2/2/2011

For #zoning lots# subject to the provisions of Section 95-031 (Selection of transit easement at certain stations), special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

Such special elevators shall be designed by the Metropolitan Transportation Authority in consultation with the owner of the #zoning lot# and shall be integrated architecturally, including color and material, with the #buildings# on the #zoning lot# and with adjoining #public plaza# area. Design concept for such elevators shall be submitted to the City Planning Commission for certification.

95-053 - Weather protection

LAST AMENDED
2/2/2011

The stairs or escalators providing pedestrian access to the subway mezzanine, which are not covered at the entrance level, shall be weather protected by the #building# or portion thereof including an overhang, or by a roofed area provided by the owner of the #zoning lot# in accordance with the Metropolitan Transportation Authority requirements. Such overhang or roofed area shall cover either or both the stairway and the escalator which are uncovered at the ground level. Any overhang or roofed area shall be sufficient to cover the access facilities within the easement volume and may not otherwise obstruct the #public plaza#.

When the subway entrance is within an open #public plaza# area, a roof area shall be provided with either a glazed or translucent material for at least 50 percent of its surface area. The roofed area shall be no more than 15 feet above #curb level# and shall blend harmoniously with the #buildings# on the #zoning lot# and any adjoining #public plaza# or open area.

95-054 - Permitted uses and other constructions

LAST AMENDED
6/6/2024

Areas within the easement volume not used for circulation purposes may be developed in accordance with the Metropolitan Transportation Authority specifications, provided they do not interfere with pedestrian circulation and are made of removable structures. In no event shall such permitted #uses# be located within 10 feet of a pedestrian entrance to the subway at #curb level#.

In addition, any portion of the transit easement volume at #curb level# not to be covered for weather protection, may contain trees, benches or any obstructions permitted in a #public plaza# area. However, such elements shall not interfere with the pedestrian movement.

The Metropolitan Transportation Authority and the City Planning Commission may permit penetration of the transit easement volume above #curb level# by a #building# lobby, including #building# columns, where such lobby space serves as a part of the pedestrian circulation system and provides from it direct public access to the subway entrance within the easement volume.

Where construction within a transit easement volume is more than five feet in height above #curb level#, such construction proposal shall be submitted to the Commission for a review and certification to ensure that such construction relates harmoniously to the total development. When a transit easement volume is located within a #building#, it shall be open to the general public for the same hours of operation as the subway station.

#Building# columns or footings are permitted inside the transit easement volume, provided that the minimum clear distance between any columns is 12 feet and between the columns and any bounding walls of the transit easement volume is 10 feet. Where the width of an easement is greater than 20 feet, location of columns within the easement volume shall be established in consultation with the Metropolitan Transportation Authority. In all cases, the depth of columns or footings within the easement area or adjoining area shall be established in consultation with the Metropolitan Transportation Authority. Furthermore, vertical space between such columns shall be open and unobstructed from its base except for any construction permitted under the provisions of this Chapter.

95-055 - Knockout panel

LAST AMENDED
2/2/2011

Any underground walls constructed along the #front lot line# of a #zoning lot# in which transit easement volume is required by the Metropolitan Transportation Authority shall contain a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be indicated by the Metropolitan Transportation Authority.

95-06 - Temporary Use of the Easement Area

LAST AMENDED
2/2/2011

Any easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Metropolitan Transportation Authority or by its designee for subway purposes.

Temporary #use# of the transit easement volume above #curb level# in a #public plaza# or #open space# area shall be limited to #use# as a landscaped open area that may contain obstructions permitted in a #public plaza#. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

95-07 - Special Provisions for an Increase in Zoning Tower Coverage on Zoning Lots Containing Transit Easements

LAST AMENDED

2/2/2011

For any #zoning lot# on which a transit easement volume is required pursuant to Section 95-04, the #lot coverage# of a tower permitted by the underlying district regulations may be increased by an amount equal to 10 percent of the #lot area# of the #zoning lot#.

In no event shall the permitted increase in tower coverage on a #zoning lot# affect the maximum allowable #floor area ratio# under the applicable district regulations.

95-08 - Special Use Regulations

LAST AMENDED
6/6/2024

The underlying #use# regulations shall apply, except that for #zoning lots# with transit easements in #Residence Districts#, the special allowances of Section 66-222 (Special use allowances around easement volumes) may be applied around such easement volume.

95-09 - Special Regulations for Accessory Off-street Parking and Curb Cuts

LAST AMENDED
12/5/2024

Within the portion of the #Special Transit Land Use District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Transit Land Use District#, the provisions of this Section shall apply.

In no case within the Special District shall curb cuts for vehicular access be located on a #street# containing transit lines or on a #street# within 50 feet of its intersection with the #street lines# of such a #street#.

The underlying #accessory# off-street parking requirements shall not apply to any #development# or #enlargement# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

95-10 - MISCELLANEOUS PROVISIONS

LAST AMENDED
4/30/2008

The pavement on a public sidewalk fronting a #development# within the #Special Transit Land Use District# shall be consistent in color and material with all pavements located within the transit easement volume and in any adjoining #public plaza#.

95-11 - Recordation

LAST AMENDED
4/30/2008

The instrument creating a transit easement volume shall be recorded in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the City Planning Commission.

95-12 - Termination of Transit Easement Volume

LAST AMENDED
2/2/2011

In the event that the Metropolitan Transportation Authority and the City Planning Commission jointly notify the Department of Buildings and the owner in writing that a transit easement volume is not required on a #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Chapter shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the Metropolitan Transportation Authority to the extinguishment of the easement volume. On any #zoning lot# which has been #developed# or upon which a #building# is #enlarged# in accordance with the provisions of Section 95-07 and on which termination of transit easement has been certified, pursuant to this Section, any open, enclosed or arcaded area reserved for transit easement at #curb level# shall be provided for public use with lighting, landscaping, trees, substantial artwork and sitting facilities.

95-13 - Previous Transit Easement Agreements

LAST AMENDED
2/2/2011

Whenever, under prior zoning regulations, the owner of a #development# or #enlargement# has agreed to provide a transit easement volume on a #zoning lot#, the existence of such agreement shall be certified by the Chairperson of the City Planning Commission to the Department of Buildings. Such agreement shall be deemed to satisfy the provisions of this Chapter.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Clinton District (CL)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 6 - Special Clinton District (CL)

96-00 - GENERAL PURPOSES

LAST AMENDED
1/19/2005

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary to provide specific programs and regulations which will assure realization of community and citywide goals.

These goals include, among others, the following:

(a) to preserve and strengthen the residential character of the community;

(b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups currently residing in the area;

(c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;

(d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;

(e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;

(f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent Special Hudson Yards District;

(g) to provide amenities, such as street trees, to improve the physical environment;

(h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and

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

96-01 - Definitions

LAST AMENDED
12/5/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

Certification of no harassment

"Certification of no harassment" shall mean a certification by the Department of Housing Preservation and Development pursuant to Section 96-107 that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#, as defined in Section 96-107.

Harassment

"Harassment" shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

(a) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;

(b) the interruption or discontinuance of essential services which:

(1) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit#; and

(2) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;

(c) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or

(d) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such

occupancy including, but not limited to, removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

For purposes of this definition, #dwelling unit#, #referral date# and #rooming unit# shall be defined as in Section 96-107.

Material alteration

"Material alteration" shall mean any alteration to a #multiple dwelling# including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling#, #converts# #floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

(a) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#; or

(b) a repair or replacement of existing elements of such #multiple dwelling# without materially modifying such elements.

For purposes of this definition, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

Mixed building

For the purposes of this Chapter, a "mixed building" is a #building# in a #Commercial District# used partly for #residential use# and partly for #community facility# or #commercial# #use#, or a #building# in a #Residence District# used partly for #residential use# and partly for #community facility use#.

Multiple dwelling

“Multiple dwelling” shall have the meaning set forth in the Multiple Dwelling Law.

96-02 - General Provisions

LAST AMENDED
7/16/2026

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

Wherever the #Special Clinton District# includes an area which also lies within the #Special Hudson River Park District#, the requirements of the #Special Hudson River Park District#, as set forth in Article VIII, Chapter 9, shall apply.

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

96-03 - District Map

LAST AMENDED
8/16/1990

The District Map for the #Special Clinton District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Clinton District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

Area A - PRESERVATION AREA, Section 96-10

Area B - PERIMETER AREA, Section 96-20

Area C - OTHER AREAS, Section 96-30

96-10 - PRESERVATION AREA

LAST AMENDED
12/5/2024

In the Preservation Area, the regulations of the underlying districts shall apply, except as modified in this Section, inclusive.

The provision of this Section shall apply to all #developments#, #enlargements#, #extensions# or alterations. All existing #buildings# within the Preservation Area shall be considered complying #buildings# for all purposes including, but not limited to, alterations, #enlargements#, #extensions# or #conversions# to #residential uses#. Any existing #building# which is damaged or destroyed by any means may be reconstructed to its #bulk# prior to such damage or destruction. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed, subject to the applicable underlying district regulations, pursuant to the change of #non-conforming# #use# provisions of Sections 52-31, 52-33, 52-34, 52-35 and 52-36.

96-101 - Floor area regulations

LAST AMENDED
12/5/2024

For any #zoning lot# within the Preservation Area, the #floor area ratio# for a #residential#, #commercial# or #community facility building#, or portions of a #mixed building# containing such #uses#, shall not exceed the following:

#Uses#	**#Floor Area Ratio#**

#Residential buildings# or #community facility buildings# or portions of #mixed buildings# containing #residential# or #community facility# #uses# for the following type of #residences# in R8, C1-5, C2-5 or C6-2 Districts:	
Standard #residences# or #community facility# #use#	4.2
#Qualifying affordable housing# or #qualifying senior housing#	5.04
#Commercial buildings# or #commercial# portion of #mixed buildings# in the following Districts:	
C1-5 C2-5	2.0
C6-2*	4.2

* In C6-2 Districts, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742 of the #Special Midtown District#, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

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

96-102 - Yard regulations

LAST AMENDED

12/5/2024

The underlying #yard# regulations shall apply except that on a #through lot#, the alternative location allowances of paragraph (c)(2) of Section 23-343 (Rear yard equivalent requirements) shall not apply

96-103 - Height and setback regulations

LAST AMENDED
12/5/2024

The underlying height and setback regulations shall apply, except as modified in this Section, inclusive. All height shall be measured from #curb level#.

(a) #Street wall# location

For #zoning lots# with #wide street# frontage, the #street wall# provisions of paragraph (a) of Section 35-631 shall apply.

For #zoning lots# with #narrow street# frontage, the #street wall# provisions of paragraph (a) of Section 23-431 shall apply and extend along the entire #narrow street# frontage of the #zoning lot#.

(b) #Building# height

Within 100 feet of a #wide street#, the underlying height and setback regulations applicable to an R7A District shall apply. Beyond 100 feet of a #wide street# the underlying height and setback regulations applicable to an R8B District shall apply, except that the maximum base height set forth in Section 23-432 (Height and setback requirements) shall be modified to be 66

feet.

(c) The City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

In conjunction with such height and setback modifications, the Commission may allow modifications to other applicable #bulk# regulations of this Resolution. except #floor area ratio# regulations, for a #building# #developed# or #enlarged# using #public funding#, as defined in Section 27-111 (General definitions), to support #residences# with rents restricted pursuant to a regulatory agreement with a City, State, or Federal agency, provided that such #building# is located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility. In order to grant such special permit, the Commission shall find that:

(1) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;

(2) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;

(3) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and

(4) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.

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

96-104 - Dwelling unit regulations

LAST AMENDED
12/5/2024

(a) #Dwelling unit# distribution

The density provisions set forth in Section 23-52 (Maximum Number of Dwelling Units) shall apply. In addition, for #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, or alterations that create additional #dwelling units#, at least 20 percent of the #dwelling units# on the #zoning lot# shall contain two bedrooms. However, notwithstanding any provision to the contrary contained in this Section, the minimum 20 percent, two-bedroom unit requirement shall not apply to alterations which add a code-complying bathroom, pursuant to Section 27-2063 of the Housing Maintenance Code of the City of New York, to a #dwelling unit# which is publicly assisted (exclusive of any tax abatement or tax exemption program), and which is administered by a not-for-profit agent.

The City Planning Commission, by special permit, may modify the two-bedroom unit distribution requirement of this Section for an #affordable independent residence for seniors# or for a #residence# substantially for elderly persons with disabilities, under jurisdiction of a State or City agency, provided that the following findings are made:

(1) that such #residences# are sponsored by a voluntary non-profit organization;

(2) that the location and size of such facility does not create an undue concentration of #dwelling units# of this type and #community facilities# with sleeping accommodations within the immediate area;

(3) that there are social service, health and related programs for the residents including a maintenance and security plan;

(4) that on-site recreation areas for the use of the residents are provided; and

(5) that the proposed #residences# will not overburden existing public services in the neighborhood.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the #residential# character of the surrounding area.

(b) Special provisions for owner-occupied #buildings# containing #residences#

For alterations of #buildings# containing #residences#, where such #buildings# are owner-occupied and which contain four or fewer #dwelling units#, the #dwelling unit# distribution provisions of this Section shall not apply.

96-105 - Demolition of buildings

LAST AMENDED
12/5/2024

No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of #residential# #floor area# in a #building# shall be issued by the Department of Buildings for any #building# containing #dwelling units# within the Preservation Area, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

However, the City Planning Commission, by a special permit, may allow demolition of #buildings# containing #dwelling units# or #rooming units# other than unsafe #buildings# within the Preservation Area, provided that the Commission makes the following findings:

(a) that the existing #building#:

(1) is not eligible for rehabilitation under any active publicly aided program under which funds are available; or

(2) is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#.

(b) that prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the owner shall have notified the applicable governmental agency of its intention to demolish the #building#.

(c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-110; and

(d) that an acceptable program for #development# of the #zoning lot# is submitted to the Commission which indicates that to the extent permitted by the provisions of Section 96-10 (PRESERVATION AREA), the number of new #dwelling units# to be constructed is at least

equal to the number of #dwelling units# to be demolished and that the #floor area# of the #development# containing #residences# is at least equal to the #floor area# of the #dwelling units# to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #use# proposed on the site prior to any construction is in conformance with the purposes of this Special District.

96-106 - Alterations of buildings

LAST AMENDED
12/5/2024

Prior to the issuance of an alteration permit by the Department of Buildings for a #material alteration# of a #multiple dwelling# within the Preservation Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings that:

(a) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Commissioner of his or her intention to alter the #building#; and

(b) the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with paragraph (d) of Section 96-107.

However, a permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

(1) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or

(2) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

For the purposes of this Section, #dwelling unit# and #rooming unit# shall be defined as in Section 96-107.

96-107 - Harassment and cure

LAST AMENDED
8/14/2025

(a) Definitions

(1) Application date

"Application date" shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

(2) Cure compliance lot

"Cure compliance lot" shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. Each #cure compliance lot# shall be located entirely within the corresponding #cure requirement lot#.

(3) Cure requirement

"Cure requirement" shall mean #floor area# in an amount not less than the greater of:

(i) 28 percent of the total #residential# and #hotel# #floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or

(ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

#Cure requirement# shall also mean any cure for harassment that was approved by the City Planning Commission or the Department of Housing Preservation and Development and was permitted by the provisions of this Section prior to December 21, 2005.

(4) Cure requirement lot

"Cure requirement lot" shall mean:

(i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or

(ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(5) Dwelling unit

"Dwelling unit" shall have the meaning set forth in the Multiple Dwelling Law.

(6) Exempt hotel

"Exempt hotel" shall mean any #multiple dwelling#:

(i) which is a #transient hotel# and was a #transient hotel# on the #referral date#; and

(ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and

(iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(7) Exempt institutional residence

"Exempt institutional residence" shall mean any #multiple dwelling#:

(i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#; and

(ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(8) Inquiry period

"Inquiry period" shall mean a period which:

(i) commences 15 years prior to the #application date#; and

(ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

(a) set such commencement date upon any date which is on or after the #referral date#, and is more than 15 years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section; and

(b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(9) Low income housing

"Low income housing" shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than 80 percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(10) Referral date

"Referral date" shall mean September 5, 1973.

(11) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument which:

(i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;

(ii) provides that the #low income housing# must comply with the requirements of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING) for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development;

(iii) contains such other terms as the Department of Housing Preservation and Development shall determine;

(iv) has been approved by the Department of Housing Preservation and Development;

(v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors;

(vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors; and

(vii) is perpetual in duration.

(12) Rooming unit

#Rooming unit# shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

(1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, no permit may be issued by the Department of Buildings pursuant to Sections 96-106 or 96-24, and no special permit may be granted by the City Planning Commission pursuant to Section 96-105.

(2) The following structures shall be exempt from the provisions of this Section:

(i) any city-owned #multiple dwelling#;

(ii) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;

(iv) any #exempt hotel#;

(v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and

(vi) any #exempt institutional residence#.

(3) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple

dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

(1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(2) There shall be a rebuttable presumption that #harassment# occurring within the #inquiry period# was committed by or on behalf of the owner of such #multiple dwelling# and that such #harassment#:

(i) was committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy; and

(ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.

(3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:

(i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application;

(ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development including, but not limited to, costs for publication of any notices;

(iii) establish the duration for which a #certification of no harassment# will remain effective; and

(iv) authorize the recission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such recission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.

(4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:

(i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#;

(ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or

(iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.

(5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such

application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.

(6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than 15 years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(8) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged #harassment#.

(7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.

(i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.

(ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of

Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

(8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been #harassment#, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

(1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

(2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

(i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.

(ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:

(a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and

(b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.

(iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

(3) No portion of the #low income housing# required under this Section shall qualify to:

(i) increase the #floor area ratio# pursuant to Section 96-21 (Special Regulations for 42nd Street Perimeter Area); Section 96-22 (Special Regulations for

Eighth Avenue Perimeter Area); any #floor area ratio# increase provision of the #Special Hudson Yards District#, #Special West Chelsea District#; or requirements pursuant to Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING); or

(ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

96-108 - Off-street parking regulations

LAST AMENDED
12/5/2024

#Accessory# off-street parking spaces, #public parking lots# or #public parking garages# are not permitted within the Preservation Area except by the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces), inclusive.

In addition, the Commission shall find that:

(a) the property has been or will be vacated pursuant to the provisions of Section 96-108; and

(b) the applicant has followed the relocation procedures set forth in Section 96-24.

96-20 - PERIMETER AREA

LAST AMENDED
12/5/2024

Within the Perimeter Area, the underlying provisions shall apply except as modified in this Section, inclusive. Such #developments# or #enlargements# within the Perimeter Area shall be eligible for increased #floor area# only pursuant to Sections 96-21 (Special Regulations for 42nd Street Perimeter Area) or 96-22 (Special Regulations for Eighth Avenue Perimeter Area). Because of increased pressures for #development#, the relocation and demolition provisions of Section 96-24 (Relocation and Demolition of Buildings in the Perimeter Area) shall apply therein for all demolition, #development#, #enlargement# or #extensions# on lots containing #residential uses#. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing# #uses# may be changed to another #non-conforming# #use# only in accordance with the provisions of Sections 52-31 (General Provisions), 52-33 (Manufacturing or Related Uses in Residence Districts), 52-34 (Commercial Uses in Residence Districts), 52-35 (Manufacturing or Related Uses in Commercial Districts) and 52-36 (Non-conforming Commercial Uses in Commercial Districts).

96-21 - Special Regulations for 42nd Street Perimeter Area

LAST AMENDED
12/5/2024

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

> Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd

Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

(a) Special #use# regulations

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, the following special #use# regulations shall apply:

(1) Offices

Any #development# or #enlargement# that includes #uses# listed under Offices in Use Group VII #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(2) Automobile showrooms and repairs

In Subarea 1, on the #block# bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street, automobile dealers listed under Use Group VI may be permitted within a #completely enclosed building#, below the level of any floor occupied by #dwelling units#, and such establishments may include repair services or preparation of automobiles for delivery, provided that:

(i) access for automobiles to the portions of the #building# to be used for vehicle storage, preparation of automobiles for delivery, and automobile repairs shall be located on West 43rd Street;

(ii) areas within the #building# used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for #accessory# parking for

other uses on the #zoning lot#; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an #accessory# #group parking facility#; and

(iii) the portions of the #building# used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a #cellar# level.

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

(2) #Floor area# regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, for #zoning lots# containing #developments# or #enlargements# with #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential floor area ratio# shall be 12.0, and where such maximum #residential floor area ratio# is achieved, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Theater Use).

Any #development# or #enlargement# on a #zoning lot# that includes the area bounded

by a line 129 feet east of and parallel to Tenth Avenue, West 42nd Street, a line 184 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 42nd Street shall provide an easement or other agreement for public access to the subway mezzanine or station, as illustrated on the District Map in Appendix A of this Chapter.

An instrument establishing such transit easement or other agreement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

Floor space within the volume governed by such transit easement or other agreement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Metropolitan Transportation Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the volume governed by such transit easement or other agreement for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the volume area is required. A minimum notice of six months in writing shall be given by the Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station on the tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of this Chapter.

(c) Retail continuity requirements

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along West 42nd Street, between Ninth and Twelfth Avenues shall be considered #Tier C street frontages#

(d) #Street wall# continuity requirements

The #street wall# location provisions of paragraph (b)(2) of Section 23-431 shall apply except that, the #street wall# shall extend up to minimum height of 45 feet above #curb level# or the height of the #building#, whichever is less, and no more than 85 feet. Above this required height, the #street wall# of a #building# shall set back at least five feet. The requirements of this paragraph shall also apply to any #building# on a #wide street# frontage within a distance of 50 feet from its intersection with West 42nd Street.

(e) Pedestrian circulation space

Within Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, pedestrian circulation space shall be provided in accordance with the provisions of Section 37-50. In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

(f) Special curb cut and parking provisions

No curb cuts shall be permitted on 42nd Street. The parking provisions of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section 93-80 (OFF-STREET PARKING REGULATIONS), except that such parking provisions shall not apply to any #development# or #enlargement# for which a special permit was granted prior to January 19, 2005.

Any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004, shall comply with either the parking regulations in effect at the time the permit was issued, or the provisions of this paragraph (f).

96-22 - Special Regulations for Eighth Avenue Perimeter Area

LAST AMENDED
12/5/2024

Within the Eighth Avenue Perimeter Area, the following provisions shall apply:

(a) For #qualifying transit improvement sites#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

(b) All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Sections 81-21 (Floor Area Ratio Regulations) and 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT).

96-23 - Special Permit for Modification of Height and Setback Regulations

LAST AMENDED
2/2/2011

Except within the Eighth Avenue Perimeter Area set forth in Section 96-22, the City Planning Commission, by special permit, may permit modification of height and setback regulations for #developments# or #enlargements# which have generated an increase in the #floor area ratio# of not more than 2.0 under the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area), provided that such modification is necessary to achieve better site planning.

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

96-24 - Relocation and Demolition of Buildings in the Perimeter Area

LAST AMENDED3/3/2026

Prior to the issuance by the Department of Buildings of a demolition permit or a permit for any #development#, #enlargement# or #extension# on any #zoning lot# containing #residential uses# within the Perimeter Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings:

(a) that prior to evicting or otherwise terminating the occupancy of any tenant in connection with vacating any #building#, the developer shall have notified the Department of Housing Preservation and Development of plans for the relocation of tenants which shall:

(1) to the extent possible provide for the relocation of tenants within the Clinton District; and

(2) provide for the satisfaction of all the requirements for the issuance of a certificate of eviction under applicable rent control and rent stabilization regulations of the State of New York; and

(b) that the developer has complied with the relocation plan submitted pursuant to paragraph (a) of this Section and that the Department of Housing Preservation and Development has issued a #certification of no harassment#, or that the owner has complied with paragraph (d) of Section 96-107.

96-25 - Floor Area Bonus for New Theater Use

LAST AMENDED
12/5/2024

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# with #qualifying affordable housing# or #qualifying senior housing# located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue, the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space," which, for the purposes of this Section, shall mean space to be used as a legitimate theater or for non-profit performing arts use. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, after referral for review and receipt of recommendations from the applicable Community Board, that the following conditions have been met:

(a) all #floor area# for any performance space for which a bonus is received pursuant to this Section, shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, ticket offices, restrooms and circulation space. Any other use of the bonused performance space shall not comprise more than 25 percent of the total #floor area# of such performance space;

(b) such performance space shall be designed, arranged and used for live performances and rehearsals of drama, music or dance and shall have at least 100 and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats, and adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats. Performance space for which a bonus is received pursuant to this Section, shall only be used for non-profit performing arts use provided the #development# or #enlargement# contains at least two performance spaces used exclusively for performances of legitimate theater;

(c) a letter from the Department of Cultural Affairs shall be submitted, certifying that:

(1) a signed lease has been provided from the prospective operator of the performance space, or a written commitment from the owner of the performance space if such owner is also the operator, for occupancy of the performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;

(2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;

(3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural

and mechanical systems, as necessary to ensure that such performance space will operate efficiently for its intended use;

(4) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and

(5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.

(d) a legal commitment has been provided for inspection and ongoing maintenance of the performance space to ensure its continued availability for #use# as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs and the applicable Community Board. Such report shall describe the condition of the performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(e) a legal commitment has been provided for continuance of the #use# of all #floor area# in the bonused performance space as legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraphs (c)(1), (c)(2) and (c)(3) of this Section have been met as to the proposed operator and, where substantial renovation of the performance space, as defined by the Commissioner of the Department of Cultural Affairs, is being proposed in conjunction with the change of operator, that the provisions of paragraphs (c)(3) and (c)(4) of this Section have been met as to such substantial renovation. Any application or submission with respect to a change in operator made pursuant to the provisions of such legal commitment, shall be

referred to the affected Community Board. The Commissioner of the Department of Cultural Affairs shall not issue a letter with respect to such application prior to 45 days after such referral. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development# or #enlargement#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the performance space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson under the terms of such declaration, and receipt of a certified copy of such declaration, shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the performance space is substantially complete, which shall, for this purpose, mean that such performance space is usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for the #development# or #enlargement#, until the performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

Notwithstanding the foregoing, the Chairperson of the City Planning Commission may accept a declaration of restrictions or in the case of a certification issued by the Chairperson prior to January

28, 2009, a modified declaration of restrictions, which shall allow the owner to apply for and accept, and the Department of Buildings to issue, temporary and permanent certificates of occupancy for the portion of the #development# or #enlargement# which utilizes the increased #floor area# permitted pursuant to this Section prior to substantial or final completion of the performance space, as the case may be, provided that, under the terms of such declaration of restrictions or modified declaration of restrictions, the owner shall not apply for or accept temporary certificates of occupancy for any such portion of the #development# or #enlargement# unless and until the Commissioner of the Department of Cultural Affairs has certified that the core and shell of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner, and that ownership of the performance space has been transferred to the prospective operator.

In the event of a transfer of ownership of the performance space, certification pursuant to paragraph (c)(1) of this Section, shall not require the provision of the signed lease or written commitment described therein, and the operating plan and program for the performance space shall be provided by the prospective owner.

Any application for certification of a #floor area# bonus for theater #use#, pursuant to this Section, shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Chairperson of the City Planning Commission shall not grant any such certification prior to 45 days after such referral.

96-30 - OTHER AREAS

LAST AMENDED
5/14/2014

In Area C, the regulations of the underlying districts shall apply, except as otherwise set forth in this Section, inclusive. The boundaries of Northern Subarea C1 and Western Subarea C2 are shown on the District Map in Appendix A of this Chapter.

96-31 - Special Regulations in R8 Districts

LAST AMENDED
12/5/2024

(a) In R8 Districts, other than R8A Districts, in Western Subarea C2, including #Commercial Districts# mapped within such R8 Districts, the provisions of Sections 96-101 (Floor area regulations) and 96-102 (Height and setback regulations) shall apply.

(b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, electrical utility substations, listed under Use Group IV(B), operated for public utility purposes, existing on June 14, 2011, and located wholly or partially within the portion of Western Subarea C2 east of Eleventh Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

96-32 - Special Regulations in R9 Districts

LAST AMENDED
12/5/2024

In R9 Districts in Western Subarea C2, including #Commercial Districts# mapped within R9 Districts, the underlying provisions shall apply except as modified in this Section, inclusive.

(a) Special #bulk# regulations

The maximum #residential# #floor area ratio# shall be 6.66 for #zoning lots# containing standard #residences# or 8.0 for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#. Additionally, the height and setback provisions applicable to R9A Districts shall apply to all #buildings or other structures#.

(b) #Uses# in Western Subarea C2 located within a #large-scale general development#

In a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses# without any size limitations:

From Use Group VI

Automotive repair and maintenance

Building material and supplies dealers

From Use Group VIII

Production or entertainment studios

From Use Group X

Theatrical scenery manufacturing, included in other miscellaneous manufacturing.

The supplemental #use# provisions of Section 32-421 (Limitations on floors occupied by commercial uses) shall not apply to #commercial# #uses# located in a #building# with frontage on West 52nd Street.

96-33 - Special Regulations in M2-4 Districts

LAST AMENDED
6/14/2011

96-331 - Adult establishments

LAST AMENDED
6/14/2011

The provisions of Section 52-77 (Termination of Adult Establishments) shall not apply to any #adult establishment# that located within the #Special Clinton District# after October 25, 1995, and prior to May 11, 2011, and which, as of May 11, 2011, and June 14, 2011, was an existing #use# and conformed to all provisions of Section 42-01 (Special Provisions for Adult Establishments) applicable to M2-4 Districts.

96-332 - Height and setback

LAST AMENDED
6/14/2011

In M2-4 Districts in Western Subarea C2, the underlying height and setback regulations shall apply as modified by the following special #bulk# regulations.

For all #buildings or other structures#, the #street wall# of a #building# shall rise without setback to a minimum base height of 50 feet, or the height of the #building#, whichever is less, and a maximum base height of 95 feet. No portion of a #building# shall exceed a height of 135 feet and no #sky exposure plane# shall apply.

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height.

On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at

points 15 feet from their intersection.

96-34 - Special Regulations in Northern Subarea C1

LAST AMENDED
12/5/2024

Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

(a) automobile dealers listed under Use Group VI with preparation of automobiles for delivery; and

(b) automobile repair and maintenance listed under Use Group VI.

96-40 - MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS

LAST AMENDED
12/5/2024

For parcels within the #blocks# bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, within a #general large-scale development# that occupies #zoning lots# on more than one #block#, the City Planning Commission may permit the modification of #open space# required pursuant to Section 23-732 (Floor area and open space ratios in R6 through R9 Districts), as part of a special permit, pursuant to Section 74-743 (Special provisions for bulk modification),

provided the Commission finds that:

(a) the amount of #open space# provided is sufficient to meet the needs of the residents of the #general large-scale development#; and

(b) such modification results in improved site planning.

96-50 - REGULATIONS APPLICABLE TO ALL AREAS

LAST AMENDED
2/2/2011

The provisions of Sections 96-51 (Mandatory Tree Planting Provisions) and 96-52 (Bulk Modifications for Public Parking Garages) shall apply to all areas within the Special District.

96-51 - Mandatory Tree Planting Provisions

LAST AMENDED
6/6/2024

In addition to the applicable underlying #street# tree planting requirements, tree planting provisions shall also apply to #extensions# or alterations, other than #incidental alterations#, involving 30 percent or more of the existing #floor area# of a #building#. For #uses# listed under Use Groups IV(B), IX(B), or X, the #street# tree planting requirements of Section 26-41 (Street Tree Planting)

shall apply.

96-52 - Bulk Modifications for Public Parking Garages

LAST AMENDED
1/19/2005

Except within the Eighth Avenue Perimeter Area set forth in Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area), in all other C6 Districts, the City Planning Commission, by special permit, may permit, for #public parking garages#, modification of the applicable #lot coverage#, #yard# and height and setback regulations. As a condition of permitting such modifications, the Commission shall make the following findings:

(a) that, because of site limitations, such modifications are necessary for the proper design and operation of the #public parking garage#; and

(b) that, such modifications will not unduly obstruct access to light and air in the #street# or on adjacent #zoning lots#.

The Commission shall consider the characteristics of surrounding development and may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of adjacent areas.

96-60 - SPECIAL PERMIT PROCEDURE

LAST AMENDED
11/21/1974

96-601 - Requirements for applications

LAST AMENDED
6/6/2024

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter, shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

Notwithstanding the foregoing, in the Eighth Avenue Perimeter Area, all applications made pursuant to the #Special Midtown District# shall be subject to the guidelines and provisions of Article VIII, Chapter 1 (Special Midtown District), instead.

All applications relating to Section 96-110 (Off-street parking regulations) shall be referred by the Commission to the Department of Transportation for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location.

If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issues referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

96-602 - Relationship to public improvement projects

LAST AMENDED
2/2/2011

In all cases, the City Planning Commission shall deny a special permit application whenever the #development# or #enlargement# will interfere with a public improvement project, including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities, which is approved by, or pending before, the Board of Estimate or City Planning Commission, as determined from the Calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

96-70 - SPECIAL PERMITS PREVIOUSLY AUTHORIZED

LAST AMENDED
11/21/1974

Whenever, under the provisions of the Special Clinton Interim District or any prior zoning regulation, the City Planning Commission has authorized any special permit, the status of such special permit shall not be altered by the provisions of this Chapter.

96-80 - EXCLUDED AREAS

LAST AMENDED
6/6/2024

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

(a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, provided that in this area the provisions of Sections 96-40 (MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS), 96-51 (Mandatory Tree Planting Provisions) and 96-81 (C6-3X Districts) shall apply.

In addition, for parcels in C6-3X Districts, bounded by West 53rd Street, Tenth Avenue, West 54th Street and Eleventh Avenue, the following shall be permitted #uses# below the level of any floor occupied by #dwelling units#:

(1) automobile dealers listed under Use Group VI with preparation of automobiles for delivery;

(2) automotive repair and maintenance listed under Use Group VI; and

(3) riding academies or stables listed under Use Group VIII.

For a #building# that, at the time of approval by the Department of Buildings, included space designed for stable use for riding academies or stables with a ceiling height in excess of 23 feet, as measured from the #base plane#, then any floor space occupied by #accessory# parking located on the floor immediately above shall be exempted from the definition of #floor area#.

(b) the block bounded by West 49th Street, Eighth Avenue, West 50th Street and Ninth Avenue which was the site of the former Madison Square Garden;

(c) property bounded by West 45th Street, the easterly right-of-way of the Amtrak Empire Line, West 44th Street and Eleventh Avenue;

(d) the block bounded by West 42nd Street, Ninth Avenue, West 43rd Street and Tenth Avenue; or

(e) property bounded by West 56th Street, Ninth Avenue, West 57th Street and a line 200 feet west of Eighth Avenue.

96-81 - C6-3X Districts

LAST AMENDED
12/5/2024

In C6-3X Districts in Excluded Areas, the underlying regulations shall apply except that the maximum #residential# #floor area ratio# shall be 7.5 for #zoning lots# containing standard #residences#, or 9.0 for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

Appendix A - Special Clinton District Map - (96A)

LAST AMENDED9/14/2016



Special Clinton District Boundary

Area Boundary

A Preservation Area

B Perimeter Area

B Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (**See map below**)

B Portion of Perimeter Area B also subject to Article VIII, Chapter I (*Special Midtown District*)

C Other Areas

C1 Northern Subarea

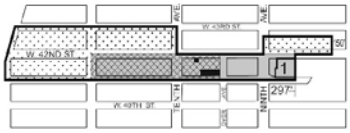
C1-1 Special Use Regulations Area

C1-2 Special Use Regulations Area

C2 Western Subarea

Excluded Area

42nd Street Perimeter Area



Subarea 1 of 42nd Street Perimeter Area

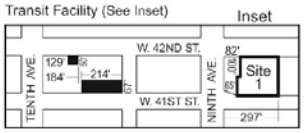
Subarea 2 of 42nd Street Perimeter Area

Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

Site 1 Where Special Parking Regulations apply (See Inset)

Transit Facility (See Inset)

Inset



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Special 125th Street District (125)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 7 - Special 125th Street District (125)

97-00 - GENERAL PURPOSES

LAST AMENDED
11/30/2017

The "Special 125th Street District" established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

(a) to preserve, protect and promote the special character of 125th Street as Harlem's "Main Street" and the role of 125th Street as Upper Manhattan's premier mixed use corridor;

(b) to guide development on the 125th Street corridor;

(c) to expand the retail and commercial character of 125th Street;

(d) to provide incentives for the creation of visual and performing arts space and enhance the area's role as a major arts, entertainment and cultural destination in the City;

(e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;

(f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;

(g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;

(h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and

(i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

97-01 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS) or 32-301 (Definitions).

97-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the Special District shall apply within the Special District.

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of

this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

97-03 - District Plan and Maps

LAST AMENDED
11/30/2017

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and Subdistricts), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

97-04 - Establishment of Subdistricts

LAST AMENDED
12/18/2025

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special 125th Street District#: the Core Subdistrict, the Park Avenue Hub Subdistrict, Subdistrict A and Subdistrict B. Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the subdistricts are shown on Map 1 in Appendix A of this Chapter.

97-05 - Establishment of Bonused Space Local Arts Advisory Council

LAST AMENDED
4/30/2008

A Bonused Space Local Arts Advisory Council shall be created for the purpose of reviewing and making recommendations concerning the Community Engagement Plans of proposed operators of visual or performing arts #uses# pursuant to paragraph (c)(7) of Section 97-423 (Certification for floor area bonus for visual or performing arts uses). The Bonused Space Local Arts Advisory Council shall consist of 11 members: two (2) members appointed by the Commissioner of the Department of Cultural Affairs, one of whom shall be designated by such Commissioner to serve as Chair, and three (3) members appointed by each of the Council Members for the Councilmanic Districts in which the Special District is located, who will rotate depending upon where the proposed visual or performing arts #use# is located, pursuant to Sections 97-422 and 97-423. Members of the Bonused Space Local Arts Advisory Council shall be members of the Harlem performing or visual arts, non-profit, or business communities and shall serve at the pleasure of the appointing official. The Department of Cultural Affairs shall provide staff assistance to the Bonused Space Local Arts Advisory Council and shall establish guidelines and procedures for the performance of its functions.

In making a recommendation concerning a Community Engagement Plan pursuant to paragraph (c)(7) of Section 97-423, the Bonused Space Local Arts Advisory Council shall consider the prior history and/or proposed scope of outreach and educational activities in Community Boards 9, 10 or 11 by the proposed operator; and the organizational capacity and commitment of the proposed operator to implement local partnerships under the Community Engagement Plan. The Department of Cultural Affairs shall not submit a letter to the Chairperson of the City Planning Commission pursuant to paragraph (c)(7) of Section 97-423 without having first received and considered the written recommendation of the Bonused Space Local Arts Advisory Council, provided that the Bonused Space Local Arts Advisory Council shall have provided the Department of Cultural Affairs with such written recommendation no later than 45 days following receipt of a request for review

from the Department of Cultural Affairs.

97-06 - Applicability of District Regulations

LAST AMENDED
12/19/2017

97-061 - Applicability of Special Transit Land Use District Regulations

LAST AMENDED
12/18/2025

Wherever the #Special 125th Street District# includes an area which also lies within the #Special Transit Land Use District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, except as modified by the provisions of the Chapter.

97-062 - Applicability of Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory Inclusionary Housing areas# within the #Special 125th Street District# are shown on the maps in APPENDIX F of this Resolution.

97-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/6/2024

97-11 - Special Arts and Entertainment Uses

LAST AMENDED
6/6/2024

In order to sustain the arts and entertainment character of the 125th Street corridor, the provisions of this Section shall apply.

(a) The following #uses# shall be designated as entertainment #uses#:

From Use Group VI

Eating or drinking establishments

From Use Group VIII

Auditoriums

Production or entertainment studios.

(b) The following #uses# shall be designated as visual or performing arts #uses#:

From Use Group III

Museums

From Use Group VIII

Art galleries

Art, music, dancing or theatrical studios

Theaters

Historical exhibits.

97-12 - Arts and Entertainment Use Requirement

LAST AMENDED
6/30/2011

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, or for that portion of a #zoning lot# located within the Core Subdistrict, for #buildings# or portions of #buildings# #developed# or #enlarged# after April 30, 2008, that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125th Street, an amount of space equivalent to a minimum of five percent of the #floor area# of the #development# or #enlargement# shall be occupied by one or more of the #uses# designated in Section 97-11 (Special Arts and Entertainment Uses).

97-20 - GROUND FLOOR LEVEL REGULATIONS

LAST AMENDED
6/6/2024

97-21 - Supplemental Use Regulations Along 125th Street

LAST AMENDED
6/6/2024

Within the #Special 125th Street District#, for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the requirements of this Section, inclusive. However, on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-211 - Location of and Access to Arts and Entertainment Uses

LAST AMENDED
6/6/2024

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

The designated #uses# listed in Section 97-11 may be located anywhere throughout a #building# that fronts on 125th Street, provided that:

(a) any such designated #uses# within the Core Subdistrict required pursuant to Section 97-12 shall be accessed from 125th Street; and

(b) in #mixed buildings#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply. However, such provisions shall be modified where #commercial uses# are located on the same #story# as a #dwelling unit# such that the limitations set forth in paragraphs (a) and (b) of such Section need not apply.

97-22 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along 125th Street and the portion of Park Avenue within the Park Avenue Hub Subdistrict, shall be considered #Tier C street frontages#.

However, the underlying #Tier C street frontage# regulations shall be modified as follows: within the Core Subdistrict, a lobby accessing the #residential# portion of a #building# may be located on 125th Street only where the #building# does not have frontage along another #street#.

97-221 - Modification of supplemental use location regulations

LAST AMENDED
6/6/2024

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

97-30 - SPECIAL SIGN REGULATIONS

LAST AMENDED
4/30/2008

#Signs# for all #uses# within the #Special 125th Street District# shall be subject to the applicable #sign# requirements in Section 32-60, inclusive, subject to the modifications of Sections 97-31 through 97-34, inclusive.

#Marquee signs# for an arts #use# may be combined, subject to the requirements of Section 32-641 (Total surface area of signs).

In the event of a conflict between the provisions of this Section, 97-30, inclusive, and other regulations of the Administrative Code, the provisions of this Chapter shall apply.

97-31 - Definitions

LAST AMENDED
12/19/2017

Marquee

A “marquee” is a permanent structure or canopy located above the primary entrance to an arts #use# fronting on 125th Street or Fifth Avenue, that projects over the sidewalk and is attached to, and entirely supported from, the #street wall# of the #building#. The location and dimensions of the #marquee# shall be determined by the requirements of Section 97-32.

All #marquees# shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9, of the New York City Building Code, or its successor, pertaining to projecting #signs#.

Marquee sign

A “marquee sign” is a #sign#, other than an #advertising sign#, mounted on a #marquee# that identifies the arts #use# and provides informational displays about such #use#.

97-32 - Location, Height and Width of Marquees and Marquee Signs

LAST AMENDED
6/6/2024

For the purposes of this Chapter, #marquees# shall be permitted only above the primary entrance to one of the following #uses# fronting upon 125th Street or Fifth Avenue:

From Use Group III

Museums

From Use Group VIII

Art, music, dancing or theatrical studios

Theaters

#Marquees# shall project over the sidewalk no more than 15 feet from the #lot line# and shall be no nearer to the curb than two feet.

(a) Height of #marquees#

The minimum height of a #marquee# or a #marquee sign# shall be three feet; the maximum height for such structure and #sign# shall be five feet. No part of a #marquee# or a #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(b) Width of #marquees#

The width of a #marquee# or a #marquee sign# shall be no greater than 50 percent of the width of the #building# frontage to which it is attached or 40 feet, whichever is less.

97-33 - Vertical Distance Above Sidewalk of Marquees and Marquee Signs

LAST AMENDED
4/30/2008

The minimum vertical distance from the sidewalk for a #marquee# shall be 12 feet; the maximum vertical distance above the sidewalk for such #marquee# shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section 32-653 (Additional regulations for projecting signs), additional #signs# may be displayed on a #marquee#, provided such #sign# is no more than two feet above the #marquee#.

No #marquee# or #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

97-34 - Accessory Signs for Visual or Performing Arts Uses

LAST AMENDED
6/6/2024

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following visual or performing arts #uses# fronting on 125th Street or Fifth Avenue within the #Special 125th Street District# shall be permitted to erect a #marquee sign# on or above a #marquee#:

From Use Group III

Museums

From Use Group VIII

Art, music, dancing or theatrical studios

Theaters.

#Flashing signs# shall not be permitted as #accessory# #signs# for arts #uses#.

97-40 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/19/2017

Within the #Special 125th Street District#, for #developments# or #enlargements#, the applicable #bulk# regulations of the underlying districts shall apply, except as modified by the provisions this Section, inclusive.

97-41 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

The maximum #floor area ratio# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Bonuses pursuant to Sections 66-51 or this Section, inclusive, may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

97-411 - Maximum floor area ratio within the Core Subdistrict

LAST AMENDED
12/5/2024

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility# #uses#.

Separate #residential# #floor area ratios# are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

The #residential# #floor area ratios# or #commercial# #floor area ratios# may be increased up to the applicable maximum #floor area ratios# in the following table, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES

Within the Core Subdistrict						
District	**#Residential Floor Area Ratio# for Standard #Residences#**	**#Residential Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing#**	**#Residential Floor Area Ratio# with Visual or Performing Arts Bonus**	**#Commercial Floor Area Ratio#**	**#Commerical Floor Area Ratio# with Visual or Performing Arts Bonus**	
C4-4D	6.0	7.2	7.2	4.0	5.40	
C4-7	6.0	7.2	7.2	7.2	8.65	
C6-3	6.0	7.2	7.2	6.0	8.00	

97-412 - Maximum floor area ratio in the Park Avenue Hub Subdistrict

LAST AMENDED
12/18/2025

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential# #floor area#, such #zoning lot# shall satisfy the provisions of either:

(1) a minimum non-#residential# #floor area ratio# of 1.5 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel#; or

(2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (a)(4) of Section 27-131 (Mandatory Inclusionary Housing), or for #zoning lots# that include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

(1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet or for #zoning lots# that include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District). For #zoning lots# utilizing the provisions of this paragraph, the minimum non- #residential# #floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;

(2) for #zoning lots#, subject to the provisions of paragraphs (a)(4)(i) or (a)(4)(iii) of Section 27-131, the maximum #residential# #floor area# for standard #residences# set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts);

(3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor

area ratio# may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 have been met; and

(4) for #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant to the provisions of Article VI, Chapter 3.

97-413 - Maximum floor area ratio in Subdistrict A

LAST AMENDED
12/5/2024

In C4-7 Districts in Subdistrict A, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential# and non-#residential uses#.

Separate #residential# #floor area ratios# are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

The #residential# #floor area ratios# or non-#residential# #floor area ratio# may be increased up to the applicable maximum #floor area ratios# in the following table, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section

97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL AND NON-RESIDENTIAL USES

Subdistrict A					
District	**#Residential Floor Area Ratio# for Standard #Residences#**	**#Residential Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing#**	**#Residential Floor Area Ratio# with Visual or Performing Arts Bonus**	**Non-#Residential Floor Area Ratio#**	**Non-#Residential Floor Area Ratio# with Visual or Performing Arts Bonus**
C4-7	10.0	12.0	12.0	10.0	12.0

97-414 - Maximum floor area ratio in areas outside of a subdistrict

LAST AMENDED
12/5/2024

In C4-4D, C4-7 or C6-3 Districts in areas outside of a subdistrict, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility# #uses#.

Separate #residential# #floor area ratios# are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#.

The #residential# #floor area ratios# or #commercial# #floor area ratios# may be increased up to the applicable maximum #floor area ratios# in the following table, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-42 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES

Areas Outside of a Subdistrict						
District	**#Residential Floor Area Ratio# for Standard #Residences#**	**#Residential Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing#**	**#Residential Floor Area Ratio# with Visual or Performing Arts Bonus**	**#Commercial Floor Area Ratio#**	**#Commerical Floor Area Ratio# with Visual or Performing Arts Bonus**	
C4-4D	6.0	7.2	7.2	4.0	5.4	
C4-7	10.0	12.0	12.0	10.0	12.0	
C6-3	6.67	8.0	8.0	6.0	8.0	

97-42 - Certification for Floor Area Bonus for Visual or Performing Arts Uses

LAST AMENDED

12/5/2024

The Chairperson of the City Planning Commission shall certify to the Commissioner of Buildings visual or performing arts #uses# in accordance with the applicable provisions of Section 97-41, inclusive, where the following conditions have been met:

(a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the applicable provisions of Section 97-41, inclusive, including the location of such #floor area#.

(b) Drawings also have been provided that clearly designate all #floor area# or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of Section 97-41, inclusive.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

(1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory# #uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;

(2) all bonused #floor area# or below-grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided in the Park Avenue Hub Subdistrict. However, all bonused #floor area# or below-grade floor space occupied by visual or performing arts #uses# within a #development# may be primarily accessed from Fifth Avenue, provided the following conditions are met:

(i) the #zoning lot# must have at least 150 feet of Fifth Avenue frontage where such primary entrance is provided; and

(ii) signage that identifies the visual or performing arts #uses# shall be provided at both the primary entrance on Fifth Avenue and on 125th Street;

(3) in the case of primary rehearsal space, where such space does not consist of #accessory# #uses# subject to the requirements of paragraph (b)(4), such space:

(i) can be adapted for rehearsals or performances open to the public;

(ii) is located on the first #story# of the #building# or on any higher #story# with a ceiling height not greater than 60 feet above grade;

(iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section. In addition, where such primary rehearsal space is provided in the Park Avenue Hub Subdistrict such #street wall# with 50 feet of frontage need not be along 125th Street;

(iv) has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than 9 feet, 6 inches; and

(v) complies with the following glazing requirements, except for visual or performing arts #uses# with primary entrances provided pursuant to paragraph (b)(2)(i) of this Section: at least 70 percent of the total surface area of the #street wall# abutting the primary rehearsal space, measured from finished floor to ceiling shall be glazed. Furthermore, at least 90 percent of such area shall be

transparent from within one foot of the finished floor level to at least eight feet above such level. For primary rehearsal spaces located at the corner of 125th Street and an intersecting #street#, the glazing requirements of this Section shall be applied separately for each #street wall#, and up to 100 feet along such intersecting #street#;

(4) for performance space which is exclusively designed and arranged for the presentation of live drama, music, dance and interactive or multidisciplinary performances open to the public, such space may be below grade provided it has a minimum area of 2,000 square feet of column-free space with a floor-to-ceiling height of not less than 16 feet;

(5) #Accessory# space

(i) For primary rehearsal spaces, no more than 25 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses# #accessory# to such primary rehearsal spaces. #Accessory# #uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;

(ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory# #use# occupies more than 25 percent of such total minimum required #floor area# or equivalent below-grade floor space, or bonused #floor area# or below grade floor space. #Accessory# #uses# shall

include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

(6) Signage

(i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive, except where such visual or performing arts facility is provided in the Park Avenue Hub Subdistrict; and

(ii) For below grade performance space subject to the requirements of paragraph (b)(4) of this Section, such #sign#, not including any frame or surrounding element, shall be utilized for the additional purpose of informing the public regarding the program of scheduled performances in such facility, and shall be no less than two feet in width and four feet in height, and shall be installed a minimum of 2 feet, 6 inches above grade;

(c) A letter from the Department of Cultural Affairs has been submitted to the Chairperson of the City Planning Commission, certifying that:

(1) a signed lease has been provided from the prospective operator of the visual or performing arts space, or a written commitment from the owner of such space in a form acceptable to the City, if such owner is also the operator, for occupancy of such space, and its operation as a visual or performing arts space for a period of not less than 15 years, with two five-year renewal options, pursuant to an operating plan and program therefor;

(2) the proposed operator of the visual or performing arts space is a non-profit organization;

(3) the proposed operator of the visual or performing arts space has the fiscal and managerial capacity to successfully operate such space;

(4) the proposed operator of the visual or performing arts space will have a program of regularly scheduled presentations or performances that are open to the public, provided that, in the case of a visual or performing arts space that is a primary rehearsal space, a program of regularly scheduled rehearsals or performances open to the public shall be required only where the proposed operator is the principal user of the primary rehearsal space. In the event that the proposed operator is not the principal user of the primary rehearsal space and such space is made available to multiple organizations or individuals on an hourly, weekly, monthly or similar basis, the proposed operator shall allow open rehearsals or performances open to the public to be sponsored by such organizations or individuals, upon request;

(5) preliminary design plans have been provided to the Department of Cultural Affairs for the visual or performing arts space, which shall include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems necessary to ensure that such visual or performing arts space will operate efficiently for its intended use;

(6) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and

(7) the proposed operator of the visual or performing arts space has a Community Engagement Plan that will effectively encourage public access and use of the visual or performing arts space, provide educational opportunities to the local community, and

address new, undeveloped and/or underserved audience or participant groups. The Department of Cultural Affairs shall make its determination concerning the sufficiency of the Community Engagement Plan based upon consideration of the written recommendation of the Bonused Space Local Arts Advisory Council with respect thereto.

(d) A legal commitment by the owner has been provided:

(1) for the operator of the visual or performing arts space to submit an annual program report, describing the use of the space during the previous year, to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs, the Manhattan Borough President, the applicable Community Board and the local Council Member; and

(2) for inspection and ongoing maintenance of the visual or performing arts space to ensure its continued availability for #use# as a visual or performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report identifying the operator utilizing the space, describing the condition of the space and identifying any maintenance or repair work necessary to ensure the physical and operational soundness of such space, and establishing a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work, shall be submitted to the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs;

(e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying the applicable provisions of Section 97-41, inclusive, as a visual or performing arts space only in accordance with the

drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment# #use# shall be prohibited for the life of the #development# or #enlargement#.

(1) notwithstanding the provisions of this paragraph (e), an owner shall not be in violation of such legal commitment during a grace period consisting of:

(i) six (6) months from the date the visual or performing arts space is vacated by the operator, provided owner timely notifies the Departments of City Planning and Cultural Affairs of such vacancy in accordance with the requirements of the legal commitment;

(ii) the period of review by the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs with respect to a new operator and any associated change of design or #use# requirements pursuant to this Section, provided that application for certification pursuant to this Section is made no later than the expiration of the six month period set forth in paragraph (e)(1)(i) of this Section;

(iii) any period set forth in such certification as necessary to allow for the modification of design to accommodate a new operator; and

(iv) any event of force majeure;

(2) in the event that the Chairperson of the City Planning Commission determines that the requirements for certification pursuant to this Section with respect to a change of operator and associated change of design or #use# requirements are not satisfied, the grace period set forth in paragraph (e)(1) of this Section shall thereupon apply from the

date of such determination;

(f) A legal commitment by the owner has been provided that all visual arts exhibitions or presentations of live drama, music, dance, interactive or multidisciplinary performances shall be open to the public in accordance with the terms of the letter issued by the Commissioner of Cultural Affairs, pursuant to paragraph (c) of this Section;

(g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying the applicable provisions of Section 97-41, inclusive, as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner of the visual or performing arts space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson. The filing of such declaration and the posting of any bond or other security required by the Chairperson under the terms of such declaration, and receipt of a certified copy of such declaration shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the applicable #floor area# permitted pursuant to the provisions of

Section 97-41, inclusive, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the applicable #floor area# permitted pursuant to Section 97-41, inclusive, shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

In granting the original certification, the Chairperson of the City Planning Commission may specify such changes in design or #use# that would not warrant further certification pursuant to this Section.

97-43 - Special Height and Setback Regulations

LAST AMENDED
12/19/2017

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-431 - Permitted obstructions

LAST AMENDED
12/5/2024

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b) of Section 23-413 (Permitted obstructions in certain districts).

97-432 - Height and setback regulations in the Core Subdistrict and in areas outside of a subdistrict

LAST AMENDED
12/5/2024

(a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, along 125th Street, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply. Along all other #streets# the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply.

(b) Maximum height of building and setback

(1) Basic regulations

Within the Core Subdistrict, the minimum and maximum base height of the #street

wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT			
District	**#Street Wall# Height (in feet)**		**Maximum Height o #Building or Othe Structure# inside Core Subdistric (in feet**
	Minimum Base Height	**Maximum Base Height inside Core Subdistrict**	
C4-7	60	85	19
C6-3	60	85	16

All portions of #buildings or other structures# that exceed a height of 85 feet in C4-7 and C6-3 Districts shall provide a setback in accordance with the provisions of Section 23-433.

(2) Special regulations for certain C4-7 Districts

(i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.

(ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.

(iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

(3) Special regulations for C6-3 Districts

In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

(c) Maximum height of building and setback in areas outside of a subdistrict

Except as otherwise set forth in paragraph (b)(2) above, in areas outside of a subdistrict, the following minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be applied:

(1) in C4-7 Districts, the height and setback regulations applicable to an R10A District shall apply; and

(2) in C6-3 Districts, the height and setback regulations applicable to an R9A District shall apply.

97-433 - Height and setback regulations in the Park Avenue Hub Subdistrict and in Subdistrict B

LAST AMENDED
12/18/2025

In C6-4 Districts within the Park Avenue Hub Subdistrict or in any #commercial district# within Subdistrict B, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section 35-631 shall be modified as follows:

(1) Along 125th Street

The #street wall# provisions of paragraph (a) of Section 35-631 shall apply. The minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

The #street wall# provisions of paragraph (b) of Section 35-631 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in the applicable provisions of Section 35-632, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 125 feet.

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# providing #qualifying affordable housing# or #qualifying senior housing#, or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

Above the applicable maximum base height established pursuant to paragraph (b) of this Section, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

The maximum #lot coverage# of a tower shall be as set forth in Section 23-435 (Tower regulations).

(3) Maximum #building# height

No height limit shall apply to towers.

97-434 - Height and setback regulations in Subdistrict A

LAST AMENDED
12/5/2024

Within Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, the underlying height and setback regulations shall apply, except that the #street wall# provisions of paragraph (a) of Section 35-631 (Street wall location) shall apply on #wide street# frontages in C4-7 Districts. The minimum and maximum base heights and the overall maximum #building# height provisions of Section 35-632, inclusive, shall be modified in accordance with the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

District	#Street Wall# Height (in feet)		Maximum Height of #Building or Other Structure# (in feet)
	Minimum Base Height	Maximum Base Height	
C4-7	60	85	245

Above the maximum base height, a setback shall be provided in accordance with the provisions of Section 23-433.

97-44 - Special Provisions for Zoning Lots Divided by District Boundaries

LAST AMENDED
12/19/2017

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that for any #zoning lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on such #zoning lot# without regard to the requirements of Section 77-22 (Floor Area Ratio), subject to the applicable height and setback regulations.

97-50 - SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
4/30/2008

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Off-street Loading Regulations) shall apply within the #Special 125th Street District#, subject to modification by the regulations of this Section, inclusive.

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#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125th Street within the Special District may be modified, so that such facilities may be provided off-site, within a #Commercial District#, but at a distance no greater than 1,200 feet from the #zoning lot#.

97-51 - Accessory Off-street Commercial Parking Within the Core Subdistrict and Areas Outside of a Subdistrict

LAST AMENDED
12/5/2024

In #Commercial Districts# within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial# #uses# in C4-4D Districts.

97-52 - Location of Access to the Street

LAST AMENDED
12/5/2024

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125th Street or any other #wide street# that intersects with 125th Street, other than under the specific conditions of Sections 97-55 (Certification for Access to Required Uses) and 97-56 (Authorization for Access to Permitted Parking Facilities or Loading Berths).

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of 97-54 (Parking Access Through Zoning Lots in Residence Districts).

97-53 - Parking Access Through Zoning Lots in Residence Districts

LAST AMENDED
12/5/2024

For a #zoning lot# within a #Residence District#, which #zoning lot# fronts upon either 124th or 126th Street and the #rear lot line# #abuts# a #zoning lot# that fronts only on 125th Street, and such #zoning lot# has been vacant since April 30, 2008, access for parking and loading purposes may be provided through such #zoning lot#.

97-54 - Certification for Access to Required Uses

LAST AMENDED
12/5/2024

If access to a required #accessory# #residential# parking facility or loading berth is not possible because of the requirements of Section 97-53 (Location of Access to the Street), or, for #developments# in Subarea A, the requirements of Section 36-683 (Restrictions on location of berths near Residence Districts), a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

(a) the only possible location for the facility or loading berth;

(b) not hazardous to traffic safety;

(c) located not less than 50 feet from the intersection of any two #street lines#; and

(d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

97-55 - Authorization for Access to Permitted Parking Facilities or Loading Berths

LAST AMENDED
12/5/2024

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

(a) If access to a permitted #accessory# #residential# or public parking facility is not possible due to the requirements of Section 97-53, the Commission may authorize curb cuts for such #uses#, provided such curb cuts:

(1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and

(2) will not interfere with the efficient functioning of public transit facilities.

(b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the Commission may authorize curb cuts for such #use#, provided:

(1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;

(2) such maneuvering area is at least equal in size to the area of the loading berth; and

(3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commission may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

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

97-56 - Public Parking Facilities

LAST AMENDED
12/5/2024

Notwithstanding the special permit regulations of Section 74-194 (Public parking garages or public parking lots in high density central areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50, inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-193 (Public parking garages or public parking lots outside high density central areas) or 74-194, as applicable.

#Public parking lots# are not permitted on zoning lots with 125th Street frontage within the Special District.

Appendix A - Special 125th Street District Plan

LAST AMENDED

12/18/2025

Map 1: Special 125th Street District and Subdistricts

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 8 - Special West Chelsea District (WCh)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 8 - Special West Chelsea District (WCh)

98-00 - GENERAL PURPOSES

LAST AMENDED
8/24/2017

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

(a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;

(b) to encourage the development of residential uses along appropriate avenues and streets;

(c) to encourage and support the growth of arts-related uses in West Chelsea;

(d) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations, High Line improvement bonuses and the transfer of development rights from the High Line Transfer Corridor;

(e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and the High Line open space;

(f) to create and provide a transition to the lower-scale Chelsea Historic District to the east;

(g) to create and provide a transition to the Hudson Yards area to the north; and

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

98-01 - Definitions

LAST AMENDED
6/6/2024

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).

High Line

The "High Line" shall, for the purposes of this Chapter, refer to the elevated rail line structure and associated elevated easement located between Gansevoort Street and West 30th Street.

High Line bed

The "High Line bed" is the highest level of the horizontal surface (platform) of the #High Line# elevated rail line structure as of June 23, 2005, as shown in Diagram 7 in Appendix C of this Chapter. For the purposes of this Chapter, the level of the #High Line bed# is the average level of the #High Line bed# on a #zoning lot# over which the #High Line# passes.

High Line frontage

“High Line frontage” is that portion of a #building# that faces and is located within 15 feet of the west side and 25 feet of the east side of the #High Line#.

High Line Transfer Corridor

The “High Line Transfer Corridor” is an area within which the #High Line# is located, as specified in Appendix B of this Chapter, where development rights may be transferred to receiving sites in certain subareas in the #Special West Chelsea District#, pursuant to the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-02 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and 98-16 (Air Space Over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4,

shall control.

The provisions regarding the transfer of #floor area# set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, and the #High Line Improvement Bonus# in Subareas D, E, F, G and I set forth in Section 98-25 shall be effective upon the issuance of a final and binding Certificate of Interim Trail Use (CITU) by the Federal Surface Transportation Board and the execution of a trail use agreement between the City and CSX Transportation, Inc., or its successor, with respect to the #High Line#, or upon a determination by the Office of the Corporation Counsel that the restoration and reuse of the #High Line# as an accessible, public open space has been obtained pursuant to an alternative mechanism that protects the interests of the city.

Upon transfer of the #High Line# to the City, pursuant to ULURP application C 050163 PCM, and in accordance with such CITU and trail use agreement, the following shall apply:

(a) the provisions regarding the issuance of building permits set forth in Section 98-11 shall be effective;

(b) any area within the tax lot located at Section 3, Block 8224, Lot 111, as of June 23, 2005, which is separated from other portions of such tax lot by bounding streets, shall be considered a separate #zoning lot#; and

(c) underlying #use# and bulk regulations shall not apply to #uses# and #buildings and other structures# constructed on the #High Line# specifically in connection with its use as a public open space.

98-03 - District Plan and Maps

LAST AMENDED
11/13/2012

The regulations of this Chapter are designed to implement the #Special West Chelsea District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendices A, B and C and the special regulations in Appendices D, E and F:

Appendix A - Special West Chelsea District and Subareas

Appendix B - High Line Transfer Corridor Location

Appendix C - Illustrative Diagrams of the High Line and Building Envelopes for Sites Adjacent to the High Line

Diagram 2 - Street Wall and High Line Frontage Regulations in Subarea A

Diagram 3 - Subarea H Requirements

Diagram 4 - High Line Improvement Area Boundaries for Zoning Lots Divided by District Boundaries in Subareas D, E and G

Diagram 5 - Subarea I Requirements between West 16th and West 17th Streets

Diagram 6 - High Line Access Easement Volume Parameters

Diagram 7 - High Line Bed and Frontages

Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

Appendix E - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Within Subarea J.

The maps and diagrams are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

98-04 - Subareas and High Line Transfer Corridor

LAST AMENDED
11/13/2012

In order to carry out the provisions of this Chapter, Subareas A through K and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply that do not apply within the remainder of the #Special West Chelsea District#. The locations of the Subareas are shown in Appendix A of this Chapter. The location of the #High Line Transfer Corridor# is shown in Appendix B of this Chapter.

The Subareas and the #High Line Transfer Corridor# are subject to all other regulations of the #Special West Chelsea District# and the underlying district regulations, except as otherwise specified in this Chapter.

98-10 - SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

LAST AMENDED
3/22/2006

98-11 - Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line

LAST AMENDED
6/23/2005

The Commissioner of Buildings shall not issue any building permit for demolition, excavation or foundation work to be performed above or beneath the #High Line# or within 25 feet of support structures of the #High Line#, except by determination by such Commissioner that such work would not adversely affect the structural integrity of the #High Line# and by determination by the

Commissioner of Parks that such work would not adversely affect the City's ability to inspect and maintain as necessary to ensure the structural integrity of the #High Line#.

98-12 - Modification of Use Regulations

LAST AMENDED
6/23/2005

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

98-121 - In Subarea H

LAST AMENDED
6/6/2024

In Subarea H, the provisions of Section 32-19 (Use Group IX - Storage), inclusive, are modified to permit, in C6 Districts, warehouse #uses# only in #cellars# located wholly below #curb level#.

98-122 - In Subarea K

LAST AMENDED
6/6/2024

In Subarea K, the provisions of Section 42-10 (USE ALLOWANCES), inclusive, shall be modified as follows:

(a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:

(1) all #uses# listed under Use Groups III and IV not otherwise permitted by the underlying regulations;

(2) all #uses# listed under Food and Beverage Retailers in Use Group VI, larger than 10,000 square feet;

(3) all #uses# listed under Use Group VI not otherwise permitted by the underlying regulations; or

(4) all #uses# listed under Use Group VI with a size limitation, as denoted with an "S" in the Use Group tables set forth in Section 42-16 (Use Group VI – Retail and Services), inclusive, shall be permitted without such limitation, provided that the floor space allocated to such #uses# does not exceed 10 percent of the total #floor area# of the #building#.

98-123 - Adult establishments

LAST AMENDED
6/23/2005

The provisions of Section 52-77 (Termination of Adult Establishments) shall not apply to any #adult establishment# that located within the #Special West Chelsea District# after October 25, 1995 and

prior to May 25, 2005, and which, as of May 25, 2005 and June 22, 2005, was an existing #use# and conformed to all provisions of Section 42-01 (Special Provisions for Adult Establishments) applicable to M1-5 Districts.

98-124 - Location within buildings

LAST AMENDED
6/6/2024

In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

However, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall not preclude the location of a #commercial# #use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

98-13 - Modification of Use Regulations in M1 Districts

LAST AMENDED
6/6/2024

In the #Special West Chelsea District#, the provisions of Section 42-10 (USE ALLOWANCES), inclusive, are modified to permit, as-of-right, without limitation, in M1 Districts, museums listed under Use Group III.

98-14 - Ground Floor Use and Transparency Requirements on Tenth Avenue

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions of Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along Tenth Avenue shall be considered #Tier C street frontages#.

98-141 - Transparency requirements within Subareas H and I

LAST AMENDED
2/2/2011

The transparency requirements of this Section shall apply to all portions of #buildings# #developed# or #enlarged# after June 23, 2005, within the #High Line frontage# of Subareas H and I, except for such portions that contain #dwelling units#. At least 70 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-142 - High Line level wall requirements within Subarea J

LAST AMENDED
11/13/2012

Any additions to the windows or other glazing located on the #building# wall separating the #High Line# from any #building# located on a #zoning lot# within Subarea J at the #High Line# level shall be designed to provide for a minimum of 30 dBA noise attenuation, and any general illumination fixtures in the adjoining interior portion of the #building# shall not exceed 50 foot-candles of illumination within four feet of such window or glazing and shall not be pointed directly at the #High Line#.

98-15 - Signs

LAST AMENDED
2/2/2011

The #sign# regulations of the underlying districts in the #Special West Chelsea District# shall not apply to #signs# located within 50 feet of the #High Line#, except for #signs# located entirely below the level of the #High Line bed#. In lieu thereof, the #sign# regulations of a C1 District shall apply, except that #accessory# #signs# located within the #High Line frontage# may have a maximum height of 20 feet above the level of the #High Line bed#.

No #signs# affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

(a) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;

(b) provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;

(c) be integrated with the design of the #High Line# open space; and

(d) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood.

98-151 - Modification of sign regulations in Subarea K

LAST AMENDED12/9/2021

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section 42-662 (Restriction on angle and height above curb level) shall not apply.

98-16 - Development on Zoning Lots Including a Railroad Right-of-way

LAST AMENDED
12/5/2024

For the purposes of this Resolution, the #High Line# shall not be considered a #railroad or transit right-of-way# and the provisions of Sections 74-61 (Developments on Lots that Include Railroad Right-of-Ways), 75-411 (Developments on or over railroad right-of-ways) and 75-412 (Developments on lots under one and a half acres that include railroad right-of-ways) shall not apply.

98-17 - Modification of Parking and Loading Regulations

LAST AMENDED
6/23/2005

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

98-171 - Parking regulations in Subarea H

LAST AMENDED12/9/2021

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

(a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;

(b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and

(c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

98-19 - Lighting

LAST AMENDED
6/23/2005

All exterior light sources located within the #High Line frontage# shall be shielded from direct view from the #High Line#.

98-20 - FLOOR AREA AND LOT COVERAGE REGULATIONS

LAST AMENDED
6/23/2005

The #floor area# provisions of this Section, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-21 - Maximum Floor Area Ratio Outside of Subareas

LAST AMENDED
11/13/2012

For all #zoning lots#, or portions thereof, located outside of Subareas A through J, the maximum #floor area ratios# of the applicable underlying district shall apply.

98-22 - Maximum Floor Area Ratio and Lot Coverage in Subareas

LAST AMENDED
12/5/2024

For all #zoning lots#, or portions thereof, located in Subareas A through K, the maximum #floor area ratios# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the tables in this Section.

For #zoning lots# not using #qualifying affordable housing# and #qualifying senior housing#, the provisions set forth in Table 1 shall apply. For #zoning lots# using #qualifying affordable housing# and #qualifying senior housing#, the provisions set forth in Table 2 shall apply.

TABLE 1
High Line Improvement Bonus and High Line Transfer Corridor

Sub-area	**Basic #floor area ratio# (maximum)**	**Increase in FAR from #High Line Transfer Corridor# (98-30)**	**Increase in FAR with #High Line# Improvement Bonuses (98-25)**	**Permitted #floor area ratio# (maximum)**
A	6.5	2.65	___[1]	9.15
B	5.0	2.5	___[1]	7.5
C	5.0	2.5	NA	7.5
D[4]	5.0	2.5[2]	2.5[2]	7.5

E	5.0	1.0[2]	1.0[1,2]	6.0
F	5.0	NA	NA	5.0
G	5.0	1.0[2]	1.0[2]	6.0
H	7.5	NA	2.5	10.0
I	5.0	2.5	NA	7.5
I[3]	5.0	NA	2.5	7.5
J[5]	5.0	NA	2.5	7.5
K	5.0	NA	NA	5.0

1 In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)

2 For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-241 (In Subareas D, E and G)

3 For #zoning lots# over which the #High Line# passes

4 For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted

5 Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

TABLE 2

Qualifying Affordable Housing and Qualifying Senior Housing

Sub-area	#Floor area ratio# for standard #residences# and non-#residential# #uses# (maximum)	#Floor area ratio# for #qualifying affordable housing# or #qualifing senior housing# (maximum)
A	10.0	12.0
B	6.25	7.5
C	6.25	7.5
D[1]	7.5	9.0
D	6.25	7.5
E	5.0	6.0
F	5.0	6.0
G	5.0	6.0
H	8.33	10.0
I	6.25	7.5

1 For #zoning lots# between West 22nd Street and West 24th Street.

98-221 - Additional regulations for Subdistrict A

LAST AMENDED

12/5/2024

In Subdistrict A, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights), the provisions of Section 23-241 (Special tower provisions) shall apply:

(a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

98-23 - Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

LAST AMENDED
11/13/2012

That portion of the #zoning lot# that lies directly beneath the #High Line# shall be exempt from #lot coverage# requirements below the level of the #High Line bed#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section 98-60 (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area ratio# of a #zoning lot# pursuant to Section 98-25 (High Line Improvement Bonus), shall not be considered #floor area# or #lot coverage#.

However, at or above the level of the #High Line bed#, #lot coverage# requirements shall apply to the entire #zoning lot#.

Within Subarea J, any easement volumes and improvements located within such volumes dedicated or granted to the City in accordance with the provisions of Appendix F of this Chapter in connection with an increase in the basic maximum #floor area ratio# of a #zoning lot#, pursuant to Section 98-25, shall not be considered #floor area#.

98-24 - Special Floor Area Rules for Zoning Lots Divided by District Boundaries

LAST AMENDED
4/25/2017

98-241 - In Subareas D, E and G

LAST AMENDED
4/25/2017

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Sections 98-25 (High Line Improvement Bonus) or 98-30 (HIGH LINE TRANSFER CORRIDOR) may apply to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section 98-22 shall apply, as applicable, for each subarea.

98-242 - Located partially within Subarea C and partially within M1-5 Districts

LAST AMENDED
3/16/2023

For #zoning lots# located partially within an M1-5 District and partially within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 District portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 District portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the #High Line# Improvement Fund, established under Section 98-25, to be used at the discretion of the Chairperson to assure that the #High Line# is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

98-243 - Located partially within Subarea D and partially within C6-3A Districts

LAST AMENDED
4/25/2017

For a #zoning lot# fronting on West 23rd Street and Eleventh Avenue, located partially within Subarea D and partially within a C6-3A District, #floor area# may be transferred from the portion of the #zoning lot# in the C6-3A District to the portion in Subarea D.

98-25 - High Line Improvement Bonus

LAST AMENDED
8/24/2017

For #zoning lots# located between West 15th and West 19th Streets over which the #High Line# passes, the applicable basic maximum #floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), provided that:

(a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, or within Subarea J would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that:

(1) a contribution has been deposited into an escrow account or similar fund established by the City (the #High Line# Improvement Fund), or such contribution is secured by a letter of credit or other cash equivalent instrument in a form acceptable to the City. For subareas other than Subarea J, such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. For #developments# or #enlargements# within Subarea J, such contribution shall be used for any use with respect to the improvement, maintenance and operation of the #High Line# or the #High Line# Support Easement Volumes provided for under Appendix F of this Chapter, at the Chairperson's direction, provided that, in lieu of a deposit to the #High Line# Improvement Fund, the contribution for the first 80,000 square feet of #floor area# shall be deposited to the Affordable Housing Fund established under Section 98-262 (Floor area increase), paragraph (c), for use in accordance with the provisions of that Section. Such contribution shall be made in accordance with the provisions of Appendix D, E or F of this Chapter, as applicable;

(2) a declaration of restrictions executed by all "parties in interest" to the #zoning lot#, as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10 (DEFINITIONS), including and incorporating such other instruments as are necessary to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, is filed and recorded in the Office of the Register of the City of New York; and

(3) all additional requirements of Appendix D, E or F, as applicable with respect to issuance of a building permit, have been met. For #zoning lots# located between West 18th and West 19th Streets over which the #High Line# passes, in the event that a certification is initially made by the Chairperson on the basis that the requirements of paragraph (a)(1) of Appendix E with respect to Stairway and Elevator Access Work have been met, and the Commissioner of Parks and Recreation later elects to require #High Line# Service Facility Work in accordance with the provisions of paragraph (b)(4) of Appendix E, such initial certification shall no longer be effective. In lieu thereof, a certification by the Chairperson that the requirements of paragraph (a)(1) of Appendix E with respect to #High Line# Service Facility Work have been met shall be required. Notwithstanding the foregoing, the Department of Buildings may continue to issue a building permit pursuant to the initial certification made for Stairway and Elevator Access Work, all building permits issued pursuant to the initial certification made for Stairway and Elevator Access Work shall remain in effect, and construction may continue pursuant to such permits, provided that the provisions of paragraph (c)(4)(ii) of this Section shall apply with respect to the issuance of any temporary or permanent certificates of occupancy for the #development# or #enlargement# authorized by such permits under the provisions of paragraph (c)(4).

(b) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 17th and West 18th Streets over

which the #High Line# passes that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished a certification by the Chairperson of the City Planning Commission that:

(1) if required pursuant to agreement with the City under Appendix D, #High Line# improvements within the #High Line# improvement area, as shown in Appendix C of this Chapter, for such #zoning lot#, have been performed in accordance with such agreement;

(2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix D;

(3) At-Grade Plaza Work has been performed on such #zoning lot# in the area shown in Diagram 3 of Appendix C of this Chapter, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work, in accordance with Appendix D;

(4) Stairway and Elevator Access Work has been performed on such #zoning lot# in the At-Grade Plaza area shown in Diagram 3 of Appendix C, or that an additional contribution to the #High Line# Improvement Fund to fund performance of such work has been made, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the Stairway and Elevator Access Work in the At-Grade Plaza, in accordance with Appendix D; and

(5) all other applicable requirements of Appendix D have been met.

For temporary certificates of occupancy, certification with respect to performance of work required of owner shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work required of owner shall be of final completion of the work, as

determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph (b), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix D. In the event that the owner has executed agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and for some or all of the Stairway and Elevator Access Work, in accordance with Appendix D, certificates of occupancy shall be issued if owner has substantially or finally completed any aspects of the work required of owner pursuant to such agreements and other instruments, as the case may be, and is otherwise in full compliance with such agreements and instruments, including with respect to payment of all funds required pursuant to the terms thereof and Appendix D.

(c) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 16th and 17th Streets or between West 18th and 19th Streets over which the #High Line# passes that incorporates #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished a certification by the Chairperson, that:

(1) if required pursuant to agreement with the City under Appendix E, #High Line# improvements within the #High Line# improvement area, as shown in Appendix C of this Chapter, for such #zoning lot#, have been performed in accordance with such agreement;

(2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix E;

(3) for #zoning lots# located between West 16th and 17th Streets over which the #High Line# passes:

(i) Stairway and Elevator Access Work; and

(ii) #High Line# Service Facility Work applicable to such #zoning lot# has been performed on such #zoning lot#, in accordance with Appendix E;

(4) for #zoning lots# located between West 18th and 19th Streets over which the #High Line# passes, either:

(i) Stairway and Elevator Access Work; or

(ii) if elected by the Commissioner of Parks and Recreation, #High Line# Service Facility Work applicable to such #zoning lot#, has been performed on such #zoning lot#, in accordance with Appendix E; and

(5) all other applicable requirements of Appendix E have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph (c), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix E.

(d) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located within Subarea J over which the #High Line# passes that incorporates #floor area# that would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, the Department of Buildings shall be furnished a certification by the Chairperson, that:

(1) #High Line# Support Work has been performed on such #zoning lot#, in accordance with and to the extent required by Appendix F; and

(2) all other applicable requirements of Appendix F have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be final completion of the work, as determined by the Chairperson.

98-26 - Affordable Housing Fund

LAST AMENDED
12/5/2024

Where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of a #zoning lot# containing the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (a) of this Section.

(a) #Affordable Housing Fund#

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33

(Transfer of Development Rights From the High Line Transfer Corridor), up to the amount permitted in Table 1 of Section 98-22, that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the development, acquisition or rehabilitation of #affordable housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

98-30 - HIGH LINE TRANSFER CORRIDOR

LAST AMENDED
6/23/2005

98-31 - Purposes

LAST AMENDED
6/23/2005

The #High Line Transfer Corridor#, established within the #Special West Chelsea District#, is intended to enable the transfer of development rights from properties over which and immediately to the west of where the #High Line# passes and thereby permit light and air to penetrate to the #High

Line# and preserve and create view corridors from the #High Line bed#.

98-32 - General Provisions

LAST AMENDED
6/23/2005

The location of the #High Line Transfer Corridor# is specified in Appendix B of this Chapter.

In the #High Line Transfer Corridor#, special regulations relating to the transfer of #floor area# are set forth in Sections 98-33 through 98-35, inclusive.

98-33 - Transfer of Development Rights From the High Line Transfer Corridor

LAST AMENDED
6/10/2015

In the #Special West Chelsea District#, a "granting site" shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A "receiving site" shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F, H and J. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

(a) Notification

Prior to any transfer of #floor area#, the Department of City Planning shall be notified in writing of such intent to transfer #floor area#. Such notification shall be made jointly by the owners of the granting and receiving sites and shall include:

(1) #floor area# zoning calculations for the granting and receiving site;

(2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution; and

(3) if applicable, a certified copy of the instrument creating a secondary #High Line# access easement volume, pursuant to the provisions of Section 98-63.

Notices of restrictions in a form acceptable to the Department of City Planning shall be filed by the owners of the granting and receiving sites in the Office of the Register of the City of New York, indexed against the granting and receiving sites, certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit for any #development# or #enlargement# on the receiving site.

(b) #Floor area#

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a #commercial# or #residential use# on such granting site as of June 10, 2015, whichever is greater, less any existing #floor area# to remain on such granting site.

The maximum amount of #floor area# transferred from a granting site located in a subarea shall not exceed the basic maximum #floor area ratio# specified for the applicable subarea in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Area in Subareas), less any existing #floor area# to remain on such granting site.

Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred.

The amount of #floor area# transferred to a receiving site from a granting site in the #High Line Transfer Corridor# shall not exceed the #floor area ratio# permitted on the receiving site through such transfer, pursuant to the table in Section 98-22.

(c) #Use#

#Floor area# transferred from a granting site within the #High Line Transfer Corridor# may be used for any #use# allowed on the receiving site in accordance with the underlying zoning designation and the provisions of this Chapter.

(d) Stairway easement requirement

As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Sections 98-60 (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS) and 98-63 (Recording of High Line Access Easement Volume).

(e) Restrictive declaration

As a condition for the transfer of #floor area#, and in order to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, a declaration of restrictions, executed by all "parties in interest" of the granting lot as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), and including and incorporating such other instruments as are necessary to accomplish such purposes, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, shall be filed and recorded in the Office of the Register of the City of New York. Notice by the Department of City Planning of receipt of certified copies of such recorded declaration shall be a precondition to issuance by the Commissioner of Buildings of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site. Such recorded declaration shall be in addition to the Notice of Restrictions required pursuant to paragraph (a) of this Section.

98-34 - Screening and Landscaping Requirements for Vacant Sites

LAST AMENDED
6/23/2005

Any #zoning lot# within the #High Line Transfer Corridor# that has transferred #floor area# pursuant to Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), and is 50 percent or more vacant shall be screened from the #street# and/or landscaped in accordance with the provisions of this Section, except that #zoning lots# occupied by #buildings# that extend along at least 85 percent of the #street# frontage of the #zoning lot# and are located within five feet of the #street line# are not required to provide screening or landscaping.

Such open or vacant areas on #zoning lots# shall be screened from the #street# by a fence or gate with a surface that is at least 75 percent open, extending not less than six feet and not higher than eight feet above finished grade; or alternatively, by a planting strip at least four feet wide and densely planted with evergreen shrubs at least four feet high at the time of planting or of a variety expected to reach a height of six feet within three years, or by both. Chain link and fences containing barbed wire or razor wire shall be prohibited. For portions of #zoning lots# located beneath the #High Line#, planting strips shall be prohibited.

98-35 - High Line Transfer Corridor

LAST AMENDED
2/2/2011

For #zoning lots#, or portions thereof, within the #High Line Transfer Corridor#, the applicable basic maximum #floor area ratio# of that portion of a #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, for an amount of #floor area# equivalent to the area of that portion of the #zoning lot# located within the #High Line Transfer Corridor#, provided the Chairperson of the City Planning Commission has certified that:

(a) all the permitted #floor area# on that portion of the #zoning lot# that is within the #High Line Transfer Corridor# has been transferred to an eligible receiving site, in accordance with the provisions of Section 98-33;

(b) that such granting site is vacant; and

(c) a contribution has been deposited into the #High Line# Improvement Fund established under Section 98-25, to be used at the direction of the Chairperson to assure that the #High Line# is restored and reused as a publicly accessible open space.

No building permit for any #development# or #enlargement# that anticipates using such increased #floor area# may be issued unless and until such certification has been made.

Such contribution amount shall be $50.00 per square foot of #floor area# as of June 23, 2005, and shall be adjusted August 1 of each subsequent year, by the City or its designee, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

Such bonus #floor area# shall only be used for a permitted #commercial# #use#, which shall be located in that portion of the #zoning lot# that is within the #High Line Transfer Corridor#; however, #public parking lots# and #public parking garages# at or above #curb level# shall not be permitted; and the height of any #development# or #enlargement# within the #High Line Transfer Corridor# shall not exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

98-40 - SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

LAST AMENDED
6/23/2005

98-41 - Special Rear Yard Regulations

LAST AMENDED
12/5/2024

The #yard# regulations of the underlying district shall apply, except as modified in this Section. In all districts, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of the #street#. Where a #rear yard equivalent# is required by Section 23-343 (Rear yard equivalent requirements), or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (c)(1) or paragraph (a) of such Sections, respectively. However, in M1-5 Districts, a #building# existing prior to January 22, 2015, may be #enlarged# pursuant to Section 43-28, paragraph (b), provided that such #building# is on a #zoning lot# located entirely within 150 feet of the west side of the #High Line#. Where a #rear yard equivalent# is required by Section 23-343, the alternatives for #through lots# with a depth of 190 feet or less shall not apply.

98-42 - Special Height and Setback Regulations

LAST AMENDED

The height and setback regulations of the underlying district shall apply, except as modified in this Section, inclusive. Furthermore, for any #zoning lot# located adjacent to the #High Line#, the provisions of Section 98-50, inclusive, shall also apply. All heights shall be measured from the #base plane#, unless otherwise specified.

98-421 - Obstruction over the High Line

LAST AMENDED
11/13/2012

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space, and except where the #High Line# passes through and is covered by a #building# existing on November 13, 2012.

98-422 - Special rooftop regulations

LAST AMENDED
12/5/2024

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

All mechanical equipment located within 15 feet of the level of the #High Line bed# that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

98-423 - Street wall location, minimum and maximum base heights and maximum building heights

LAST AMENDED
12/5/2024

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (h) of this Section.

(a) For all #buildings#

(1) #Street wall# location provisions

The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to all #street# frontages except that, on #narrow streets#, recesses may be extended below a height of 15 feet. All #street walls# shall extend up to at least the minimum base height specified in the table in this Section.

For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

The #street wall# location provisions of this Section shall not apply along that portion of any #street# frontage:

(i) over which the #High Line# passes;

(ii) occupied by existing #buildings# to remain, unless such #buildings# are vertically #enlarged#; or

(iii) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

(2) Maximum #building# heights

(i) For C6-2A and C6-3A Districts

In C6-2A and C6-3A Districts, the maximum base height, maximum #building# height and the maximum number of #stories# shall be as set forth in Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, for the #residential equivalent# of an R8A and R9A District, respectively.

(ii) For all other districts

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in the table in this Section shall provide a setback in accordance with the provisions of Section 23-433 (Standard setback provisions).

(b) Subareas A and D

(1) #Street wall# location

In Subarea D, on #corner lots# between the north side of West 18th Street and the south side of West 22nd Street, a #street wall# with a minimum height of 15 feet shall be located on the #narrow# #street line# between 50 and 150 feet of its intersection with Eleventh Avenue.

In Subarea D, for #buildings# that do not include towers as set forth in paragraph (b)(3) of this Section, the #street wall# location provisions set forth in paragraph (a) shall not apply to any #zoning lot# that occupies the entire Eleventh Avenue #block# front. In lieu thereof, #street walls# with a minimum base height of 60 feet shall follow #street wall# location provisions of paragraph (b)(2) of Section 23-431.

(2) Setback provisions

The setback provisions for portions of #buildings# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a #building or other structure# that exceeds the applicable maximum base height shall penetrate a #sky exposure plane# that begins above the #street line# at the maximum base height and rises over the #zoning lot# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance on a #narrow street#, and 5.6 feet of vertical distance to one foot of horizontal distance on a #wide street#.

(3) Tower provisions

Any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of the #zoning lot# and penetrates the #sky exposure planes# set forth in paragraph (b)(2) of this Section, is hereinafter referred to as a “tower.” Such

towers are permitted provided they are set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#, and provided no other portion of the #building# exceeds the applicable maximum base height. In addition, the following rules shall apply:

(i) For #zoning lots# with less than 20,000 square feet of #lot area#, such tower may occupy more than 40 percent of the #lot area# of the #zoning lot# in accordance with the provisions of Section 33-454 (Towers on small lots).

(ii) Any #story# within the highest 40 feet of such tower (the "penthouse portion"), shall not exceed 85 percent of the gross area of the highest #story# directly below such penthouse portion.

(iii) In Subarea A, such tower shall occupy at least 30 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum #lot area# requirement shall apply to the highest four #stories# or 40 feet of such #building#, whichever is less.

(iv) In Subarea A, the maximum length of any #story# located above a height of 220 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 220 feet. Any side of such rectangle shall not exceed 150 feet.

(v) In Subarea A, for any #zoning lot# with more than 75 feet of #narrow street# frontage in which a #side lot line# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a #building# shall be located closer than

25 feet to such #side lot lines#.

(vi) In Subarea D, the maximum #building# height shall be 250 feet, and the maximum length of any #story# located above the maximum base height shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for #zoning lots# that occupy the entire Eleventh Avenue #block# front, a portion of the #street wall# may rise above the maximum base height without setback from Eleventh Avenue, provided the #aggregate width of the street wall# for Eleventh Avenue does not exceed 100 feet.

(c) Subareas C, F and G

In Subareas C, F and G, for #zoning lots# with #wide# and #narrow street# frontage, no #street wall# is required beyond 50 feet of a #wide street#.

In Subarea C, for any #enlargement# on a #zoning lot# that is subject to the provisions of Section 98-242 (Located partially within Subarea C and partially within M1-5 Districts) and located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height shall be the height of the existing #street wall# of the #building# to be #enlarged# and no #street wall# shall be required above such minimum base height.

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) of this Section shall not apply on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section 98-241. A maximum of 60 percent

of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet, and a minimum of 20 percent of the West 18th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

(e) Subarea H

No #building or other structure# shall be located east of the #High Line#, unless otherwise specified in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and some or all of the Stairway and Elevator Work, executed in accordance with Appendix D.

No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of #buildings#, hereinafter referred to as "Tower East" and "Tower West." At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such setbacks shall be provided at a height not lower than 60 feet, except that such setbacks may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from a

#narrow# #street line#. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow# #street line#.

(f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the #street wall# location provisions set forth in paragraph (a) of this Section shall not apply along Tenth Avenue, but shall apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. As an alternative to the maximum heights listed in the chart, the following regulations may apply: no portion of a #building or other structure# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one #building# which may have a height not to exceed 250 feet provided such #building# is located in its entirety between 10 feet and 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17th Street #street line#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph (g) shall apply.

(1) Midblock Zone

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue #street line# and more than 200 feet east of the Tenth Avenue

#street line#. Within the Midblock Zone, a #building# shall have a maximum #street wall# height before setback of 110 feet, and shall have a maximum #building# height of 130 feet.

(2) Ninth Avenue Zone

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue #street line#. Within the Ninth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 130 feet before setback and a maximum #building# height of 135 feet. Any #building# located above a height of 130 feet shall be set back at least five feet from the Ninth Avenue #street wall# and at least 15 feet from the West 15th Street and West 16th Street #street walls#.

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

MINIMUM AND MAXIMUM BASE HEIGHT AND
MAXIMUM BUILDING HEIGHT BY DISTRICT OR SUBAREA

District or Subarea		**Minimum Base Height (in feet)**	**Maximum Base Height (in feet)**	**Maximum #Building# Height (in feet)**
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	____ [1]
	between 50 and 100 feet of a #wide street#	15	85	____ [1]
	for #zoning lots# with only #narrow street# frontage	40	60	____ [1]
Subarea B		60	105	145
Subarea C	for #zoning lots# within 100 feet of Tenth Avenue	105[2]	125[2]	145[2]
	for #zoning lots# within 100 feet of Eleventh Avenue	125[2]	145[2]	145[2]
Subarea D		60	95	250[1]

Subarea E		60	105[3]	125[3]
Subarea F		60[2]	105[2]	115[2]
Subarea G		105[2]	125[2]	125[2]
Subarea H		60[4]	85[4]	____ [4]
Subarea I		60	105	145[5]
Subarea J	Midblock Zone	NA	110[6]	130[6]
	Ninth Avenue Zone	NA	130[6]	135[6]
	Tenth Avenue Zone	NA	185[6]	230[6]
Subarea K		NA[7]	NA[7]	NA[7]

1 see Section 98-423, paragraph (b)

2 see Section 98-423, paragraph (c)

3 see Section 98-423, paragraph (d)

4 see Section 98-423, paragraph (e)

5 see Section 98-423, paragraph (f)

6 see Section 98-423, paragraph (g)

7 see Section 98-423, paragraph (h)

98-424 - Authorization to modify certain bulk regulations

LAST AMENDED
3/22/2006

For #zoning lots# located entirely within 75 feet of the west side of the #High Line#, the City Planning Commission may authorize the modification of height and setback regulations set forth in Sections 98-40 and 98-50, inclusive, the transparency requirements set forth in Sections 98-141 and 98-54, and the underlying #rear yard# and minimum distance between #legally required windows# and walls or #lot lines# regulations. The Commission shall find that such modification will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public areas.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the surrounding area.

98-43 - Special Distance Between Buildings Regulations

LAST AMENDED
12/5/2024

The provisions of Section 23-371 (Distance between buildings) shall not apply.

98-50 - SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS ADJACENT TO THE HIGH LINE

LAST AMENDED
6/23/2005

98-51 - Height and Setback Regulations on the East Side of the High Line

LAST AMENDED
8/24/2017

(a) Subarea A

At least 60 percent of the aggregate length of the eastern #High Line frontage# of a #building# shall set back at the level of the #High Line bed#. Not more than 40 percent of the aggregate length of such #High Line frontage# may rise above the level of the #High Line bed#. No portion of such #High Line frontage# shall exceed a maximum height of 20 feet above the level of the #High Line bed#, as illustrated in Diagram 2 (Street Wall and High Line Frontage Regulations in Subarea A) in Appendix C of this Chapter.

(b) In C6-3A Districts and in Subareas C, F and G

For #zoning lots# extending less than 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of a #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For #zoning lots# that extend for at least 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of the #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#, except that a maximum of 40 percent of such #High Line frontage# may rise without setback above a height of 3 feet, 6 inches above the level of the #High Line bed#.

The portions of #buildings# in which #High Line# Service Facilities are provided in

accordance with paragraph (b)(4) of Appendix E shall be considered permitted obstructions to the height and setback regulations of this paragraph (b).

However, the provisions of this paragraph (b) shall not apply to any #zoning lot# existing on June 23, 2005 where the greatest distance between the eastern side of the #High Line# and a #lot line# east of the #High Line# is 35 feet when measured parallel to the nearest #narrow# #street line#.

98-52 - Height and Setback Regulations on West Side of High Line

LAST AMENDED
6/23/2005

In C6-2A, C6-3A and M1-5 Districts and in Subareas A, B and E, no portion of the western #High Line frontage# of a #building#, including parapets, shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For any #zoning lot#, or portion thereof, with more than 60 feet of width measured perpendicular to the west side of the #High Line#, the following rules shall apply to any #building# containing #residences#:

(a) At least 60 percent of the aggregate length of that portion of the #building# located above a height of 3 feet, 6 inches above the level of the #High Line bed# and facing the #High Line# shall be located between 15 and 20 feet of the west side of the #High Line# and extend up to at least the applicable minimum base height specified in the table in Section 98-423; and

(b) No #building#, or portion thereof, that exceeds the applicable maximum base height specified in the table in Section 98-423 shall be located within 30 feet of the #High Line#.

Chain link fences and razor wire shall not be permitted within the western #High Line frontage#.

98-53 - Required Open Areas on the East Side of the High Line

LAST AMENDED
8/24/2017

For any #development# or #enlargement# on a #zoning lot#, or portion thereof, within C6-3A Districts or within Subareas A, C, F or G and over which the #High Line# passes or on a #zoning lot# adjacent to a #zoning lot# over which the #High Line# passes, a landscaped open area shall be provided in an amount equal to at least 20 percent of the #lot area# of the portion of the #zoning lot# that is within C6-3A Districts or within Subareas A, C, F or G, pursuant to the requirements of paragraphs (a) and (b) of this Section. Such open area shall be located directly adjacent to the #High Line# with its longest side adjacent to the #High Line# and shall be located at an elevation not to exceed a height of 3 feet, 6 inches above the level of the #High Line bed# adjacent to the #zoning lot#. At no point shall such open area be located within 50 feet of Tenth Avenue.

(a) Open area requirements

All required open areas shall:

(1) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;

(2) be landscaped with shrubs, vines, flowers, ground cover, trees, and/or plants in planters over a minimum of 25 percent of the required open area;

(3) be maintained by the #building# owner who shall be responsible for the maintenance of the open area including, but not limited to, the repair of all amenities, litter control

and the care and replacement of vegetation within the #zoning lot#;

(4) have all mechanical equipment which is located at the same elevation as the open area, or within 15 feet of the level of the open area, screened and buffered with no intake or exhaust fans facing directly onto the required open area; and

(5) for open area screening, required open areas may be screened from the public areas of the #High Line# by a wall, fence, or plantings extending not higher than eight feet above the average elevation of the open area. All screening materials must be substantially transparent. For the purposes of this Section, substantially transparent screening is defined as transparent, or non-opaque, in an evenly distributed fashion for at least 75 percent of its area. Chain link fences and razor wire shall not be permitted. Vegetated screening, such as shrubs, vines and other plantings, may be opaque if completely covered by vegetation, provided that any underlying surface is substantially transparent.

In addition, such screening material shall be maintained in good condition at all times, may be interrupted by normal entrances and/or exits, and shall have no signs hung or attached thereto, other than those permitted in Section 98-15.

(b) Permitted obstructions

Only the following shall be permitted to obstruct a required open area:

(1) any #High Line# access structure providing pedestrian access to the #High Line# by stairway or elevator;

(2) the portions of #buildings# in which #High Line# Service Facilities are provided in accordance with paragraph (b)(4) of Appendix E;

(3) those items listed in paragraph (a) of Section 37-726 (Permitted obstructions); and

(4) open air cafes and kiosks, provided that open air cafes may occupy in the aggregate no more than 75 percent of such required open area.

98-54 - Transparency Requirements on the East Side of the High Line

LAST AMENDED
2/2/2011

The transparency requirements of this Section shall apply to the #High Line frontage# portion of #buildings# #developed# or #enlarged# after June 23, 2005, and located in C6-3A Districts and within Subareas A, C, F and G, except for such portions that contain #dwelling units#. At least 50 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed#, shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-55 - Requirements for Non-transparent Surfaces on the East Side of the High Line

LAST AMENDED
11/13/2012

Except in Subarea J, any portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the #High Line bed# and an elevation of 12 feet above the level of the #High Line bed#, shall be planted with vines or other plantings or contain artwork. Such elements shall substantially cover the applicable non-transparent portion of the #High Line frontage#.

98-60 - SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS

LAST AMENDED
10/27/2010

98-61 - High Line Access or Support Easement Volumes Requirement

LAST AMENDED
11/13/2012

For all #developments# or #enlargements# within the #Special West Chelsea District#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as "primary access"), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after December 20, 2004, has more than 5,000 square feet of #lot area#. For all #developments# or #enlargements# within Subareas H, I and J that are developed pursuant to Section 98-25 (High Line Improvement Bonus), this provision does not apply.

In the #High Line Transfer Corridor#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway (hereinafter referred to as "secondary access"), shall be provided on any #zoning lot# from which #floor area# has been transferred pursuant to Section 98-33 unless a primary access easement has been provided pursuant to this Section.

However, a primary access easement shall not be required if a primary access easement is already provided on the same #block# and a secondary access easement shall not be required if a primary or secondary access easement has already been provided on the same #block#. Furthermore, primary and/or secondary access easements shall not be required where the Chairperson of the City Planning Commission certifies that:

(a) the minimum dimensions required for the access easement volume pursuant to paragraph (a) of Section 98-62 cannot be accommodated within 33 feet, 6 inches of a #street line# for primary access easements and 40 feet of a #street line# for secondary access easements; or

(b) in the case of a primary easement, a secondary easement is already provided on the same #zoning lot# and such easement is sufficient in size, or has been enlarged to be sufficient in size, to accommodate the provisions for primary access easements as specified in Section 98-62 ; or

(c) for primary or secondary easements, access has already been constructed, or an access volume has been dedicated, on the same #block# or on the same #street# frontage, and that such access or access volume meets the location and access requirements for primary or secondary access easements, as specified in Section 98-62, paragraphs (a) and (b), and meets all standards, as applicable, for persons with disabilities; or

(d) for primary or secondary easements, construction documents for the #High Line# open space have been developed by the City that specify the same #street# frontage as an access location; or

(e) such #development# or #enlargement# is located wholly within an M1-5 District and no portion of such #development# or #enlargement# has more than 10,000 square feet of #floor area# and is located within five feet of the #High Line#; or

(f) such #development# or #enlargement# is located on a #zoning lot# that fronts on West 23rd Street.

98-62 - High Line Access Easement Regulations

LAST AMENDED
11/13/2012

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume, other than a #zoning lot# developed pursuant to Section 98-25 (High Line Improvement Bonus), as follows:

(a) Location and Minimum Dimensions

(1) Primary access easement volume

A primary access easement volume may be located within a #building# or within open areas on the #zoning lot#, including open areas required pursuant to Section 98-53 (Required Open Areas on the East Side of the High Line), provided such volume is within 15 feet of a #narrow# #street line#. The minimum length of such volume shall be 18 feet, 6 inches, and the minimum width shall be 10 feet; however, the minimum area of such volume shall be 350 square feet. The height of such volume shall extend from a point at least 10 feet below #curb level# to a point at least 15 feet above the level of the #High Line bed#. A primary access easement volume may also replace a previously provided secondary access easement volume, and such secondary access easement volume may be terminated pursuant to Section 98-64. Such minimum dimensions are illustrated in Diagram 6 (High Line Access Easement Volume Parameters) of Appendix C of this Chapter.

(2) Secondary access easement volume

A secondary access easement volume shall be located within 15 feet of a #narrow# #street line# and directly adjacent to the #High Line# for a minimum length of 25 feet. Such volume shall have a minimum width of 10 feet. The height of such volume shall extend from #curb level# to a point at least 10 feet above the level of the #High Line bed#.

(b) Access

All access easement volumes shall be accessible either directly from a public sidewalk or through a publicly traversable way through the #zoning lot# directly connecting with a public sidewalk. Such publicly traversable way shall meet the following requirements:

(1) The required width of the publicly traversable way shall be a minimum of eight feet.

(2) No portion of the publicly traversable way shall be interrupted or occupied by an off-street parking or loading area.

(3) The access easement volume shall be visible from the public sidewalk or the publicly traversable way.

(4) The publicly traversable way shall be maintained by the property owner in good repair.

(5) The publicly traversable way shall be fully accessible to persons with disabilities.

(6) The publicly traversable way shall be open and accessible to the public at all times when a stairway and/or elevator located within the associated access easement volume is open and accessible to the public.

(c) Permitted obstructions

Any access structure within the access easement volume, or any weather protection provided by an overhang or roofed area over such access easement volume, #accessory# to the access structure, shall be considered permitted obstructions within required #yards# or open areas.

(d) Permitted #uses#

An access easement volume required on a #zoning lot# pursuant to the provisions of this

Chapter may be temporarily used by the owner of such #zoning lot# for any permitted #use# until such time as required by the City of New York or its designee for access purposes. Such permitted #use# shall be limited to non-residential #uses# where such access easement volume is within a #building#. Where such access easement volume is within an open area, such area shall be landscaped, or may be improved in accordance with the provisions of Sections 37-726 (Permitted obstructions) and 37-73 (Kiosks and Open Air Cafes), except that in the case of open air cafes and kiosks, a certification shall not be required.

Improvements or construction of a temporary nature within the easement volume shall be removed by the owner of such #zoning lot# prior to the time at which public use of the easement areas is required. A minimum notice of six months in writing shall be given by the City of New York or its designee to the owner of the #zoning lot#, in order to vacate the tenants of such temporary #uses#.

(e) #Legally required windows#

The minimum distance between any #legally required window# in a portion of a #building# used for #residential use# and an access easement volume shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

98-63 - Recording of High Line Access Easement Volume

LAST AMENDED
6/23/2005

An instrument in a form acceptable to the Department of City Planning creating a #High Line# access easement volume shall be recorded in the Office of the City Register, a certified copy of which shall be submitted to the Department of City Planning.

Notice by the Department of City Planning of its receipt of a certified copy of an instrument establishing any access easements required pursuant to this Chapter shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# of #enlargement# on a site pursuant to Section 98-60 for primary access easements. Receipt of a certified copy of an instrument creating a secondary access easement shall be provided in conjunction with notification, pursuant to Section 98-33, paragraph (a).

98-64 - Termination of High Line Access Easement Volume

LAST AMENDED
11/13/2012

In the event that the City Planning Commission notifies the Department of Buildings and the owner in writing that a #High Line# access easement volume is not required on a #zoning lot# under the final construction plans for the restoration and reuse of the #High Line# as an accessible, public open space, the restrictions imposed on such #zoning lot# by the provisions of Section 98-61 (High Line Access or Support Easement Volumes Requirement) shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the Commission to the extinguishment of the easement volume. On termination of the #High Line# access easement volume requirement which has been certified pursuant to this Section, any area reserved for such easement within a #building or other structure# may be used for any #use# permitted pursuant to the provisions of this Chapter and such area shall not be considered #floor area#; and any open area reserved for such easement shall be maintained as an open area and shall be subject to the open area requirements of Section 98-53 (Required Open Areas on the East Side of the High Line).

98-65 - Transit Facilities

LAST AMENDED
10/27/2010

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related #use# on a #zoning lot# that includes the volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of this Chapter.

98-70 - SUPPLEMENTAL REGULATIONS

LAST AMENDED
8/14/2025

(a) In the #Special West Chelsea District#, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (HARASSMENT) shall apply as modified in this Section.

(b) In the #Special West Chelsea District#, the provisions of Section 93-91 (Demolition) shall apply.

For the purposes of this Section, the following definitions in Section 93-90 shall be modified:

Anti-harassment area

“Anti-harassment area” shall mean the #Special West Chelsea District#.

Referral date

“Referral date” shall mean December 20, 2004.

In addition, Section 93-90, paragraph (d)(3), is modified as follows:

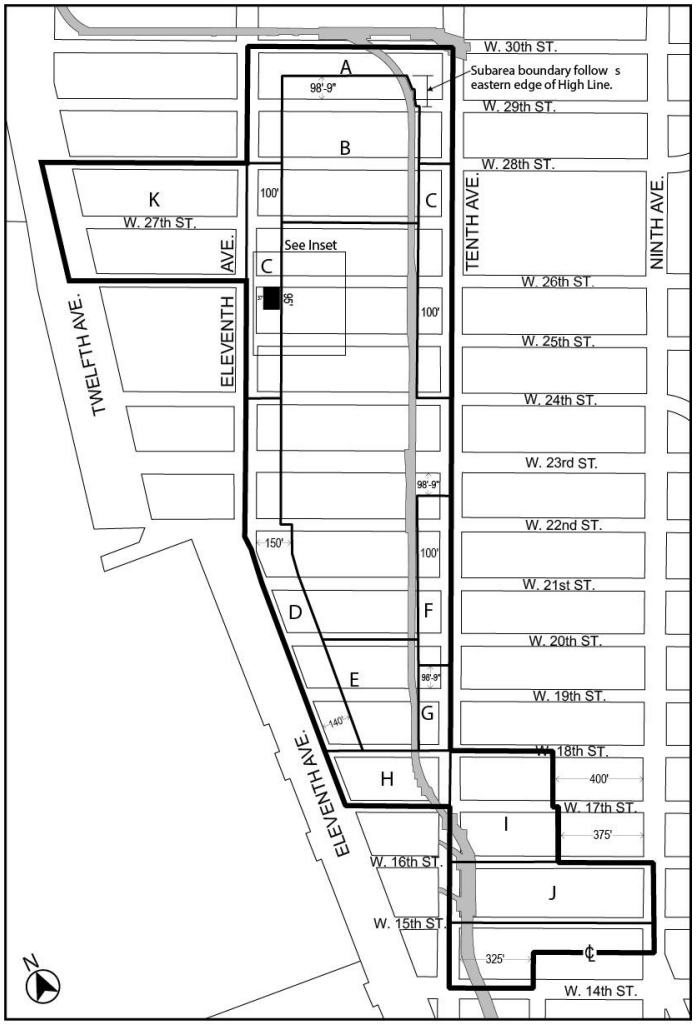
No portion of the #low income housing# required under this Section shall qualify to:

(a) increase the #floor area ratio# pursuant to the provisions of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, as modified by the provisions of the #Special West Chelsea District#, #Special Hudson Yards District# or #Special Clinton District#; or

(b) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

Appendix A - Special West Chelsea District and Subareas

LAST AMENDED
11/13/2012



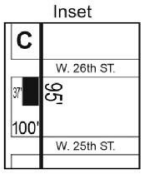
Special W est Chelsea Distric t boundary

Subarea boundary

High Line

Transit Facility

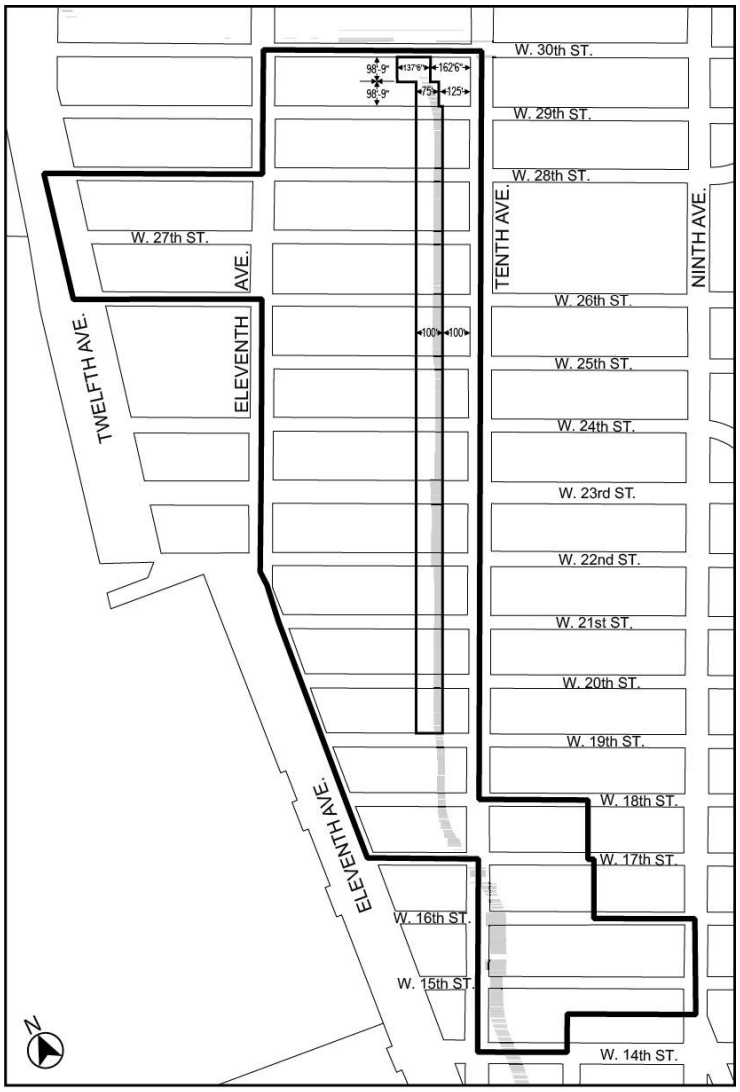
Inset



Appendix B - High Line Transfer Corridor Location

LAST AMENDED

11/13/2012



Appendix C -

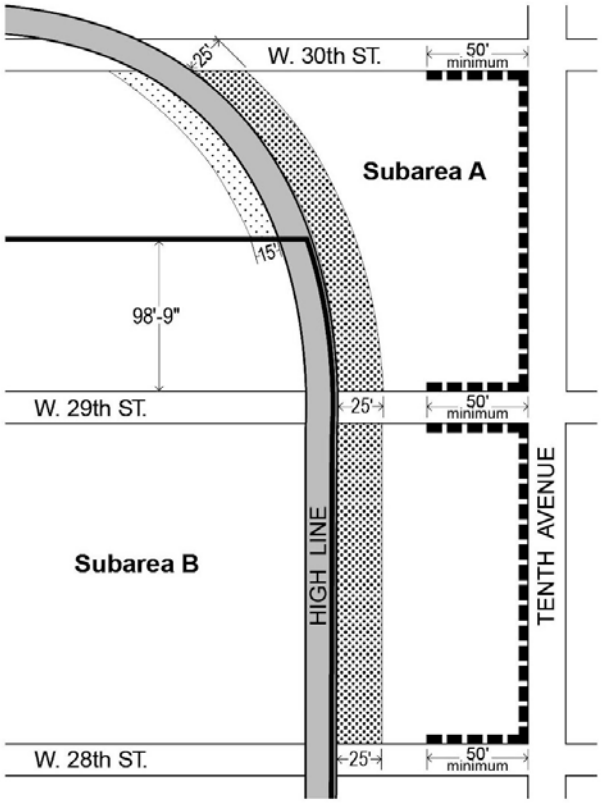
LAST AMENDED

10/17/2007

[Diagram 1 intentionally left blank]

(6/23/05)

Diagram 2 – Street Wall and High Line Frontage Regulations in Subarea A (98C.2)



Maximum height 3'6" above the level of the *High Line bed*

Maximum of 40% of frontage may exceed the level of the *High Line bed* to a maximum height of 20' above the *High Line bed*

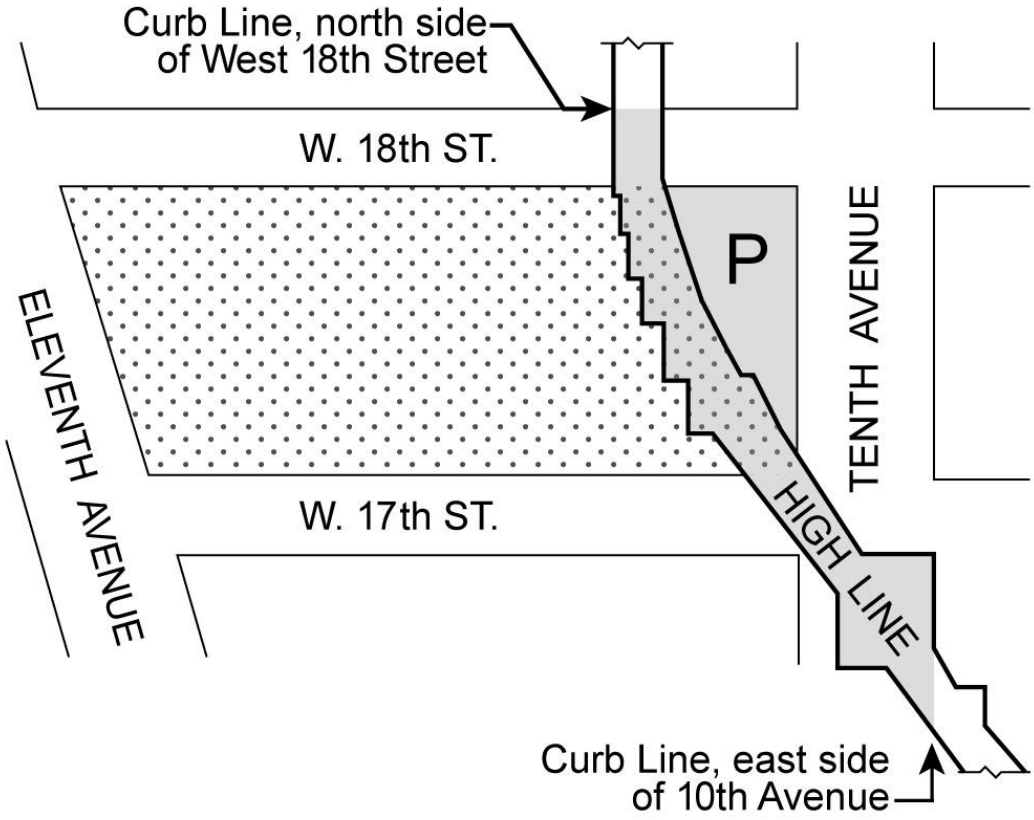
High Line

Required *street wall* with minimum base height of 60 feet. See Section 98-423 (a) for additional *street wall* regulations

Subarea boundary

(10/17/07)

Diagram 3 – Subarea H Requirements (98C.3)



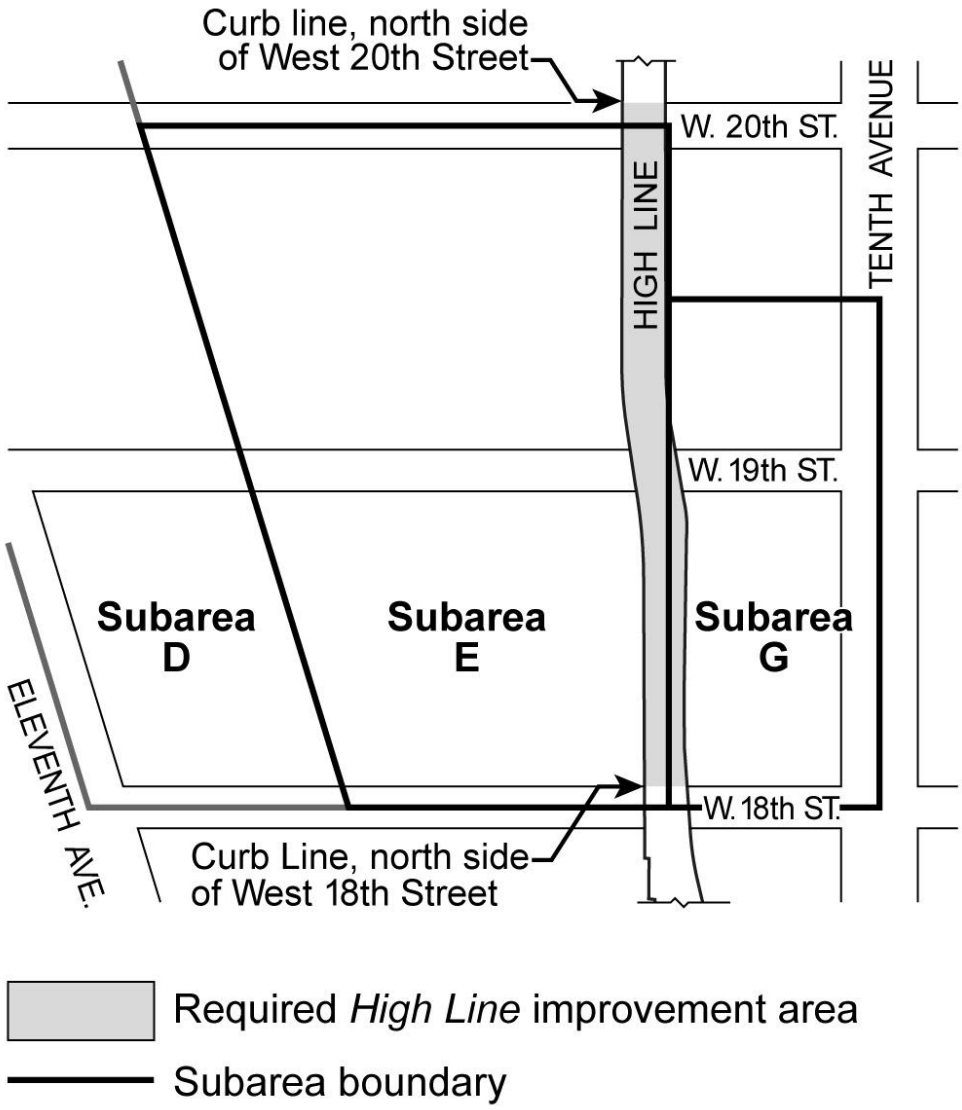
Area where building is permitted
(Also see Section 98-423(e))

Required *High Line* improvement area
(Includes Required Public Plaza area)

P Required Public Plaza area

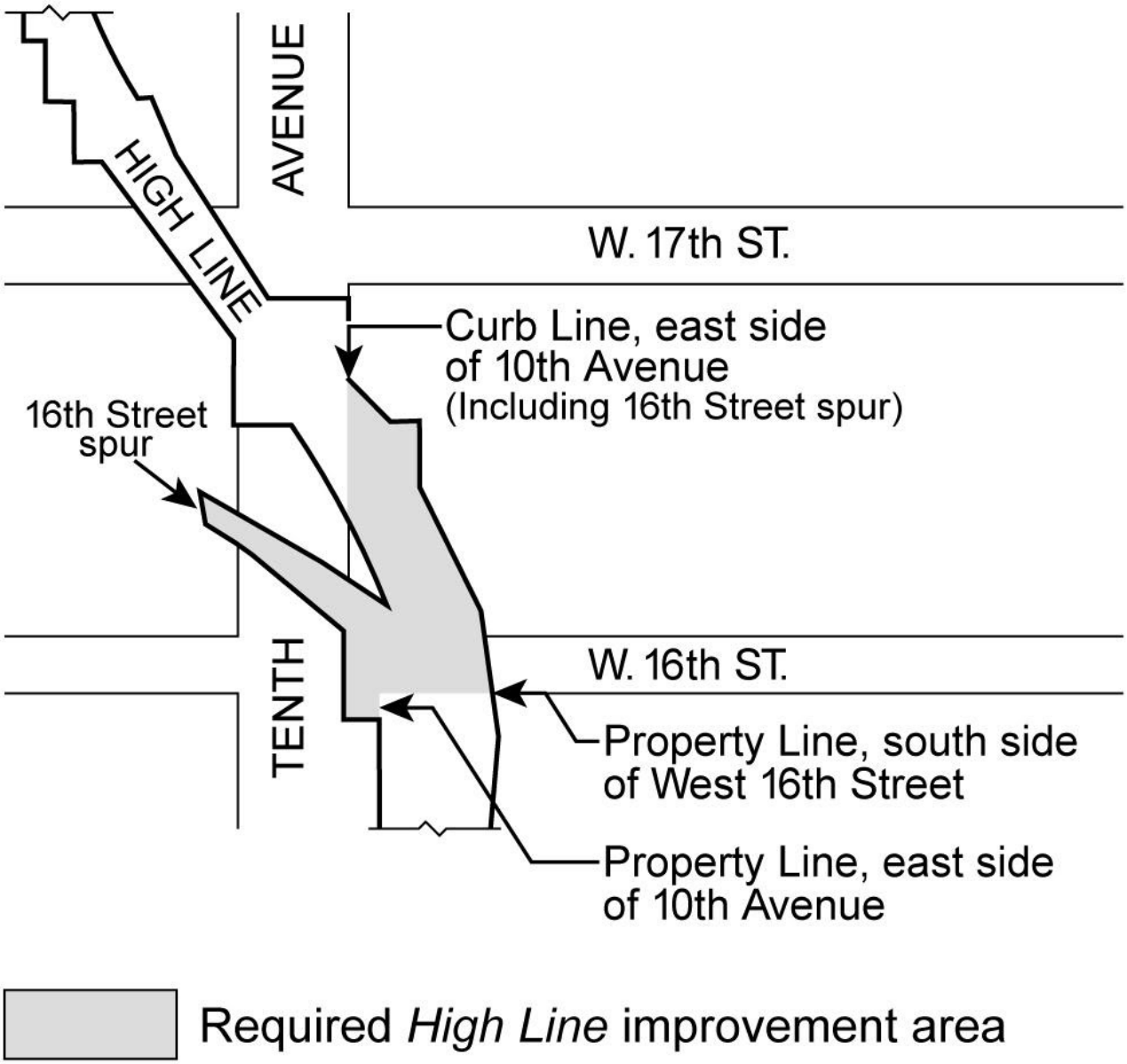
(6/23/05)

Diagram 4 – High Line Improvement Area Boundaries for Zoning Lots Divided by District Boundaries in Subareas D, E and G (98C.4)



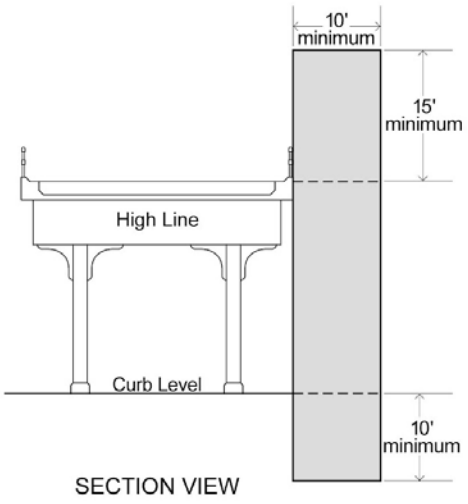
(3/22/06)

Diagram 5 – Subarea I Requirements Between West 16th and West 17th Streets (98C.5)



(6/23/05)

Diagram 6a – High Line Access Easement Volume Parameters: Primary Access Easement Volume (98C.6a)



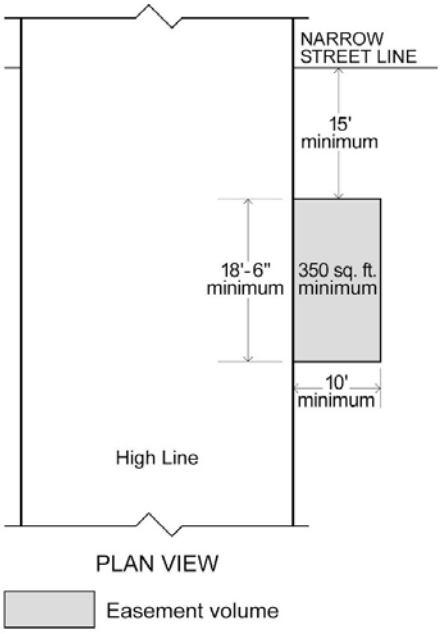
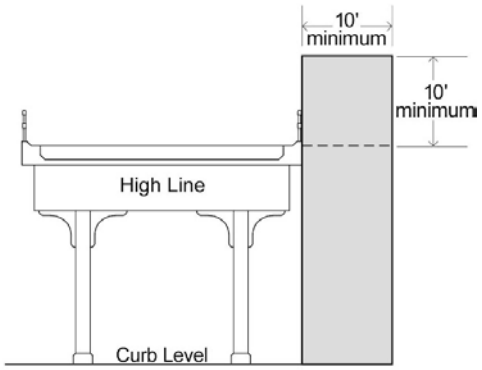
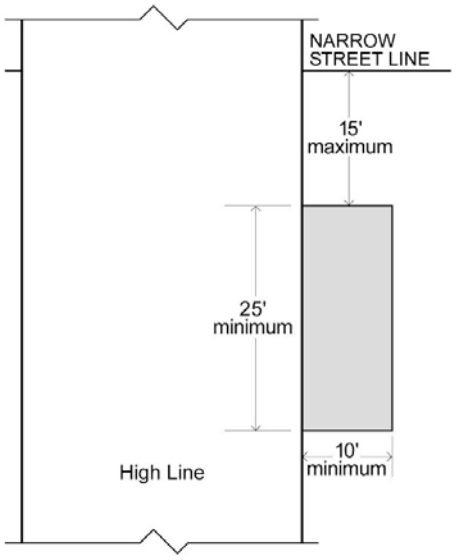


Diagram 6b – High Line Access Easement Volume Parameters: Secondary Access Easement Volume (98C.6b)



SECTION VIEW

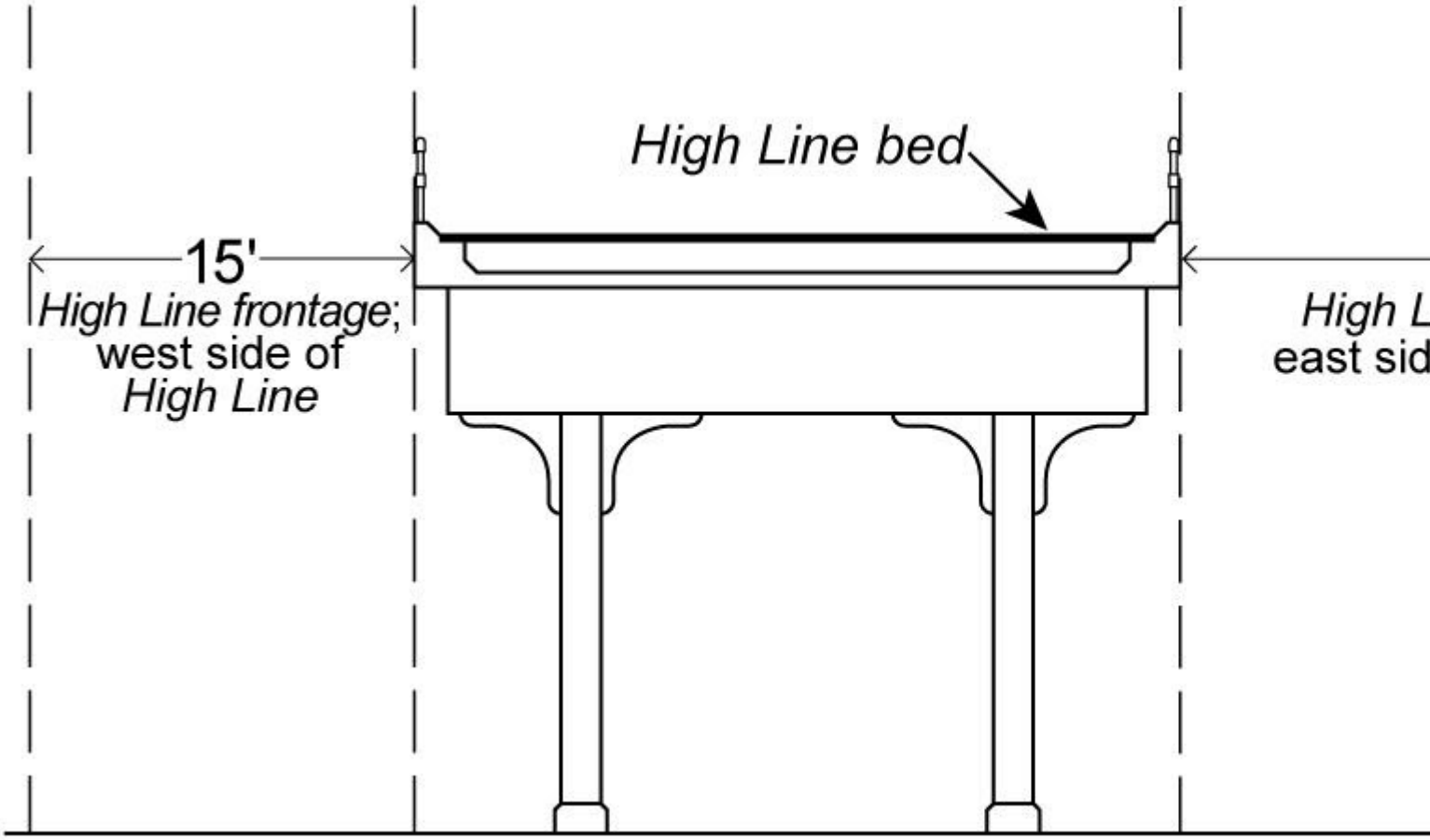


PLAN VIEW

Easement volume

(6/23/05)

Diagram 7 – High Line Bed and Frontages (98C.7)



Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

LAST AMENDED
2/2/2011

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea H between West 17th and 18th Streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 9822 (Maximum Floor Area Ratio and Lot Coverage in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 9825 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy, pursuant to paragraph (b) of Section 9825, for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term "parties in interest" as used herein shall mean "parties-in-interest," as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10.

(a) Requirements for issuance of building permit under paragraph (a) of Section 9825

(1) As a condition of issuance of a building permit under paragraph (a) of Section 9825:

(i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix D, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of $50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount

specified in Section 98-22, provided, that in the event the Owner has previously entered into agreements for construction of At-Grade Plaza Work and Stairway and Elevator Access Work by the City, pursuant to paragraph (a)(2) of this Appendix D, and has made a contribution pursuant thereto, the amount of contribution to the #High Line# Improvement Fund under this subparagraph for purposes of Section 98-25, paragraph (a) shall be reduced by such amount at the time it is made;

(ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and use of the At-Grade Plaza and the stairway and elevator that will provide access to the #High Line#, as shown in Diagram 3 of Appendix C, such easement area for the At-Grade Plaza to include the entire area of the #zoning lot# east of the #High Line# and such easement area as it relates to such stairway and elevator to be at least 2,500 square feet and in a location and configuration acceptable to the City; access for the potential performance by the City of work under the provisions set forth below; and maintenance and repair of the stairway and elevator. Such declaration shall incorporate by reference the maintenance and operating agreement referred to in paragraph (a)(1)(iii) of this Appendix D, provided that, in the event the Owner enters into agreements for construction of some or all of the At-Grade Plaza Work and Stairway and Elevator Access Work by the City pursuant to paragraph (a)(2) of this Appendix D, the provisions of such restrictive declaration shall be modified as deemed necessary by the City to effectuate such agreements; and

(iii) the Owner shall execute a maintenance and operating agreement for the At-Grade Plaza.

The easements and agreements described herein shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (b).

(2) Upon the request of the Owner or the City, the City in its sole discretion, may enter into agreements with the Owner, in a form acceptable to the City, providing for construction by the City of some or all of the At-Grade Plaza Work described in paragraph (b)(2)(ii)(b) of this Appendix D, and some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) by the City, including provisions with regard to the viability of retail space fronting the At-Grade Plaza. Pursuant to such agreements, the Owner shall make a contribution of $2,300,000 to a sub-account of the #High Line# Improvement Fund to fund such construction, which amount may be reduced in accordance with provisions of such agreements by an amount reflecting expenditures that the owner has reasonably incurred or shall reasonably incur with respect to remediation work for the At-Grade Plaza and any other work which is the responsibility of the Owner pursuant thereto. All parties in interest shall execute a Restrictive Declaration pursuant to paragraph (a)(1)(ii) of this Appendix D, with such modifications as deemed necessary by the City to effectuate such agreements.

(3) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement by Owner, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the contribution to the #High Line# improvement. Such agreement may require Owner to reimburse the City for the costs

of a full-time resident engineer to supervise such work.

(4) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 9825, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for issuance of certificates of occupancy under paragraph (b) of Section 9825

(1) Structural Remediation Work under paragraph (b)(2) of Section 9825:

(i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph (b). Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (b)(1)(iv) and (b)(1)(v) in this Section (unless such dates are extended by mutual agreement of the City and Owner), but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next 24 months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by $21.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for

any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (b)(2), with respect to the Structural Remediation Work, shall be of substantial completion with respect to issuance of any temporary certificate of occupancy, and of final completion with respect to issuance of any final certificate of occupancy.

(ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to public view versus those that will not be so exposed) and shall include, but not be limited to, the following:

(a) Removal and disposal of all leadbased products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

(b) Repair of all damaged portions of the entire steel structure, including but not limited to railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;

(c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;

(d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

(e) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and

(f) Any work required to be performed belowgrade for the anticipated improvements of the #High Line# for reuse as open space.

(iii) Subject to the Not-To-Exceed Limit set forth in paragraph (c) of this Appendix D, if Owner exercises the option to perform the Structural Remediation Work, it shall reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer,

telephone).

(iv) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to delays outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.

(v) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following June 23, 2005, or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, for any time during which Owner is unable to gain access in order to perform the Structural Remediation Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004.

(vi) In the event that the City does not provide the specifications for the Structural Remediation Work, within the timeframe set forth in paragraph (iv) of this Section, Owner may exercise the option to perform such work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays as described in paragraph (b)(1)(v), but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.

(2) At-Grade Plaza Work under paragraph (b)(3) of Section 9825:

The following shall apply, except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D, that provide for construction of some or all of the At-Grade Plaza Work set forth in paragraphs (b)(2)(ii)(b) and (b)(2)(ii)(c), by the City:

(i) Owner shall perform AtGrade Plaza Work within the area on the #zoning lot# shown in Diagram 3 of Appendix C. For any temporary certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of substantial completion of the At-Grade Plaza Work (i.e., the At-Grade Plaza shall be open and accessible to the public). For any permanent certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of final completion of the At-Grade Plaza Work. Substantial completion of the At-Grade Plaza Work shall also require execution by all parties-in-interest of the declarations, easements and maintenance and operating agreement described in paragraph (a) of section (1) of this Appendix, if not previously provided in connection with issuance of a building permit.

(ii) At-Grade Plaza Work shall include, but not be limited to:

(a) remediation work; and

(b) all paving, plantings, surface treatments, lighting, trees, seating, fountains and other site amenities; and

(c) infrastructure work, including conduits, drainage, water line, electrical connections, and other utility work serving the At-Grade Plaza.

(iii) The At-Grade Plaza Work shall be performed by the Owner pursuant to construction documents provided by the City by January 31, 2008. The AtGrade Plaza Work shall be completed within one year following January 31, 2008, subject to reasonable extension for any delays beyond Owner's reasonable control and to such extension as the City and the Owner may mutually agree, and, in addition, for any time during which Owner is unable to gain access in order to perform the At-Grade Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon October 17, 2007, or for any time needed to perform any necessary remediation work on the #zoning lot#.

(iv) In no event shall Owner be required to complete the At-Grade Plaza Work until the #High Line# improvements within the portion of the #High Line# Improvement Area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot# (and, as applicable, over such Improvement Area, as shown on Diagram 3 of Appendix C), are substantially complete (i.e., open to the public but for the work needed to complete the At-Grade Plaza Work). Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 9825, paragraph (b)(3), until the Chairperson determines that the At-Grade Plaza Work is substantially complete.

(v) The cost to Owner of the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph, (b)(3) of this Section) shall not exceed $2,300,000. The amount of contribution to the #High Line# Improvement Fund under subdivision (a) of section (1) of this

Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such amount at the time it is made. In addition to the costs of the At-Grade Plaza Work, subject to the Not-To-Exceed Limit set forth paragraph (c) of this Appendix D. Owner shall be required to reimburse the City for:

(a) the reasonable cost of developing the plans and construction documents for the At-Grade Plaza Work; and

(b) the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).

(vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph (3) of this subsection, Owner shall not be required to perform the AtGrade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary belowgrade work (including related infrastructure work necessary to support the #High Line#), and atgrade improvements pursuant to the standards set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743 and 37-76 of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's specifications for the At-Grade Plaza Work or as specified in Section 37-726, for the Alternate At-Grade Plaza Work, shall not count

towards #lot coverage#.

(vii) The cost to the Owner of the Alternate At-Grade Plaza Work shall not exceed $1,400,000. In addition, Owner shall, subject to the Not-To-Exceed Limit of paragraph (c) of this Appendix D, be required to reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Alternate At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).

(viii) Upon substantial completion of the At-Grade Plaza and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4), Owner shall provide the City with the declarations, easements and maintenance and operating agreement described in subsection (a) of section (1) of this Appendix, if not already provided in connection with the issuance of a building permit; such At-Grade Plaza shall be open and accessible to the public during at least the same hours during which the #High Line# is open and accessible to the public, subject to the terms of the maintenance and operating agreement; and Owner shall maintain the At-Grade Plaza pursuant to the terms of the maintenance and operating agreement.

(3) Stairway and Elevator Access Work under paragraph (b)(4) of Section 98-25:

The following shall apply except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D that provide for the construction of some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) of this Appendix D by the City:

(i) Except as provided in paragraph (b)(3)(iii) of this Section, Owner shall perform Stairway and Elevator Access Work within the At-Grade Plaza area as shown in Diagram 3 of Appendix C in conjunction with performance of the AtGrade Plaza Work. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (b)(4), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification pursuant to such Section shall be of final completion of the work.

(ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator, shall be included in the construction drawings for the AtGrade Plaza Work described above, and shall be performed by Owner within the time period for performance of the At-Grade Plaza Work described in paragraph (c) of this Section. The location for the stairway and elevator shall take into account the viability of any retail spaces fronting the At-Grade Plaza.

(iii) Owner shall not be responsible for performance of the Stairway and Elevator Access Work where it performs the Alternate At-Grade Plaza Work in accordance with paragraph (b) of this Section. In that event, prior to commencing the Alternate At-Grade Plaza Work and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4):

(a) Owner shall deposit into the #High Line# Improvement Fund, a contribution of $900,000.00 (the Access Contribution), to be used at the direction of the Chairperson of the City Planning Commission for construction of stairway and elevator facilities on the #zoning

lot#; and

(b) Owner shall provide the City with the declarations, easements, and maintenance and operating agreement described in paragraph (a)(1) of this Appendix D, if not previously provided in connection with issuance of a building permit.

(4) City performance of work in the event of failure to perform:

(i) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a) of this Appendix D, Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix), the AtGrade Plaza Work or Alternate Plaza Work, as applicable, and the Stairway and Elevator Access Work (where required to do so under paragraphs (b)(2) and (b)(3) of this Appendix), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area, as shown in Appendix C of this Chapter, for the #zoning lot#, as shown on Diagram 3 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) has passed, subject to the provisions of such sections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

(ii) The City may proceed with performance and/or completion of the work following such notice unless Owner:

(a) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total), unless such date is extended by mutual agreement between the City and Owner, for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City; and

(b) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, any time in which Owner is unable to gain access in order to perform the At-Grade Plaza Work or Alternate Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004, or for any time during which remediation work is in progress on the #zoning lot#.

(iii) In the event Owner does not comply with the requirements of paragraph (b)(4)(ii):

(a) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of section (a) of this Appendix;

(b) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and

(c) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor any temporary or permanent certificate of

occupancy may be issued pursuant to Section 98-25, paragraph (b), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

(c) Reimbursement Not-To-Exceed Limits

Reimbursement of the City by Owner of costs pursuant to this Appendix shall not exceed a total of $450,000.00.

Appendix E - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

LAST AMENDED
8/24/2017

This Appendix sets forth additional requirements governing #zoning lots# located partially within Subareas D, E and G or within Subarea I between West 16th and 17th Streets over which the #High Line# passes, with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy, pursuant to paragraph (c) of Section 9825, for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest,” as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

(a) Requirements for issuance of building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

(i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix E, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of $50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22; and

(ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and from a stairway and elevator on the #zoning lot# that will provide access to the #High Line# and for maintenance and repair by the City of such stairway and elevator; and the potential performance by the City of work under the provisions set forth below. In the case of #zoning lots# between West 16th and 17th Streets, Owner shall also provide the City with easements providing for City access to and from and for public use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities. For #zoning lots# between West 18th and 19th Streets, in the event that the Commissioner of Parks and Recreation requires #High Line# Service Facility Work pursuant to paragraph (b)(4) of this Appendix, no easements shall be required relating to the location of and public access to a #zoning lot# nor from a stairway and elevator on the #zoning lot#. In such event, Owner shall instead provide the City with easements providing for City access to and from and for use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities, as specified in paragraph

(b)(4)(ii) of this Appendix, and any restrictive declaration previously executed under this paragraph (a)(1)(ii) in connection with an initial certification pursuant to paragraph (a) of Section 98-25 shall be amended to provide for such easements. All easements described herein shall be in a form acceptable to the City and shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (c); and

(iii) submit plans for Stairway and Elevator Access Facilities and, where applicable, #High Line# Service Facilities that demonstrate compliance with the provisions of this Appendix E, and are consistent with New York City Department of Parks and Recreation standards and best practices governing materials life cycle and maintenance for review and approval by the Chairperson of the City Planning Commission.

(2) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot # and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the #High Line# Improvement Fund contribution to reflect the cost of such improvements. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

(3) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost

portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 9825, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for issuance of certificates of occupancy pursuant to paragraph (c) of Section 9825:

(1) Structural Remediation Work pursuant to paragraph (c)(2) of Section 9825

(i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph. Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (b)(1)(iv) and (b)(1)(v), (unless such dates are extended by mutual agreement of the City and Owner), but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next 24 months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by $21.00 for each square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (c)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of temporary certificates of

occupancy, and of final completion with respect to issuance of final certificates of occupancy.

(ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life, and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to the public versus those that will not be so exposed) and shall include, but not be limited to, the following:

(a) Removal and disposal of all leadbased products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

(b) Repair of all damaged portions of the entire steel structure, including, but not limited to, railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;

(c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;

(d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance with the rules and regulations

of all appropriate regulatory agencies and disposal facilities;

(e) Removal of any or all portions of the ballast material on the #High Line#, including, but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and

(f) Any work required to be performed below grade for the anticipated improvements of the #High Line# for reuse as open space.

(iii) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to such delays as are outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.

(iv) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work

following June 23, 2005, or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control.

(v) In the event that the City does not provide the specifications for the Structural Remediation Work within the timeframe set forth in paragraph (b)(1)(iii) of this Appendix, Owner may exercise the option to perform such work and proceed with the Structural Remediation Work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control, but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.

(vi) If Owner exercises the option to perform the Structural Remediation Work, Owner shall reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone), such reimbursement not to exceed $115,000.

(2) Stairway and Elevator Access Work pursuant to paragraph (c)(3) and, except where the provisions of paragraph (b)(4) of this Appendix E apply, paragraph (c)(4) of Section 98-25:

(i) Owner shall perform Stairway and Elevator Access Work subject to the provisions of this paragraph (b)(2). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), shall be of

substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator located directly adjacent to or below the #High Line#. Except as approved by the Chairperson of the City Planning Commission pursuant to paragraph (a)(1)(iii) of this Appendix, #curb level# entrances to such access facilities must be located at the #street line#. Such access facilities shall be harmonious with the design of the #High Line# on the #zoning lot# and shall be visible and identifiable as #High Line# access facilities when viewed from Tenth Avenue. Such access facilities may be unenclosed or enclosed. When such access facilities are enclosed and located at the #street line#, any wall or facade separating the access facility from the #street# shall be substantially glazed and fully transparent from ground level to the full height of the access facility. Any wall or facade separating the access facility from the #High Line# shall be substantially glazed and fully transparent from the level of the #High Line bed# to the full height of the access facility. Stairways shall have a clear path of not less than six feet in width. Such access facilities shall be identified with signage placed at the #High Line# level and at street level that is consistent with guidelines specified in the signage plan as authorized by the City Planning Commission pursuant to the provisions of Section 98-15.

(iii) The Stairway and Elevator Access Work shall be completed within one year following the later of June 23, 2005, or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the provisions of paragraph (b)(2)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date

is extended by mutual agreement between the City and Owner.

(iv) In no event however shall Owner be required to complete the Stairway and Elevator Access Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification, pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

(3) #High Line# Service Facility Work pursuant to paragraph (c)(3) of Section 98-25:

(i) For #zoning lots# located between West 16th and 17th Streets, Owner shall perform #High Line# Service Facility Work subject to the provisions of this Appendix. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) #High Line# Service Facilities shall consist of satellite maintenance and operations space for the #High Line# open space as well as public restrooms, in accordance with the following standards:

(a) Location

Such facilities shall have a component located at the level of the #High Line bed#, or within five feet of such level (hereinafter referred to as the "upper service facility"). Such facilities shall also have a

component located no higher than #curb level# (hereinafter referred to as the "lower service facility"). The upper facility must be located directly above the lower facility to enable placement of a trash chute connecting the upper and lower facilities. Where the upper facility is not located exactly at the level of the #High Line bed#, a fully accessible ramp must connect such level with the level of the upper facility. Where the lower facility is not located exactly at #curb level#, a means acceptable to the City of connecting the lower service facility to a #street# frontage shall be provided.

(b) Program and dimensions

(1) Lower service facilities

Lower service facilities shall contain a room which is accessible from #street# level and is no less than 50 square feet in area. Such facility shall contain the outlet of a trash chute from the upper service facility and shall also have a minimum of one electrical outlet furnishing a wattage consistent with its intended use within a maintenance and operations facility.

(2) Upper service facilities

Upper service facilities shall be no less than 350 square feet in area and shall contain, at a minimum, one public restroom not less than 250 square feet in area with separate restroom spaces for each gender, one storage room not less than 70 square feet in area, and one waste disposal room not less than

30 square feet in area and containing a trash chute to the lower service facility

Each room within such upper service facilities shall have a minimum of one electrical outlet furnishing wattage consistent with its intended use within a maintenance and operations facility.

(iii) The #High Line# Facility Work shall be completed within one year following the later of June 23, 2005, or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the standards of paragraph (b)(3)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.

(iv) In no event, however, shall Owner be required to complete the #High Line# Facility Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot#, as shown on Diagram 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

(v) The cost to Owner of the #High Line# Facilities Work shall not exceed $1,150,000. The amount of contribution to the #High Line# Improvement Fund under paragraph (a)(1) of this Appendix E, made for purposes of Section 98-25, paragraph (a), shall be reduced by such at the time it is made.

(4) #High Line# Service Facility Work pursuant to paragraph (c)(4) of Section 98-25:

(i) For #zoning lots# located between West 18th and 19th Streets, in the event the Commissioner of Parks and Recreation elects to require improvements under this paragraph by providing Owner written notice thereof no later than 30 days following August 24, 2017, Owner shall perform #High Line# Service Facility Work subject to the provisions of this paragraph (b)(4). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(4), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) #High Line# Service Facilities under this paragraph (b)(4) shall consist of facilities that the Commissioner of Parks and Recreation determines will provide significant support services to the #High Line# in accordance with the following minimum standards:

(a) Components, Size and Location

The #High Line# Service Facilities shall consist of a space on one or more levels, with no less than 1,900 square feet of such space at a floor level at, or within three vertical feet of, the level of the #High Line bed#; a walkway connecting such space to the #High Line# of sufficient width and with sufficient load-bearing capacity to accommodate the movement of service equipment to and from the #High Line# and which satisfies the additional obligations of the Americans with Disabilities Act of 1990; and a stairway with a clear path of not less than 44 inches in width providing access from the

#street# to the portion of the #High Line# Service Facilities located above.

(b) Other Features

The #High Line# Service Facilities shall include plumbing, electrical and utility infrastructure, including HVAC, as reasonably necessary to perform the service functions identified by the Commissioner of Parks and Recreation. Portions of any wall separating the #High Line# Service Facilities from the #High Line# and extending from the level of the #High Line bed# to the full height of the #High Line# Service Facilities shall comply with the transparency requirements of Section 98-54.

(iii) The #High Line# Service Facility Work shall be completed within one year following the later of August 24, 2017, or the review and acceptance by the Chairperson of the City Planning Commission of the plans and specifications that demonstrate compliance with the standards of paragraph (b)(4)(ii) of this Appendix, subject to reasonable extensions for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner. Notwithstanding the foregoing, in the event that, prior to an election by the Commissioner of Parks and Recreation under paragraph (b)(4)(i) of this Appendix, the City and Owner have agreed to an extension pursuant to paragraph (b)(2)(iii) of this Appendix, in connection with Stairway and Elevator Access Work, the #High Line# Facility Work shall be completed by such date, unless further extended by mutual agreement pursuant to this paragraph (b)(4)(iii).

(c) City performance in the event of failure to perform

(1) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a)(1) of this Appendix), Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix) and the Stairway and Elevator Access Work (under paragraph (b)(3)), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area, as shown in Appendix C of this Chapter, for the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) of this Appendix, as applicable, has passed, subject to the provisions of such paragraphs relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

(2) The City may proceed with performance and/or completion of the work following such notice unless Owner:

(i) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total) for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City, unless such date is extended by mutual agreement between the City and Owner; and

(ii) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control.

(3) In the event Owner does not comply with the requirements of paragraph (c)(2) of this Appendix:

(i) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (a)(1) of this Appendix;

(ii) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and

(iii) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Within Subarea J

LAST AMENDED
11/13/2012

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea J over which the #High Line# passes for any #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas). The additional requirements are set forth in this Appendix F, in paragraph (a), the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); in paragraph (b), the performance of improvements as a condition of issuance

of temporary or permanent certificates of occupancy pursuant to paragraph (d) of Section 98-25; and in paragraph (c), the option of the owner to offer to the City an additional #High Line# Support Easement Volume. The term "parties in interest" as used herein shall mean "parties-in-interest," as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

(a) Requirements for issuance of a building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

(i) For each square foot of #floor area# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, up to the amount specified in Section 98-22, the owner shall:

(a) for the first 80,000 square feet of such #floor area#, deposit such contribution to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that Section; and

(b) for all such #floor area# which exceeds 80,000 square feet, subject to a deduction pursuant to other provisions of this Appendix F, deposit such contribution to the #High Line# Improvement Fund, or secure such contribution by letter of credit or other cash equivalent instrument in a form acceptable to the City.

Such contribution, in each case, shall be $59.07 per square foot of #floor area# as of November 13, 2012, which contribution rate shall be adjusted July 1 of the following year and each year thereafter by the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau

of Labor Statistics;

(ii) All parties-in-interest shall execute that restrictive declaration, dated October 25, 2012, and on file at the Office of the Counsel, Department of City Planning, required in connection with environmental assessment (CEQR No. 11DCP120M) for the purpose of addressing historic resources and containing other provisions regarding the preservation of certain features of existing #buildings# and structures and related matters;

(iii) All parties-in-interest shall execute a restrictive declaration in a form acceptable to the City addressing the terms described in this paragraph (a)(1)(iii):

(a) Hotel #use#

No #development# or #enlargement# that utilizes the provisions of Section 98-25 shall include a #transient hotel#;

(b) Retail concourse

As a condition of any #development# or #enlargement# pursuant to Section 98-25, the owner shall provide a pedestrian passageway within any #building# located on the #zoning lot# connecting the Ninth Avenue sidewalk with the Tenth Avenue sidewalk, which passageway shall be open to the public during business hours. Not less than 60 percent of the length of the frontages of such passageway shall be occupied primarily by retail uses, and in addition may be occupied by service, wholesale, production and event space identified

in Use Groups 6A, 6C, 7B, 7C, 8A, 9A, 9B, 10B, 11A, 12A, 12B, 16A, 17A and such spaces shall have access to the passageway;

(c) Locations and dimensions of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall be sized and located to accommodate the following amenities, all of which shall be located within the #buildings# located within the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(3):

(1) exclusive easements for public restrooms for each gender with an aggregate area of no less than 560 square feet (and which need not be more than 700 square feet) located adjacent to the #High Line# with direct access to the #High Line# for each of the public restrooms;

(2) exclusive easements for #High Line# support space with an aggregate area of no less than 2,400 square feet (and which need not be more than 3,000 square feet) of which up to 800 square feet may be located on a mezzanine level, such space to be located adjacent and accessible to the #High Line#;

(3) exclusive easements for #High Line# support space located in the cellar level in an aggregate area no less than 800 square feet (but need not be more than 1,000 square feet);

(4) exclusive use of a dedicated freight elevator that shall provide access to the cellar level, to a shared loading facility at #street# level, to the level of the #High Line bed# and to the level of the #High Line# support space described in paragraph (a)(1)(iii)(c)(2) of this Appendix F; and

(5) non-exclusive easements for:

(i) access between the dedicated freight elevator and the shared loading facility at grade level and the #High Line# support space located in the cellar level; and

(ii) use of the shared loading facility as more particularly set forth in paragraph (a)(1)(iii)(d) of this Appendix F;

(d) Use of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall not be dedicated for use by the general public but rather for use by the City or its designee for storage, delivery of materials and support of #uses# within the #High Line# (and in connection therewith, the fitting-out, operating, maintaining, repairing, restoring and replacement of the #High Line# Support Easement Volumes), except that:

(1) the public may use the public restrooms;

(2) up to 650 square feet of space adjacent to the #High Line# may be used exclusively for educational and related programming that is at no cost to the public; and

(3) if dedicated to the City in accordance with paragraph (d) of this Appendix F, the optional additional #High Line# Support Easement Volume may be accessible to the public as part of concessions or other uses that relate to the #High Line#.

The City or its designee shall at all times use, operate and maintain the #High Line# Support Easement Volumes so as not to interfere with the use and enjoyment of the #buildings# located within Subarea J.

The #High Line# support spaces described in paragraphs (a)(1)(iii)(c)(2) and (3) of this Appendix F, shall be accessible by a dedicated freight elevator that connects to non-exclusive portions of the #building#, including a loading facility at #curb level#, through which the City or its designee shall be provided with a non-exclusive easement to enable reasonable and customary access;

(e) Effective date of the #High Line# Support Easement Volumes

The City's or its designee's rights to utilize the #High Line# Support Easement Volumes shall commence on the date that the #High Line# Support Work has been completed in accordance with paragraph (b)(1) of this Appendix F, or in the event of default of the owner in

accordance with paragraph (c) of this Appendix F, the date that the City has notified the owner that it intends to perform such #High Line# Support Work in accordance with paragraph (c); and

(f) Notice by the Department of City Planning of its receipt of certified copies of the recorded restrictive declarations required pursuant to paragraph (a) (1) (ii) and (iii) of this Appendix F, shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# or #enlargement# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012;

(iv) The owner shall submit plans for the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, that demonstrate compliance with the provisions of this Appendix and are consistent with New York City Department of Parks and Recreation standards and best practices governing material life cycle and maintenance, for review and approval by the Chairperson of the City Planning Commission;

(v) Solely in the event the initial certification made pursuant to Section 98-25, paragraph (a), is with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), then the owner shall enter into agreements with the City or its designee, in a form reasonably acceptable to the City, to provide interim access, in accordance with such agreements, to the #High Line# through a non-exclusive loading facility and an existing freight elevator. Such agreements shall provide that any space

within the existing #building# may be used by the City or its designee at no cost, except that the City or its designee shall be obligated to pay for the proportionate costs of utilities, maintenance and other building expenses associated with the use of such loading facility and elevator, and for any improvements or modifications to such space that may be requested by the City or its designee. Such interim access shall cease upon the date that the City or its designee commences utilization of the #High Line# Support Easement Volumes in accordance with paragraph (a)(1)(iii)(d) of this Appendix F;

(2) The location of #floor area# which would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, and be subject to the provisions of Section 98-25, shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), the owner designates on plans submitted to the Chairperson of the City Planning Commission, subject to the concurrence of the Chairperson, an alternate location.

(b) Requirements for issuance of certificates of occupancy pursuant to paragraph (d) of Section 98-25

(1) #High Line# Support Work pursuant to paragraph (d) of Section 98-25

(i) The owner shall perform #High Line# Support Work subject to the provisions of this paragraph (b)(1), inclusive. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (d), shall be the substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) The #High Line# Support Work shall consist of the following:

(a) the construction, fit-out and delivery in an operative condition of public restrooms described in paragraph (a)(1)(iii)(c)(1) of this Appendix F, furnished with restroom fixtures, including six toilet stalls for women, an aggregate of six toilet stalls and/or urinals for men and three sinks in each restroom, and provided with utility connections.

(b) the construction of the core and shell of the #High Line# support space described in paragraphs (a)(1)(iii)(c)(2) and (3) of this Appendix F including the provision of and access to separately metered gas, ventilation, water, sewer, electricity and telecommunications utilities systems commonly available in the #building# sufficient to support the anticipated uses of the support space. Within the portion of the #High Line# support space in the vicinity of the level of the #High Line bed#, the owner will install a kitchen exhaust duct from such support space to a suitable point of discharge and will provide access to the #building# sprinkler standpipe and fire alarm system. Such support space shall also include access to a storage mezzanine pursuant to a dedicated lift, and there shall be a clear path at least five feet wide from the lift to the dedicated freight elevator described in paragraph (b)(1)(ii)(c) of this Appendix F. The owner will not be responsible for distributing any utility services within the #High Line# support space or for providing any ancillary equipment for the kitchen exhaust duct; and

(c) the construction of the dedicated freight elevator described in paragraph (a)(1)(iii)(c)(4) of this Appendix F, with a minimum capacity of 3,000 pounds;

(iii) Following the completion of the #High Line# Support Work described in paragraph (b)(1)(ii) of this Appendix F, all subsequent costs of operating, maintaining, repairing, replacing and additional fit-out of the #High Line# support space shall be exclusively the responsibility of the City and not the owner, provided that the owner shall be responsible for the repair and replacement of any defective #High Line# Support Work for a period of one year after completion thereof;

(iv) The cost to the owner of the #High Line# Support Work pursuant to the plans approved pursuant to this paragraph, (a)(1)(iv), shall be estimated at the time of such approval by a licensed engineer selected by the owner, such estimate to be in a form reasonably acceptable to the City, at an amount not to exceed $2,544,000, as adjusted at the time of such approval by changes in the construction cost index published by the Engineering News Record (ENR) for New York City commencing as of December 1, 2012. In the event that the City requests the owner to perform any additional work in conjunction with the #High Line# Support Work and the owner agrees to perform such additional work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F;

(v) Except as set forth in paragraph (b)(1)(v) of this Appendix F no temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, until the #High Line# Support Work described in paragraph (b)(1) of this Appendix F has been substantially completed or finally completed, as applicable;

(vi) Notwithstanding anything to the contrary in this paragraph (b)(1), inclusive, if certification is initially made pursuant to Section 98-25, paragraph (a), with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(iii), then the conditions for certification pursuant to Section 98-25, paragraph (d), for a permanent or temporary certificate of occupancy shall not apply to such #building# or portion of a #building# and the following conditions shall apply:

(a) the owner shall deliver a letter of credit or other security reasonably satisfactory to the City in an amount reasonably determined by the City as sufficient for the City to perform the #High Line# Support Work described in paragraph (b)(1) of this Appendix F which letter of credit or other security may be drawn or exercised by the City in the event of a default by the owner in accordance with paragraph (c)(ii) of this Appendix F; and

(b) the owner shall enter into an agreement with the City in a form reasonably acceptable to the City requiring the owner to commence the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, no later than September 1, 2017, subject to force majeure as determined by the Chairperson, and shall thereafter diligently prosecute the same to completion, pursuant to an agreed-upon schedule, subject to force majeure as determined by the Chairperson.

(c) In the event the owner is in default of its obligations pursuant to the agreements required by paragraph (b)(1)(vi) of this Appendix F:

(1) The City shall be entitled to draw the letter of credit or exercise the other security described in paragraph (b)(1)(vi)(a) of this Appendix F and to take possession of the #High Line# Support Easement Volumes following delivery of notice to the owner that the City intends to perform the #High Line# Support Work in accordance with provisions to be set forth in the restrictive declaration described in paragraph (a)(1)(iii) of this Appendix F;

(2) The City shall return to the owner any contribution made to the #High Line# Improvement Fund with respect to additional #floor area# to be added to a #building# or portion of a #building# located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(3);

(3) No additional building permit may be issued pursuant to Section 98-25, paragraph (a), with respect to a #development# or #enlargement# to be located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-

25, paragraph (d), for #floor area# in such a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012.

(d) Option to offer an additional #High Line# Support Easement Volume:

(1) The owner, at its sole option, may elect to offer to the City an easement comprising up to 7,500 square feet of #floor area# within the #building# adjacent to the #High Line# and at the vicinity of the level of the #High Line bed# as an additional #High Line# Support Easement Volume by written notice to the Chairperson of the City Planning Commission, with a copy to the Commissioner of the Department of Parks and Recreation. Such written notice shall be delivered contemporaneously with the owner's first request for certification by the Chairperson, described in paragraph (a) of Section 98-25, that relates to a #building# or portion of a #building# within the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(3);

(2) If the owner elects to exercise such option, the owner shall provide an appraisal from an appraiser reasonably acceptable to the City who is a member of the American Institute of Real Estate Appraisers (or its successor organization) establishing the fair market value of the additional #High Line# Support Easement Volume to be so dedicated. The term "fair market value" shall mean the price at which such additional #High Line# Support Easement Volume would change hands between a willing buyer and a willing seller, both acting rationally, at arm's length, in an open and unrestricted market. The appraisal shall determine such fair market value of the additional #High Line# Support Easement Volume based on its highest and best as-of-right #uses#, valued in an unimproved core and shell physical condition (including any existing structural elements, such as the #building# wall separating the #High Line# from the additional easement volume) and considered unencumbered by any leases, mortgages

or other matters that will be released or otherwise subordinate to the grant of such additional #High Line# Support Easement Volume to the City. The appraisal shall not assume that as-of-right #uses# of the additional #High Line# Support Easement Volume may enjoy any access to and from the #High Line#. Any other appraisal assumptions or instructions not set forth herein shall be subject to approval by the City.

(3) If such option is exercised by the owner, the City shall have up to 60 days from the delivery of the written notice described in paragraph (d)(1) of this Appendix F to irrevocably accept or decline the exercise of the option by written notice to the owner. If the City does not so accept or decline the option within said 60-day period, then the option shall be deemed declined and neither the City nor the owner shall have any further rights or obligations under this paragraph, (d), inclusive;

(4) If such option is exercised by the owner and accepted by the City, the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix F shall provide or shall be amended to include the additional #High Line# Support Easement Volume within the grant to the City, and the value of the additional #High Line# Support Easement Volume as set forth in the appraisal shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F;

(5) In the event that the City requests the owner to perform any work in conjunction with the dedication of the additional #High Line# Support Easement Volume and the owner agrees to perform such work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F. All costs of fitting-out, operating, maintaining, repairing and replacing

the additional #High Line# Support Easement Volume shall be exclusively the responsibility of the City and not the owner.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 9 - Special Madison Avenue Preservation District (MP)

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Chapter 9 - Special Madison Avenue Preservation District (MP)

99-00 - GENERAL PURPOSES

LAST AMENDED
12/20/1973

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

(a) to preserve and protect the unique character and architectural quality of Madison Avenue and its surrounding area;

(b) to preserve and enhance street life by promoting specialty shops at street level;

(c) to introduce amenities relating to the residential character of the area; and

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

99-01 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301 or within this Section.

Development

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

Landmark building

A "landmark building" is any #building# designated as a landmark by the Landmarks Preservation Commission, pursuant to procedures set forth in Section 3020 of the New York City Charter and other applicable laws.

Style building

A "style building" is a #building# possessing an architectural style, as described in the Upper East Side Historic District Designation Report prepared by the New York City Landmarks Preservation Commission in 1981.

99-02 - General Provisions

LAST AMENDED
10/7/2021

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

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

99-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/5/2024

99-11 - Special Streetscape Regulations

LAST AMENDED
12/5/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along Madison Avenue shall be considered #Tier C street frontages# and the provisions set forth in paragraph (d) of Section 32-33 (Regulations for Tier C Street Frontages) shall apply regardless of the underlying zoning district.

99-12 - Modifications of use regulations for a community facility

LAST AMENDED
12/5/2024

The regulations of Section 99-11 (Special Streetscape Regulations) may be modified for a #comunity facility# provided the City Planning Commission certifies that the treatment of the facade preserves and enhances street life on Madison Avenue compatible with the character of the surrounding area.

99-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

99-21 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

The underlying #floor area# regulations shall apply except as modified in this Section.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions). No other #floor area# bonuses shall be permitted.

99-22 - Special Height and Setback Regulations

LAST AMENDED
12/5/2024

The underlying height and setback regulations applicable to a C5-1A District shall apply except as modified in this Section. The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to all #street# frontages. For #zoning lots# that do not contain #qualifying affordable housing# or #qualifying senior housing#, the gross area of each #story# located completely above a height of 170 feet shall not exceed 80 percent of the gross area of the #story# directly below it.

99-23 - Authorization to Waive Midblock Transition Portion Height Limitation

LAST AMENDED
12/5/2024

For a #zoning lot# in the Upper East Side Historic District, which #zoning lot# also contains a #landmark building# or #style building# to be preserved or, where a #zoning lot# is not located in the Upper East Side Historic District and the #zoning lot# contains a #building# to be preserved which the Landmarks Preservation Commission has designated as a landmark or certifies in a report by the staff or the Commission to be comparable to a #style building#, the City Planning Commission may authorize the waiver of the maximum #building# height requirements of Section 99-22 (Special Height and Setback Regulations) provided the City Planning Commission finds that:

(a) the #development# or #enlargement# complies with the goals and purposes of the #Special Madison Avenue Preservation District#, as specified in Section 99-00 (GENERAL PURPOSES);

(b) the #development# or #enlargement# will not alter either the character of the neighborhood or the character sought to be achieved by the Special District;

(c) the #development# or #enlargement# will have a harmonious relationship with the #building# to be preserved; and

(d) the Landmarks Preservation Commission reports that a program for continued maintenance of the #building# to be preserved has been established.

99-30 - OFF-STREET PARKING REGULATIONS

LAST AMENDED
12/5/2024

Within the portion of the #Special Madison Avenue District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Madison Avenue District#, the provisions of this Section shall apply.

Where #accessory# off-street parking is provided, in no case shall curb cuts for vehicular access be located on Madison Avenue or on a #street# within 50 feet of its intersection with the #street line# of Madison Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article X - Special Purpose Districts

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Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Special Downtown Brooklyn District (DB)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Special Downtown Brooklyn District (DB)

101-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

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

(a) to strengthen the business core of Downtown Brooklyn by improving the working and living environments;

(b) to foster development in Downtown Brooklyn and provide direction and incentives for further growth where appropriate;

(c) to create and provide a transition between the Downtown commercial core and the lower-scale residential communities of Fort Greene, Boerum Hill, Cobble Hill and Brooklyn Heights;

(d) to encourage the design of new buildings that are in character with the area;

(e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the vitality of Downtown Brooklyn;

(f) to improve the quality of development in Downtown Brooklyn by fostering the provision of specified public amenities in appropriate locations;

(g) to improve visual amenity by establishing special sign regulations within the Fulton Mall and Atlantic Avenue Subdistricts; and

(h) to promote the most desirable use of land and building development for Downtown Brooklyn and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

101-01 - Definitions

LAST AMENDED
3/10/2026

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), 32-301 (Definitions), Section 101-702 (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

Development or to develop

For purposes of this Chapter, "development" includes a #development#, an #enlargement# or an #extension#.

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

Large qualifying site

“Large qualifying site” is a #zoning lot# that:

(a) occupies an entire #block#; or

(b) has a minimum #lot area# of 30,000 square feet with at least one full #block# frontage along a #street#.

101-02 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Downtown Brooklyn District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

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

101-021 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

In #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the provisions of Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING) shall apply, except as superseded, supplemented or modified by the provisions of this Chapter.

101-03 - District Plan and Maps

LAST AMENDED
12/5/2024

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

The District Plan includes the following six maps:

Map 1 Special Downtown Brooklyn District and Subdistricts

Map 2 Ground Floor Retail Frontage

Map 3 Street Wall Continuity and Mandatory Sidewalk Widenings

Map 4 Curb Cut Restrictions

Map 5 Height Limitation Areas

Map 6 Subway Station Improvement Areas

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

101-04 - Subdistricts

LAST AMENDED
6/28/2004

In order to carry out the provisions of this Chapter, two subdistricts are established within the #Special Downtown Brooklyn District#. In each of these subdistricts, certain special regulations apply that do not apply within the remainder of the #Special Downtown Brooklyn District#. The subdistricts are outlined on Map 1 (Special Downtown Brooklyn District and Subdistricts) in Appendix E of this Chapter. Special regulations set forth in Sections 101-60 through 101-632, inclusive, shall apply to the Fulton Mall Subdistrict. Special regulations set forth in Sections 101-70 through 101-75 and Appendices A, B, C and D, inclusive, shall apply to the Atlantic Avenue Subdistrict. The subdistricts are also subject to all other regulations of the #Special Downtown Brooklyn District# and the underlying districts except as otherwise specified in the subdistrict regulations.

101-05 - Applicability of Special Permits by the Board of Standards and Appeals

LAST AMENDED
5/29/1974

Within the #Special Downtown Brooklyn District#, Section 73-68 (Height and Setback and Yard Modifications) shall not be applicable.

101-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/28/2004

101-11 - Special Ground Floor Use Regulations

LAST AMENDED
6/6/2024

Map 2 (Ground Floor Retail Frontage), in Appendix E of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply.

However, such underlying streetscape regulations shall be modified in the Fulton Mall Subdistrict, as follows: any establishment that fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Ground Floor Retail Frontage) in Appendix E of this Chapter shall be considered #Tier C street frontages#.

The provisions of paragraph (d) of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that eating or drinking establishments listed under Use Group VI shall be permitted on a #story# above #dwelling units#.

101-12 - Sign Regulations

LAST AMENDED
12/5/2024

In the #Special Downtown Brooklyn District#, except as modified by the provisions of Section 101-131 (Permitted projection), the regulations of Section 32-60, inclusive, pertaining to #signs#, shall apply. Further regulations for the Fulton Mall Subdistrict and the Atlantic Avenue Subdistrict are set

forth in Section 101-60, inclusive, and Section 101-70, inclusive.

101-121 - Permitted projection

LAST AMENDED
6/6/2024

The provisions of Section 32-652 (Permitted projection in all other Commercial Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

No permitted #sign# shall project across a #street line# more than 12 inches, except as otherwise provided in this Section.

Banners for theaters may project across a #street line# for a maximum distance of four feet, provided such banners are separated at least 25 feet apart, and further provided that such banners are located between 12 feet and 40 feet above #curb level#.

For each establishment located on the ground floor, non-#illuminated# double-faced #signs# may project perpendicularly across a #street line# for a maximum distance of 40 inches, provided that no more than two such #signs#, separated at least 25 feet apart, are permitted along each #street# on which such establishment fronts, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches, and shall not be located above the sill level of the second #story# windows.

101-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

The #bulk# regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

101-21 - Special Floor Area Regulations

LAST AMENDED
3/10/2026

R7-1 C6-1 C6-4.5 C6-6 C6-9 6-12

(a) In R7-1 Districts

In R7-1 Districts, the underlying #floor area# regulations applicable to R7A Districts shall apply.

(b) In C6-1 Districts

In C6-1 Districts, the maximum #residential# #floor area ratio# shall be 3.44 for #zoning lots# containing standard #residences#, or 4.13 for #zoning lots# containing #qualifying affordable

housing# or #qualifying senior housing#.

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(d) In C6-6 Districts

In C6-6 Districts, the underlying provisions shall apply, except that in #Mandatory Inclusionary Housing areas# mapped before October 21, 2021, the maximum #residential# #floor area ratio# shall be 9.0.

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0.

However, in the C6-9 District bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential# #floor area ratio# shall be 9.0. On a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area# #ratio# shall be 12.0. Up to 46,050 square feet of floor

space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

No #floor area# bonuses shall be permitted except as authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

(f) In C6-12 Districts

In C6-12 Districts, the underlying #floor area# regulations shall apply.

However, for #large qualifying sites# in C6-12 Districts:

(1) the maximum #commercial# and #community facility# #floor area ratio# shall be subject to the underlying regulations;

(2) the maximum #residential# #floor area ratio# for #qualifying affordable housing# and #qualifying senior housing# shall be 19.0; and

(3) the total #floor area ratio# for all #uses# shall be 23.0.

101-22 - Special Height and Setback Regulations

LAST AMENDED
3/10/2026

The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Section 101-221 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#.

In R7-1, C5-4, C6-1, C6-4, C6-9 and C6-12 Districts, except C6-1A Districts, the underlying height and setback regulations shall apply except as modified by the provisions of this Section. #Buildings or other structures# within the Schermerhorn Street Height Limitation Areas shall comply with the provisions of Section 101-30 (SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS).

101-221 - Permitted obstructions

LAST AMENDED
12/5/2024

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b) of Section 23-413 (Permitted obstructions in certain districts).

101-222 - Standard height and setback regulations

LAST AMENDED
3/10/2026

C2-4/R7-1 C6-1 C6-4.5 C6-6 C6-9 C6-12

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall provide a setback pursuant to the provisions of Section 23-433 (Standard setback regulations).

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS IN C2-4/R7-1, C6-1, C6-4.5, C6-6, C6-9 AND C6-12 DISTRICTS

	Maximum base height		Maximum #building# height	
District	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#
C2-4/R7-1	85	85	165	165
C6-1	125	155	185	215
C6-4.5 C6-6 C6-9	125	155	255	255
C6-12	155	155	395	395

C5-4 C6-4

In the districts indicated, the underlying height and setback provisions applicable to an R10A District shall apply. However, the minimum base height requirements need not apply.

101-223 - Tower regulations

LAST AMENDED
3/10/2026

C5-4 C6-1 C6-4 C6-6 C6-9 C6-12

In the districts indicated, except C6-1A Districts, above the maximum base heights specified pursuant to Section 101-222 (Standard height and setback regulations), tower provided in accordance with the provisions of Section 23-435 (Tower regulations) shall be permitted as an alternative to the maximum #building# heights specified in Section 101-222. For #buildings or other structures# utilizing such provisions, no height limit shall apply, except that, in C6-1 Districts, the maximum height shall be 495 feet.

101-224 - Special provision for certain sites

LAST AMENDED
3/10/2026

For #large qualifying sites# that have below-grade transit infrastructure which occupies at least 30 percent of the #lot area#, the underlying setback requirements shall be modified to exempt up to 30 percent of the total #street wall# width of the #development# from such setback requirements.

101-30 - SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS

LAST AMENDED
12/5/2024

The provisions of this Section shall apply within the Schermerhorn Street Height Limitation Areas, as shown on Map 5 in Appendix E of this Chapter:

(a) #Public plaza# prohibition

No #public plazas# shall be permitted within Area B of Map 5.

(b) Height and setback regulations

The tower provisions of Section 101-223 shall not apply. The standard height and setback regulations of Section 101-222 are modified to limit maximum #building# height to 210 feet within Area A of Map 5, and are modified to limit maximum #building# height to 140 feet within Area B.

101-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
6/28/2004

101-41 - Special Street Wall Location Regulations

LAST AMENDED
3/10/2026

Map 3 (Street Wall Continuity and Mandatory Sidewalk Widenings) in Appendix E of this Chapter specifies locations where the special #street wall# location regulations of this Section apply. However,

such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

(a) Fulton Mall Subdistrict

Within the Fulton Mall Subdistrict, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to all #street# frontages, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. Such required #street walls# shall extend to a minimum height of 60 feet above #curb level# or the height of the #building#, whichever is less, and a maximum base height of 85 feet. Above such maximum base height, the provisions of Sections 101-222 (Standard height and setback regulations) or 101-223 (Tower regulations) shall apply.

(b) Atlantic Avenue Subdistrict

Within the Atlantic Avenue Subdistrict the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to all #street# frontages. Such required #street walls# shall extend to the minimum base height for the district, or the height of the #building#, whichever is less, and may rise to the maximum base height before a setback is applied. The maximum base heights set forth in Section 23-432 (Height and setback requirements) shall be modified as follows:

(1) for a C2-4 District mapped within an R6A District, the maximum base height shall be 55 feet above #curb level#; and

(2) for a C2-4 District mapped within an R7A District, the maximum base height shall be 65 feet above #curb level#.

(c) Willoughby Square

For #buildings# fronting upon Willoughby Square. the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that recesses may be extended below a height of 15 feet. Such #street wall# shall extend to a minimum base height of 80 feet or the height of the #building#, whichever is less. The provisions of Section 101-223 shall apply.

(d) All other areas

On all other #streets# shown on Map 3, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, and extend to a minimum base height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. However, such regulations shall not apply to any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension.

(e) #Large qualifying sites#

For #large qualifying sites# where a publicly accessible area is provided along one or more #street# frontages, the #street wall# location requirements of this Section shall not apply along such #street# frontages or portions thereof occupied by the publicly accessible area.

101-42 - Mandatory Sidewalk Widenings

LAST AMENDED
6/6/2024

Map 3 (Street Wall Continuity and Mandatory Sidewalk Widenings) in Appendix E of this Chapter specifies locations where the sidewalk widening regulations of this Section apply. Such regulations shall apply to all #developments# and to those horizontal #enlargements# where the #enlarged# portion of the #building# contains a #floor area ratio# of 3.0 or more.

All #buildings# that front upon the southerly #street line# of Willoughby Street between Adams Street and the Flatbush Avenue Extension shall provide a five foot deep sidewalk widening along the full frontage of the #zoning lot# along Willoughby Street. Such sidewalk widening shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. For the purposes of applying the height and setback regulations of Section 101-22, inclusive, and the #street wall# location requirements of Section 101-41, the sidewalk widening line shall be considered to be the #street line#.

101-43 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
6/6/2024

Where a #development# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. For the purposes of this Section, a #development# shall not include an #extension#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). The subway stations where such improvements are required are listed in the following table and shown on Map 6 (Subway Station Improvement Areas) in Appendix E of this Chapter.

Station	Line
Court Street-Borough Hall	Eastern Parkway/Montague Street Tunnel
DeKalb Avenue	4th Avenue/Brighton
Hoyt Street	Eastern Parkway
Hoyt-Schermerhorn Street	Crosstown/Fulton Street
Jay Street-MetroTech	Culver/Fulton Street
Lawrence Street	Montague Street Tunnel
Nevins Street	Eastern Parkway
Atlantic Avenue-Pacific Street	4th Avenue

101-50 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/5/2024

The underlying off-street parking and loading provisions shall apply except as modified in this Section, inclusive.

101-51 - Curb Cut Restrictions

LAST AMENDED
6/6/2024

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

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

101-52 - Reservoir Spaces

LAST AMENDED
12/5/2024

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered one reservoir space.

(a) Attended parking facilities

Attended #accessory# parking facilities, #public parking garages# or #public parking lots# with

more than 25 parking spaces shall provide the following amount of off-street reservoir space at the vehicular entrance:

(1) for parking facilities with more than 25 parking spaces and up to 50 parking spaces: five percent of the total number of parking spaces;

(2) for parking facilities with more than 50 parking spaces and up to 100 parking spaces: 10 percent of the total number of parking spaces;

(3) for parking facilities with more than 100 parking spaces and up to 200 parking spaces: 10 parking spaces; and

(4) for parking facilities with more than 200 parking spaces: five percent of the total number of parking spaces. However, such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided as set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. However, the parking area designated for mechanical conveyance of the vehicle into storage, whether in an elevator or otherwise, shall not be considered a reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to paragraph (a) of this Section may be reduced where the Commissioner of Buildings determines that the operational

characteristics of such #automated parking facility# warrant such a reduction.

(c) Self-parking facilities

For self-parking #accessory# parking facilities, #public parking garages# and #public parking lots#, where entering vehicles are required to stop at a mechanically operated barrier before entering the parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

101-53 - Garages

LAST AMENDED
12/10/2012

101-531 - Public parking garages

LAST AMENDED3/22/2016

#Public parking garages# with 225 or fewer spaces shall be permitted as-of-right, provided that such garages are, except for entrances and exits, entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts. In addition to a maximum number of 225 public parking spaces, such garages may include required #accessory# parking spaces, which may be provided at any level. Any #accessory# parking spaces that are not required shall be included with all other public parking spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number or location of parking spaces in such #public parking garage#.

101-532 - Off-site accessory parking spaces in public garages

LAST AMENDED
12/5/2024

Section 36-56 (Accessory Off-street Parking Spaces in Public Garages) shall be modified to allow #accessory# off-street parking spaces in any #public parking garage# #developed# after December 10, 2012, provided such off-site spaces comply with the provisions of Section 101-55 (Location of Off-site Parking Spaces).

101-533 - Pedestrian safety

LAST AMENDED
12/5/2024

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For all #accessory# parking garages and #public parking garages#, the following safety features shall be provided at all vehicular exit points:

(a) a 'stop' sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and

(b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:

(1) span the entire width of such exit lane;

(2) have a minimum of two inches in height, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches; and

(3) be located a minimum of four feet and a maximum of eight feet beyond the #street line#, as measured perpendicular to the #street line#.

101-534 - Special permit for public parking garages

LAST AMENDED
6/6/2024

Section 74-194 (Public parking garages or public parking lots in high density central areas) shall not apply to #public parking garages#. In lieu thereof, the City Planning Commission may permit:

(a) a #public parking garage# that does not comply with the provisions of Section 101-531 (Public parking garages), provided that such garage complies with all other applicable regulations set forth in Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS); and

(b) floor space on one or more #stories#, up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10.

In order to grant a special permit for such #use# or #floor area# exemption, the Commission shall find that:

(1) such #use# will be compatible with the surrounding area, and will not adversely affect the growth and development of #uses# comprising vital and essential functions in the general area

within which such #use# is to be located;

(2) the proposed materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;

(3) the ground floor level of such parking facilities that front upon #streets# with a width of 60 feet or more, or that front upon public access areas, is occupied by #commercial#, #community facility# or #residential uses# that generate activity on all such adjoining #streets# or public areas, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from such adjoining #streets# or public access areas with a strip at least five feet deep, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen, at least six feet high, within three years. Where such screening is not desirable, a total of at least 50 percent of the exterior #building# wall with adjacent parking spaces shall consist of opaque materials that include graphic or sculptural art, or living plant material;

(4) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential# #floor area#, so as to minimize the visibility of the parking facility from adjoining #streets# with a width of 60 feet or more, or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

(5) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow and that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(6) such #use# and its vehicular entrances and exits are so located as to draw a minimum of vehicular traffic to and through residential #streets# in nearby areas; and

(7) if any floor space is exempted from the definition of #floor area#, such additional floor space is necessary to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, or locations of entrances and exits.

101-54 - Restrictions on Use of Accessory Off-street Parking Spaces

LAST AMENDED
12/10/2012

The provisions of Section 36-46 (Restrictions on Use of Accessory Off-street Parking Spaces) shall apply, provided that all #Commercial Districts# within the #Special Downtown Brooklyn District# shall be considered a C6 District for the purposes of such Section, inclusive. However, the provisions of this Section shall not apply within the Atlantic Avenue Subdistrict.

101-55 - Location of Off-site Parking Spaces

LAST AMENDED
12/5/2024

Sections 25-50 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) and 36-40 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply, except that where the #use# generating the parking requirement and the #zoning lot# providing the parking spaces are both within the #Special Downtown Brooklyn District#, Sections 25-521 and 36-421 (Maximum distance from zoning lot)

shall be modified to permit #accessory# parking spaces to be located up to 2,500 feet from the #zoning lot# occupied by the #residences# to which they are #accessory#.

101-60 - FULTON MALL SUBDISTRICT

LAST AMENDED
6/28/2004

101-601 - General purposes of the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

The general goals of the Fulton Mall Subdistrict include, among others, the following purposes:

(a) to foster and promote the orderly expansion of retail development so that Downtown Brooklyn will enhance its position as a major regional shopping center, provide an increasing number of employment opportunities and encourage the development of a desirable shopping and working environment;

(b) to complement public improvements in the area implemented either directly or indirectly by the City of New York by encouraging private investment in signs, facades and new development that will enhance the visual appearance and character of structures in the vicinity of Fulton Mall;

(c) to create an attractive shopping environment in the vicinity of the Fulton Mall, the construction of which will implement a plan for improved pedestrian and vehicular circulation; and

(d) to encourage a desirable urban design relationship between each building and the Fulton Mall.

101-602 - General provisions for the Fulton Mall Subdistrict

LAST AMENDED
6/6/2024

Within the Fulton Mall Subdistrict, any change of #use# to another #use# listed in the same or another Use Group shall be subject to the special #use# regulations of Section 101-10 and the special #sign# regulations of Section 101-61, inclusive.

On application, the City Planning Commission may authorize minor modifications of the regulations of Sections 101-61, inclusive, and 101-62, inclusive, governing #signs# and facades within the Fulton Mall Subdistrict, upon the Commission's finding that the proposed modifications are in conformity with the principles of good design and are not inconsistent with the purposes of this Chapter.

101-61 - Special Sign Regulations for the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

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

101-611 - Area of permitted signs

LAST AMENDED
6/28/2004

Except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), all permitted #signs# in the Fulton Mall Subdistrict shall be subject to the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions), Section 101-612 (Sign band) and this Section.

101-612 - Sign band

LAST AMENDED
2/2/2011

(a) #Sign# located within the #sign# band

A #commercial# establishment located on the ground floor of a #building# may have one #sign# located on each #street# frontage within a #sign# band as defined in this Section.

The #sign# band shall have a lower limit of 10 feet above #curb level# and an upper limit coincident with the bottom of the lowest window sill on the second floor of a #building#, but in no event more than 15 feet above #curb level#. A #sign# located within the #sign# band may be applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be entirely within the #sign# band, shall be mounted horizontally, shall have a uniform color over its entire surface excluding perimeter frame or trim and shall extend the full length of the #street wall# of the establishment to which it is #accessory#, except that such #sign# board may be

interrupted by vertical architectural elements such as columns, pilasters or other integral architectural elements. Any background material shall be considered as a #sign# board, unless it extends the full length of the #street wall# of a #building# (or that portion of a #building# occupied by the establishment) and the full height of the #building# up to the topmost cornice. On #corner lots#, a #sign# or #sign# boards shall be the same vertical dimension and shall be mounted at the same height above the #curb level# on both #street# frontages.

If more than one #commercial# establishment is located on the ground floor of a #building#, the #signs# located within the #sign# band #accessory# to each such establishment shall consist of letters and symbols of approximately the same size for each establishment, either applied directly to the surface of the #building# or to a common #sign# board affixed to the surface of a #building#.

As of March 16, 1978, the owner or lessee of a #building# with more than one ground floor establishment shall be responsible (unless the #sign# is applied directly to the surface of the #building#) for specifying the requirements of a common #sign# board, which shall include, but are not limited to, vertical dimension, mounting height, background color, material, whether illuminated and method of illumination (if applicable) which shall be the same for each establishment and shall be adhered to by each establishment employing a #sign# board.

A #sign# #accessory# to #uses# on the upper floors of a #building# may be located within the #sign# band when it directs attention to a ground floor entrance of an establishment located on the upper floors of a #building#.

(b) #Signs# located below the #sign# band

#Signs# #accessory# to #commercial# establishments located on the ground floor of a #building# may be located between #curb level# and 10 feet above #curb level#. #Signs# in #show windows#, on doors, or on transoms above doors, shall not occupy more than 20

percent of the total area of such #show windows#, doors or transoms above doors in which they are displayed, and are limited to writing (including letter, word or numeral) not more than eight inches high. Such #sign# shall be applied directly to #show windows#, doors or transoms above doors, without background, or to a transparent panel hung behind the plane of the #show window# surface, door or transom above a door. Non-flashing #illuminated signs# (such as neon, etc.) shall be permitted providing that such #signs# are essentially transparent, i.e., without background or enclosure.

Incidental #signs#, identifying store name, address and hours of operation shall not exceed 10 square feet (including background) for an individual #sign# and shall not exceed, in aggregate (square feet), one-fifth the #street# frontage of the establishment but in no event more than 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#.

An establishment located above the ground floor of a #building# that has an entrance on the ground floor may have one #sign# directing attention to the entrance.

(c) #Signs# located above the #sign# band

#Signs# #accessory# to #commercial# establishments which occupy space above the ground floor of a #building# may be located between 20 feet and 40 feet above #curb level#. Such establishments may have #signs# in windows provided that such #sign# does not occupy more than 30 percent of the window to which it is applied, that the remainder of the window is transparent, and that all such #signs# for an establishment have similar size and style of writing, pictorial representation, emblem or any other figure of similar character. #Commercial# establishments which occupy space above the ground floor may have one #sign# located above the #sign# band which is applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be mounted horizontally, shall have a uniform color over its entire surface, excluding perimeter frame and trim, and shall not be located between windows. The total

#surface area# of all #signs# located above the #sign# band shall not exceed three times the #street# frontage of the #zoning lot# (in feet) but in no event more than 200 square feet on each frontage.

No #sign# or #sign# board shall extend above the parapet wall or shall obscure any cornice or window.

101-613 - Special sign content regulations

LAST AMENDED
6/28/2004

Except as further defined by the regulations of the #Special Downtown Brooklyn District#, permitted #signs# are limited to the following message:

store name;

symbol or logo;

address;

date of establishment; and

description of product or service offered.

101-614 - Sign illuminations

LAST AMENDED
6/28/2004

#Signs# may be illuminated by either:

(a) internal illumination; or

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

101-615 - Temporary signs

LAST AMENDED
6/28/2004

Temporary #signs# relating to sales or events of limited duration not to exceed 45 days may be displayed in a #show window# of a #building#. Such #signs# must be removed after the last day of the sale or event to which they pertain. Temporary #signs# shall not occupy more than 20 percent of the surface area of the window in which they are displayed.

101-616 - Removal of existing signs with change of use

LAST AMENDED
6/28/2004

When a change of #use# or occupancy occurs within the Fulton Mall Subdistrict, all #signs# pertaining to the previous #use# or occupancy shall be removed within 45 days of the date such

change takes place.

101-617 - "For sale" or "for rent" signs

LAST AMENDED
6/28/2004

"For sale" or "for rent" #signs#, with an area not exceeding 12 square feet, are permitted.

101-618 - Termination of certain non-conforming signs

LAST AMENDED
6/28/2004

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

#advertising signs#;

#flashing signs#;

#signs# located more than 40 feet above #curb level#;

roof #signs#;

#signs# extending above a parapet;

#signs# obscuring cornices and windows;

double or multi-faced #signs#; and

#signs# that project across a #street line# more than 12 inches.

Any #sign#, as of January 1, 1978, that forms an integral part of the surface of a #building or other structure# (such as a #sign# carved in stone, cast in metal or molded in terra cotta on a #building# whose facade is of such material) shall not be subject to the provisions of this Section.

101-62 - Special Bulk Regulations

LAST AMENDED
6/28/2004

101-621 - Special regulations concerning building facades

LAST AMENDED
6/28/2004

Any alteration to, or reconstruction of, the facade of an existing #building# shall be subject to the regulations of this Section, inclusive, but only to the extent of such work.

101-622 - Special provisions for building facades above the ground floor

LAST AMENDED
6/28/2004

Any alteration, #incidental alteration# or minor work done to the #street wall# of any #building# or portion of any #building# shall be accomplished in such matter that:

(a) such #street wall# is treated with consistent materials, color and texture from the top of any ground floor windows or #sign# board to the top or the parapet, or to the bottom of a cornice if a cornice exists (access doors or panels, grilles or similar features shall be as inconspicuous as possible); and

(b) where such #street wall# treatment covers any window opening, it shall completely cover all window openings in the #street wall#; or

(c) where window openings remain uncovered, all windows shall be treated in a similar manner or, if sealed, all windows shall be covered by a panel set at least two inches behind the plane of the wall. Except where the material used to seal window openings is the same as the wall of the #building#, the window panel shall have a single color over its entire surface. All such window panels shall have the same color.

101-63 - Modification of Accessory Off-street Parking and Loading Requirements

LAST AMENDED
12/10/2012

The parking regulations of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) shall apply, except as set forth in this Section, inclusive.

101-631 - Restricted access and prohibition on curb cuts

LAST AMENDED
6/28/2004

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

101-632 - Waiver of off-street parking and loading requirements

LAST AMENDED
6/28/2004

The Commissioner of Buildings may waive any requirement in this Chapter that #accessory# off-street parking or loading berths be provided where the Commissioner finds that the required parking or loading cannot be provided consistent with Section 101-631 (Restricted access and prohibition on curb cuts).

101-70 - ATLANTIC AVENUE SUBDISTRICT

LAST AMENDED
6/28/2004

101-701 - General purposes

LAST AMENDED
6/28/2004

The general goals of the Atlantic Avenue Subdistrict include, among others, the following purposes:

(a) to protect the existing scale and form of development on Atlantic Avenue, characterized by three- and four-story attached buildings with shops, built in the 19th century;

(b) to preserve and enhance street life by maintaining a mix of residential and commercial uses, encouraging a variety of retail and service uses while limiting automotive service uses; and

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

101-702 - Definitions specific to the Atlantic Avenue Subdistrict

LAST AMENDED
6/28/2004

For purposes of Sections 101-70 through 101-75, inclusive, concerning the Atlantic Avenue Subdistrict, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-01 or in this

Section.

Specified building type

Any #building# within the Atlantic Avenue Subdistrict erected prior to 1900, that has:

(a) a front wall for the full width of the #zoning lot# for a height of from two to five #stories#;

(b) a front wall of brick or stone, erected coincident with, or within five feet of, the #street line#, with windows at each #story# and a cornice at the parapet level; and

(c) a storefront at the #basement# or ground floor.

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

Specified storefront type

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

(a) #show windows# projecting beyond the front wall of the #building#, occupying a total area of at least 35 square feet and a sill height of not more than three feet and a total height of not less than eight feet, measured from #curb level#; and

(b) a projecting cornice above the storefront for its full width.

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

101-71 - Sign Regulations

LAST AMENDED
6/28/2004

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

101-711 - Total surface area of signs

LAST AMENDED
6/28/2004

The total #surface area# and number of all permitted #signs#, including non-#illuminated# and #illuminated signs#, shall not exceed the limitations set forth for non-#illuminated signs# in Section 101-712 (Area of non-illuminated signs).

101-712 - Area of non-illuminated signs

LAST AMENDED
2/2/2011

The total #surface area# (in square feet) of non-#illuminated signs# on a #zoning lot# shall not exceed three times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 150 square feet for #interior# or #through lots# or 150 square feet on each frontage for #corner lots#. Each #commercial# establishment shall be permitted not more than one #sign#. The vertical dimension of any #sign# shall not exceed three feet. The provisions of this Section shall not apply to projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection).

101-713 - Area of illuminated signs

LAST AMENDED
6/28/2004

The total #surface area# (in square feet) of #illuminated signs# on a #zoning lot# shall not exceed two times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#. The vertical dimension on any #illuminated sign# shall not exceed 2 feet, 6 inches, nor shall #illuminated signs# project more than 10 inches from the surface to which they are affixed.

101-714 - Permanent window graphics

LAST AMENDED
6/28/2004

Permanent window graphics may not occupy more than 20 percent of the total area of the window in which they are displayed. If such a permanent window graphic has letters more than three inches high, it shall count as a #sign#.

101-715 - Location of signs

LAST AMENDED
6/28/2004

If more than one #commercial# establishment is located on the same floor of a #building#, the #signs# #accessory# to all such establishments, except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), shall be of equal height and mounted or painted on a common #sign# board. All #signs# or common #sign# boards shall be located as follows:

(a) if #accessory# to #uses# on the ground floor of a #building#, the #sign# or common #sign# board shall be located within a band extending the full length of the #street wall#, which band shall have a lower limit of eight feet above the ground floor and an upper limit coincident with the bottom of the lowest window sill on the second floor, but in no event more than 16 feet above #curb level#;

(b) if #accessory# to #uses# on the upper floor of a #building#, the #sign# or common #sign# board shall be located between the highest window lintel of the floor on which the #use# is located and the lowest window sill of the floor above, but in no case more than 25 feet above #curb level#;

(c) no #sign# may be located so as to obscure any cornice, except that a non-#illuminated sign# may be attached to a cornice if such #sign# consists of individual letters, emblems or figures mounted on open metal mesh attached to the cornice and finished to match the cornice, provided that the cornice remains visible; and

(d) no #sign# or common #sign# board shall extend above the parapet wall or roof of the #building# on which it is displayed.

101-716 - Sign materials and colors

LAST AMENDED
6/28/2004

#Signs# may be fabricated of any opaque material that does not have a glossy or reflective surface, except that glossy translucent material may be used:

(a) in areas where the intent is to imitate or replace glass, as in transoms; or

(b) for individual letters in internally lit #illuminated signs#.

Background colors for #signs# or common #sign# boards shall be limited to black, navy blue, dark green, maroon or bronze.

101-72 - Modification of Bulk Regulations

LAST AMENDED
6/28/2004

101-721 - Height and setback

LAST AMENDED
12/5/2024

Special #street wall# location regulations are set forth in Section 101-41.

101-73 - Special Provisions

LAST AMENDED
6/28/2004

101-731 - Special provisions for certain existing buildings

LAST AMENDED
2/2/2011

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

(a) Alteration or reconstruction of storefronts shall comply with the provisions of Section 101-734.

(b) Front walls which are replaced shall be erected to the same height and at the same location as the original walls. Replacement or repair of front walls shall be done with the same material as the original walls, except that stone may be replaced by another material finished in such a manner as to match the appearance of the original walls. Finishes and colors of front walls shall be of an approved type, as indicated in Appendix C of this Chapter.

(c) Front walls which are replaced shall have windows at each floor, the area of which shall comply with the provisions of Section 101-733 (Special provisions for development and enlargement). Such windows shall have stone or precast lintels and sills having a minimum height of six inches and extending at least four inches beyond the window opening on either side. Existing window openings above the ground floor may not be reduced in size but may be completely sealed if the window area provisions of Section 101-733 are met. Such openings shall be completely sealed with masonry recessed at least two inches behind the wall and finished to match the wall. New windows shall be double-hung, fixed or casement sash finished in an approved manner, as indicated in Appendix D of this Chapter.

(d) No existing cornice shall be removed unless required by the Department of Buildings. A cornice that must be removed shall be replaced by a new cornice having the same height,

length and projection beyond the surface of the wall and finished in an approved color, as indicated in Appendix D of this Chapter.

101-732 - Special provisions for other existing buildings

LAST AMENDED
2/2/2011

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

(a) alteration or replacement of storefronts shall comply with the provisions of Section 101-734; and

(b) alteration or replacement of front walls shall comply with the provisions of Sections 101-721 (Height and setback) and 101-733 (Special provisions for development and enlargement).

101-733 - Special provisions for development and enlargement

LAST AMENDED
2/2/2011

The front wall of any #development# or #enlargement#, or the front wall of any #building# where the height or width of a #street wall# is proposed to be increased, shall be built to comply with the following standards:

(a) The front wall shall extend along the full length of the Atlantic Avenue #street line#. It may be interrupted at the ground level by entrances or exits for off-street parking or loading spaces

permitted pursuant to Section 101-744 (Special permit for public parking garages or public parking lots).

Front wall recesses are permitted for architectural purposes provided that the aggregate length at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed three feet. No recesses are permitted within 20 feet of the intersections of two #street lines# forming an angle of 100 degrees or less.

(b) Windows shall occupy at least 35 percent of the wall area at the level of any #story# above the ground floor. (For the purposes of calculation, the wall height at any #story# shall be measured between the floor and ceiling of that #story#.)

(c) Window and door framing trim shall be finished in an approved color as indicated in Appendix D of this Chapter.

101-734 - Special provisions for storefronts

LAST AMENDED
6/6/2024

No storefront of the #specified storefront type# shall be demolished unless its demolition is required by the Department of Buildings. Reconstruction or repair of storefronts of the #specified storefront type# shall be done in such a manner as to retain or restore the original design and materials, except that plate glass may be replaced by transparent plastic. Such storefronts shall be finished in an approved manner, as indicated in Appendix D of this Chapter.

New storefronts installed in any existing or new #building# shall comply with the #ground floor level# streetscape provisions of Section 101-11 (Special Ground Floor Use Regulations) and the following

standards:

(a) A storefront installed in a #building# of the #specified building type# shall occupy at least the same area of the front wall as the original storefront. A storefront installed in any other #building# shall occupy the entire frontage of the front wall devoted to #commercial uses#.

(b) Storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#.

(c) In the case of existing #buildings#, no existing cornice above a storefront shall be demolished unless required by the Department of Buildings. A cornice which is removed shall be replaced by a cornice having the same length, height and projection beyond the surface of the front wall. In any #building# of the #specified building type# where the original cornice above the storefront has been previously removed, any new storefront shall incorporate a cornice or fascia extending the full length of the store front and having a minimum height of two feet.

(d) All framing elements, trim elements, doors, etc., of the storefront shall be finished in an approved manner, as indicated in Appendix D.

(e) Any awning or canopy attached to a #building# with a storefront which incorporates a cornice shall be attached in such manner as not to obscure or cover the cornice.

101-74 - Modification of Accessory Off-street Parking and Loading Requirements

LAST AMENDED
12/10/2012

The provisions of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, shall not apply within the Atlantic Avenue Subdistrict.

101-741 - Accessory off-street parking

LAST AMENDED
12/5/2024

No #accessory# off-street parking facilities are required for any #residential# or #commercial# #development#, or portion thereof, within the Atlantic Avenue Subdistrict. In no case shall the number of permitted #accessory# off-street parking spaces for #residential use# exceed 40 percent of the number of #dwelling units#.

In no case shall curb cuts for vehicular access be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Atlantic Avenue Subdistrict.

The parking requirements set forth in Sections 25-31 or 36-21 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

101-742 - Screening

LAST AMENDED
6/28/2004

Any permitted #accessory# off-street parking area, regardless of size or location, shall be screened from all adjoining #zoning lots# and #streets# by screening that complies with the provisions of Section 36-55 (Screening) and which, in the case of a wall or barrier or uniformly painted fence, is finished in an approved color as indicated in Appendix D of this Chapter.

101-743 - Accessory off-street loading

LAST AMENDED
2/2/2011

Curb cuts for vehicular access to #accessory# off-street loading berths shall not be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. However, the City Planning Commission may, by authorization, permit a curb cut on Atlantic Avenue, provided that:

(a) such curb cut is a relocation of an existing curb cut on the #zoning lot#; and

(b) such curb cut will not unduly inhibit surface traffic and pedestrian flow along Atlantic Avenue.

The loading berth requirements of Section 25-72 or 36-62 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required loading berths with access to a #street# in conformity with the provisions of this Section.

All #accessory# off-street loading berths shall be enclosed within a #building#.

101-744 - Special permit for public parking garages or public parking lots

LAST AMENDED
12/5/2024

The City Planning Commission may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in

Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-54 (Surfacing) and 36-55 (Screening), are met and that no roof parking is permitted. The Commission may permit floor space on one or more #stories#, and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less; and

(c) where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

101-75 - Special Provisions for Demolition of Buildings

LAST AMENDED
2/2/2011

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

(a) the owner of the property has obtained a building application approval for the new #development# or #enlargement#; and

(b) the owner shall have presented evidence of having a commitment from a domestic bank, insurance company or real estate investment company, for construction financing, which shall be in the form of a letter trust.

101-80 - SPECIAL PERMITS

LAST AMENDED
6/17/2013

101-81 - Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

LAST AMENDED
12/5/2024

In order to support a concentration of cultural #uses# and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural #uses#, the City Planning Commission may permit the maximum #community facility# #floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of paragraph (a) of Section 23-736 (Special height and setback regulations for sky exposure plane buildings) as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section.

For the purposes of this Section, "cultural use" shall be defined as the following #uses#:

From Use Group III

Libraries

Museums

From Use Group VIII

Art galleries

Art, music, dancing or theatrical studios

Theaters

Historical exhibits

Floor space occupied by such cultural #use# shall qualify as #community facility# #floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) of this Section shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

(a) Conditions

(1) A letter from the Office of the Mayor shall be submitted certifying that:

(i) a preliminary agreement has been executed providing for a cultural facility consisting of at least 40,000 square feet of interior gross square feet in the #building# to be transferred for cultural #uses# and for the construction of the

core and shell of such cultural facility by the applicant; and

(ii) floor plans have been provided to the Office of the Mayor which demonstrate that the cultural facility is well-suited for cultural #uses#; and

(2) A legal commitment in the form of a declaration of restrictions shall be executed and delivered to the City for recording upon the approval of the permit, restricting use of the #floor area# to be occupied by cultural #uses# to cultural #use# for the life of the related #development#, provided that in the event the majority of the #zoning lot# containing such #floor area# is in the ownership of a not-for-profit corporation under contract with the City to provide economic development services at the time of the grant of such permit, execution and recordation of such declaration of restrictions shall be made at the time of the transfer of ownership of the majority of such #zoning lot# for purposes of facilitating the related #development#.

(b) In order to grant such permit, the Commission shall find that:

(1) the #building#, including such cultural #uses#, is designed and arranged on the #zoning lot# in a manner that results in ample visibility of and access to the cultural #uses# from surrounding #streets#;

(2) any #street wall# modifications will facilitate access to #open space# on the lot and result in a #development# that activates the pedestrian environment;

(3) any #bulk# modifications will result in a better distribution of #bulk# on the #zoning lot# by providing for increased light and air to #open space# on the #zoning lot#;

(4) the appearance of #bulk# is minimized through an enhanced articulation of the base and tower elements of the #building#, an enhanced relationship between the #building# and the #open space# on the #zoning lot#, and an enhanced amount and arrangement of the fenestration of the #building#; and

(5) any modifications to #sign# regulations will result in greater visibility for the cultural #uses# provided on the #zoning lot#.

The Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(c) Certificate of occupancy

The Commissioner of Buildings shall not issue a temporary or permanent certificate of occupancy for more than an amount of #floor area# in the #building# equal to the #floor area# to be occupied by non-cultural #uses# minus 40,000 square feet of #floor area# unless the Department of Buildings has received a letter from the Office of the Mayor certifying that a deed transferring ownership of a majority of the #zoning lot# has been recorded and that such deed or other recorded document provides for:

(1) the construction by transferee of the core and shell of the cultural facility described in paragraph (a)(1)(i) of this Section;

(2) the creation of a condominium unit for such cultural facility and the transfer of ownership thereof to the City; and

(3) a right of the transferor to re-enter and re-acquire the #zoning lot# should the applicant fail to complete the construction of the core and shell of the cultural facility.

Should the certification by the Office of the Mayor not be issued within 30 days of the recording of the deed or other document with the stated provisions, a copy of such deed or document may be provided to the Department of Buildings in satisfaction of such certification.

101-82 - Modification of Bulk Regulations for Certain Buildings on Irregular Sites

LAST AMENDED
6/6/2024

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after March 13, 2019, and in C6-4 and C6-6 Districts within the #Special Downtown Brooklyn District#, mapped on or after October 21, 2021, for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no #uses# listed under Use Group V shall be permitted in any portion of the #building# receiving such modifications, and:

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

(c) the proposed modifications are limited to the minimum needed to relieve such difficulties;

(d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and

(e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

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

LAST AMENDED
6/28/2004

The following is a list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that conform to the definition of #specified building type# contained in Section 101-702.

Block 176

Atlantic Avenue (NS): 305, 311, 313, 315, 317, 321, 323, 325, 327, 329

Block 177

Atlantic Avenue (NS): 347, 349, 351, 355, 365-7, 369, 371, 373, 375, 377, 377A, 385, 387, 389, 395

Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 455, 457, 477, 479, 481, 483, 485, 487, 491, 495, 497, 499, 501

Third Avenue (ES): 31-31A

Block 180

Atlantic Avenue (NS): 565, 567, 569, 571, 573

Times Plaza: 2, 6, 8, 10, 12

Flatbush Avenue: 112, 114, 116, 118, 122

Block 181

Atlantic Avenue (SS): 214, 220, 228, 232, 234

Block 182

Atlantic Avenue (SS): 294, 296, 298, 300, 302, 304-6, 308, 320, 322, 324, 326, 334, 336, 338, 340

Block 183

Atlantic Avenue (SS): 348, 352, 356, 358, 360, 362, 364-64A, 370, 372, 374, 376, 378, 380, 394, 396, 398, 400, 402

Block 184

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 414, 416, 418, 420, 426, 442, 444, 446, 448, 450

Block 185

Atlantic Avenue (SS): 490, 492, 514

Block 186

Atlantic Avenue (SS): 558, 560

Block 278

Atlantic Avenue (SS): 278, 290

Court Street (ES): 141, 143, 145

(SS) - south side

(NS) - north side

(ES) - east side

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

LAST AMENDED
6/28/2004

The following list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that contain storefronts conforming to the definition of #specified storefront type# contained in Section 101-702.

Block 177

Atlantic Avenue (NS): 371, 375, 377, 377A

Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 483, 501, (easterly of 2 storefronts)

Block 181

Atlantic Avenue (SS): 232

Block 182

Atlantic Avenue (SS): 302 (westerly of 2 storefronts), 322, 340

Block 183

Atlantic Avenue (SS): 358, 360, 362, 364-364A, 370, 372, 394, 396, 398, 402

Block 189

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 416, 420, 426

Block 185

Atlantic Avenue (SS): 492

Block 278

Atlantic Avenue (SS): 278

(SS) - south side

(NS) - north side

(ES) - east side

Appendix C - Atlantic Avenue Subdistrict: Permitted Wall Finishes for Street Walls

LAST AMENDED
2/2/2011

Brick: New brick shall be red or dark brown, unglazed, with normal variation in color permitted. Existing brick shall either be cleaned and left unfinished or painted one of the colors listed below.

Stucco: Stucco shall have a smooth troweled finish and shall be painted one of the colors listed below.

Stone: Stone shall be left natural or painted one of the colors listed below.

Paint Colors: Paints shall be limited to the colors listed.

White Limestone

Red Brick

Green

Blue

Light Yellow

Dark Yellow

Appendix D - Atlantic Avenue Subdistrict: Permitted Trim Finishes (for storefronts, cornices, window sash, shutters or trim)

LAST AMENDED
2/2/2011

Wood: All wood should be painted one or more of the colors listed below.

Metal: All metal should be painted one or more of the colors listed below, except that aluminum may have a dark bronze or black duranodic finish.

Paint Colors: Paints shall be limited to the colors listed, and should be of the semi-gloss low luster variety.

White Cream

Dark Red

Ochre

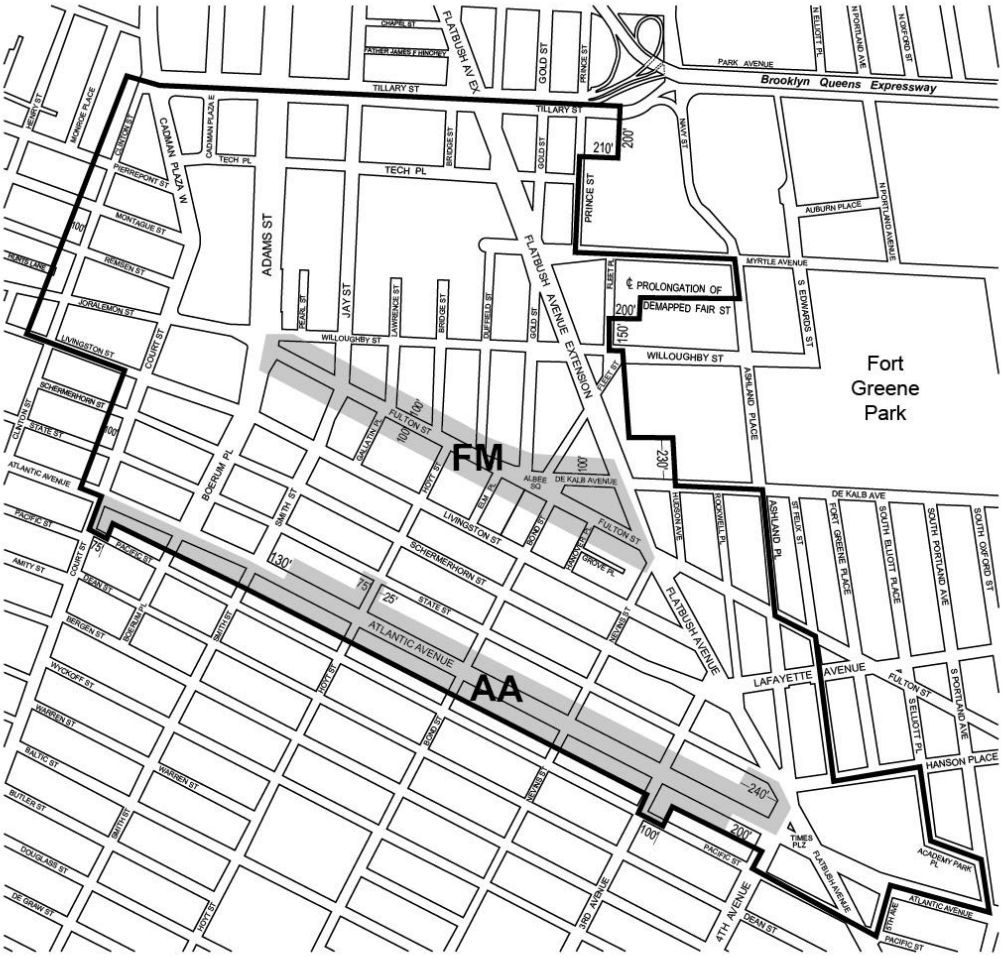
Dark Blue

Dark Brown

Appendix E - Special Downtown Brooklyn District Maps

LAST AMENDED
12/5/2024

Map 1 — Special Downtown Brooklyn District and Subdistricts (12/10/19)

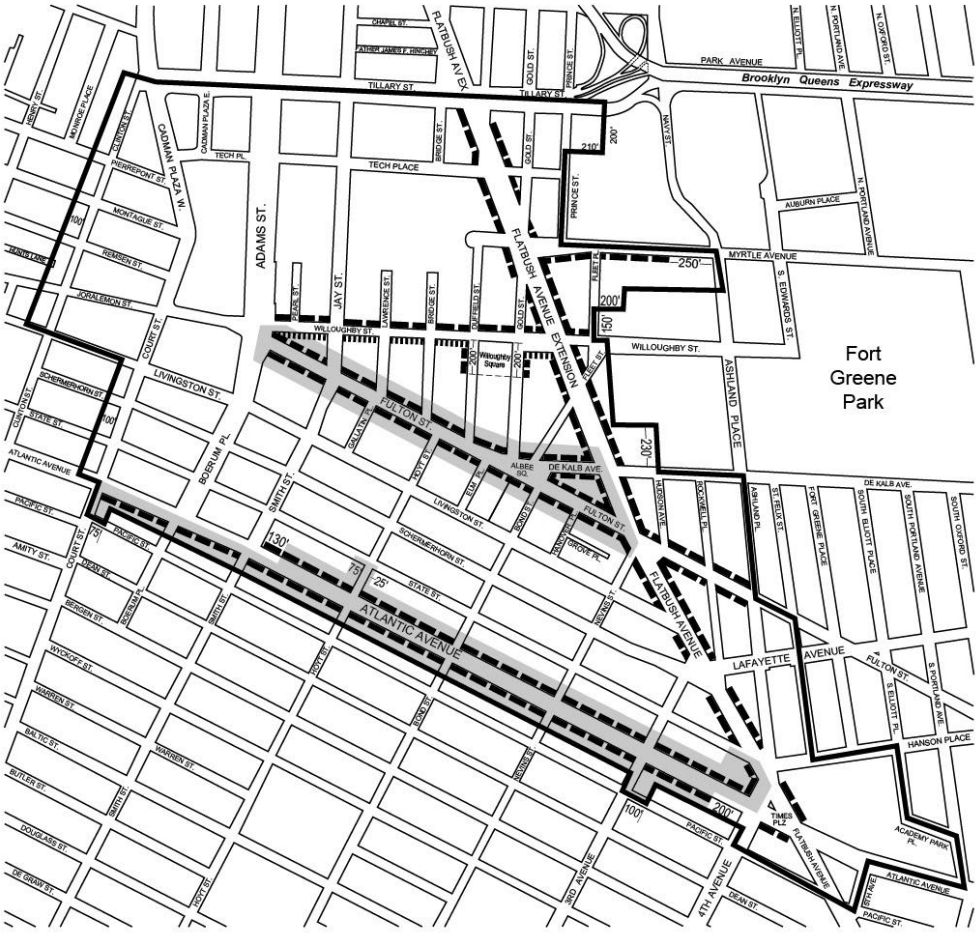


Special Downtown Brooklyn District

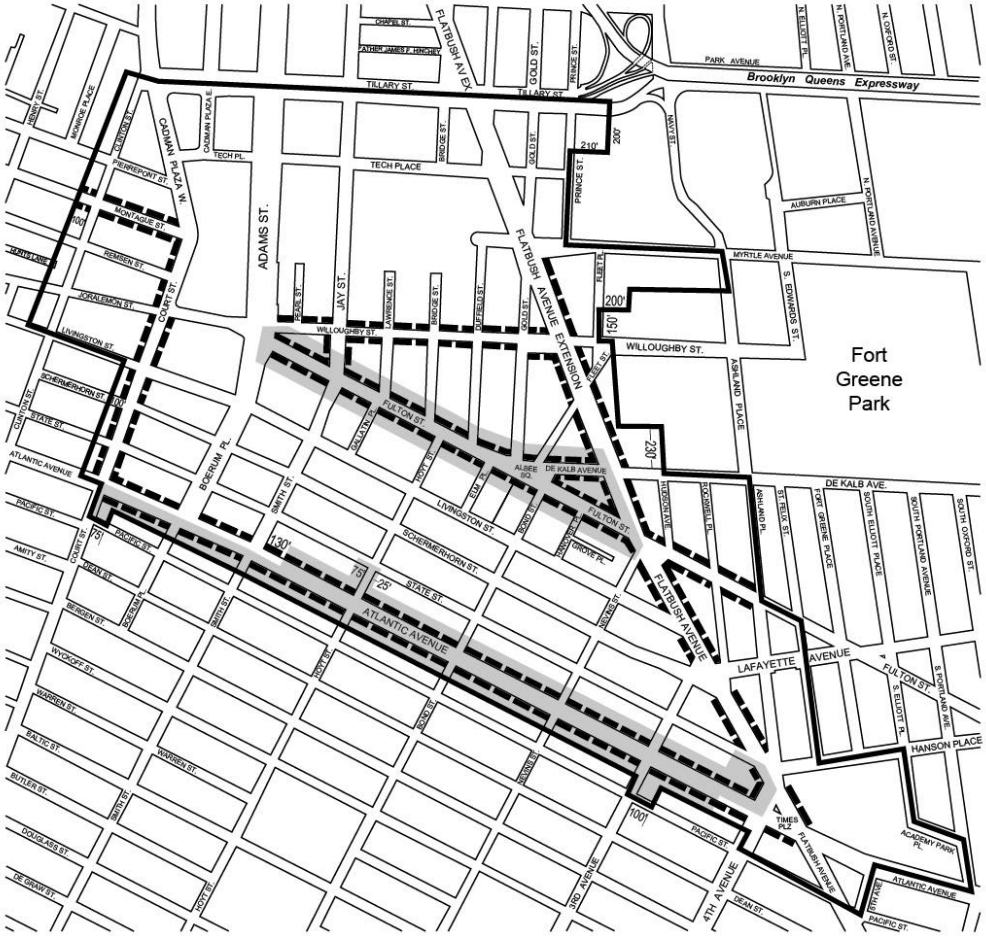
AA Atlantic Avenue Subdistrict

FM Fulton Mall Subdistrict

Map 2 — Ground Floor Retail Frontage (6/6/24)



6/24)



Special Downtown Brooklyn District

Curb Cut Prohibition

Curb Cut Prohibitions, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict

Map 5 — Height Limitation Areas (12/5/24)

Map 6 — Subway Station Improvement Areas (6/6/24)



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Special Scenic View District (SV-1)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 2 - Special Scenic View District (SV-1)

102-00 - GENERAL PURPOSES

LAST AMENDED
10/24/1974

The "Special Scenic View District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

(a) to preserve, protect and prevent obstruction of outstanding scenic views as seen from a mapped public park or an esplanade or a mapped public place directly accessible to the public; and

(b) to promote the most desirable use of land and direction of building development, to assure the maintenance and enhancement of the aesthetic aspects of scenic views, to conserve the value of land and buildings and to protect the City's tax revenues.

102-01 - Definitions

LAST AMENDED
2/2/2011

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

Scenic view

A "scenic view" is an outstanding or unique view from a mapped #public park# or an esplanade or a mapped public place which is protected by the regulations of this Chapter. #Scenic views# shall be limited to:

(a) distant landscapes of scenic grandeur which contain natural features such as hills, palisades or similar features;

(b) outstanding views of large bodies of water such as rivers, streams, lakes, harbors, waterfalls or similar aquatic features; or

(c) panoramic views of the waterfront profile of the skyline formed by built and natural elements.

The minimum horizontal distance between the #scenic view# and a #view reference line# shall be at least 1,500 feet and shall not contain distractions which reduce the quality of such view. The specific view to be preserved under the regulation of this #Special Scenic View District# shall be described and made part of this Chapter.

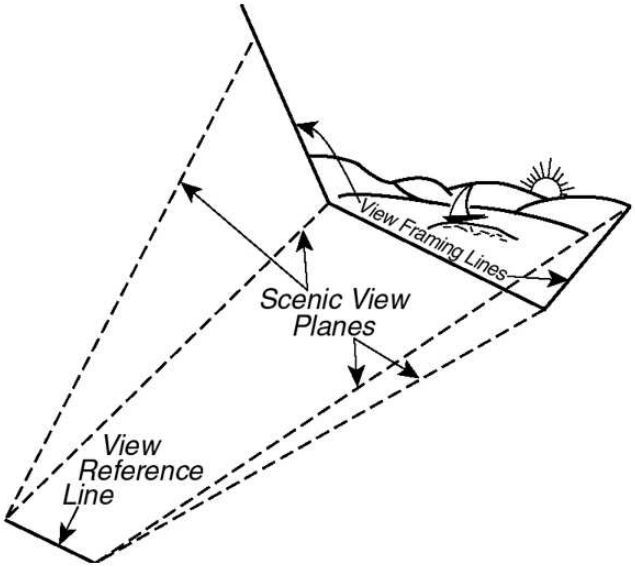
View framing line

The "view framing line" is a line or lines which establish the outer edge of the #scenic view# to be protected. For each #scenic view#, the #view framing line# or #lines# and their elevation are to be located and identified and made part of this Chapter.

View plane

A "view plane" is an imaginary plane above which no obstruction shall be permitted within a #Special Scenic View District# unless authorized by the City Planning Commission. Position of the #view

plane# may be conical surfaces. Such #view plane# or #planes# are established by joining the #view reference line# with the #view framing lines# as illustrated below:



#View planes# and their elevation, length and slopes applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

View reference line

The "view reference line" is a line within a mapped #public park# or an esplanade or a mapped public place from which at any point an outstanding #scenic view# may be observed. A #view reference line# and its elevation applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

The mapped #public park# or an esplanade or a mapped public place in which such #view reference line# is located shall be directly accessible from a #street#.

102-02 - General Provisions

LAST AMENDED
2/2/2011

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Scenic View District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as so modified, all the applicable regulations of the underlying districts shall be in effect.

#Special Scenic View Districts# may be mapped only in areas where the control of the height of a #building or other structure#, including #signs#, is necessary to preserve outstanding #scenic views# from a mapped #public park# or an esplanade or a mapped public place.

102-021 - Requirement for application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for a special permit pursuant to Section 102-30, shall include maps, plans or other documents showing topography, elevations, and site plans showing arrangement and spacing of #buildings or other structures#, and other information necessary to determine the impact of the proposal on the #scenic view# to be protected.

102-023 - Relationship to public improvement projects

LAST AMENDED
2/2/2011

In all cases, the City Planning Commission shall deny a special permit application whenever the proposal will interfere with a public improvement project (including highways, public #buildings# and facilities), redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate, the City Planning Commission, or the Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

102-10 - HEIGHT REGULATIONS FOR BUILDINGS, SIGNS OR STRUCTURES

LAST AMENDED
2/2/2011

Notwithstanding any other provisions of this Resolution, no portion of any #building or other structure# hereafter constructed, or of any #sign# hereafter erected, or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed, shall penetrate a #view plane# unless authorized by the City Planning Commission, pursuant to Section 102-30 (SPECIAL PERMIT PROVISIONS).

102-11 - Damage, Destruction or Demolition

LAST AMENDED
10/24/1974

If an existing #building or other structure# which penetrates the #view plane# of a #Special Scenic View District# is damaged, destroyed or demolished by any means, such #building or other structure# may be reconstructed provided that such reconstruction shall not create a new #non-

compliance# nor increase the pre-existing degree of #non-compliance#.

102-20 - MANDATORY LANDSCAPING PLAN

LAST AMENDED
10/24/1974

The requirements of this Section shall apply to #zoning lots#, any portion of whose finished ground elevation is within 30 feet of the elevation of the #view plane# located above the #zoning lot#. At the time of filing with the Department of Buildings, for any application for an excavation permit or a building permit for a #development# or #enlargement# or site improvement on such

#zoning lots# within a #Special Scenic View District#, a landscaping plan shall be submitted to the City Planning Commission indicating that future landscaping on the site will not impair #scenic views# from the #view reference line#. Such plan shall indicate existing topography, trees, shrubs, #buildings or other structures# and proposed landscaping. All future landscaping on the site shall be in accordance with the approved landscaping plan on file with the Commission. The Commission shall submit a copy of the approved landscaping plan to the Department of Buildings or other appropriate city agency having jurisdiction.

102-30 - SPECIAL PERMIT PROVISIONS

LAST AMENDED
2/2/2011

On all #zoning lots# located entirely or partially within a #Special Scenic View District#, the City Planning Commission, by special permit, may allow penetration by a #sign# or #building or other

structure# of a #view plane# and grant minor modifications of #open space#, #lot coverage#, #yards# and height and setback regulations of the underlying district. As a condition for such modifications, the Commission shall find:

(a) that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter;

(b) that any penetration of a #view plane# will cause the minimal obstruction consistent with reasonable development and #bulk# distribution on the #zoning lot#; and

(c) that any #bulk# modifications on a #zoning lot# will not affect adversely any other #zoning lots# outside the development, by restricting access of light and air.

In reaching a determination for such modifications, the Commission shall be guided by the description of the #scenic view# to be made part of this Chapter at the time of the designation of a #Special Scenic View District#.

The Commission may prescribe appropriate conditions and safeguards to protect the #scenic view# and to minimize the adverse effects on the character of the surrounding areas.

102-40 - SPECIAL DISTRICT DESIGNATION ON PUBLIC PARKS

LAST AMENDED
10/24/1974

When a #Special Scenic View District# is designated on a #public park# or portion thereof, any future landscaping, erection of new #signs# or #buildings or other structures#, thereon, shall not penetrate a #view plane# unless authorized by the City Planning Commission. As a condition for such authorization, the Commission shall find that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter.

102-50 - SPECIAL PROVISIONS FOR CITY-OWNED LANDS

LAST AMENDED
10/24/1974

For any #development# or site improvement on a city-owned #zoning lot# located within a #Special Scenic View District#, the provisions of this Chapter shall apply except that modifications permitted under Section 102-30 (SPECIAL PERMIT PROVISIONS) may be approved by authorization of the City Planning Commission.

102-60 - SPECIAL SCENIC VIEW DISTRICTS SPECIFIED

LAST AMENDED
10/24/1974

102-61 - SV-1 Brooklyn Heights Scenic View District

LAST AMENDED
10/24/1974

The SV-1 "Brooklyn Heights Scenic View District" is hereby established. The regulations of Sections 102-00 to 102-50, inclusive, as well as the regulations of this Section, inclusive, shall be applicable in this Special District.

102-611 - District boundary description

LAST AMENDED
10/24/1974

The boundaries of the SV-1 District as shown on the #zoning maps# shall be interpreted in accordance with the following description.

The SV-1 District is bounded by:

(a) the #view reference line# located along the westerly face of the Brooklyn Heights Promenade;

(b) the northwesterly edge of the #view plane# which forms an angle of 160 degrees measured in a horizontal plane with respect to the #view reference line# at point A;

(c) the southwesterly edge of the #view plane# which forms an angle of 145 degrees, measured in a horizontal plane, with respect to the #view reference line# at point A1; and

(d) the pierhead line which is located between the intersection of the northwesterly and southwesterly #view framing lines# and the pierhead line.

102-612 - View reference line

LAST AMENDED
10/24/1974

The #view reference line# of the SV-1 Special District is a line at an elevation of 66 feet located along the westerly vertical face of the Brooklyn Heights Promenade and which is approximately four feet above the Promenade. The #view reference line# is formed by joining two end points, A and A1, as

shown in Diagram 1.

Point A is located at the intersection of the westerly face of the Promenade and the prolongation of the north side of Orange Street.

Point A1 is located 50 feet north of the intersection of the westerly face of the Promenade and the prolongation of the north side of Remsen Street.

102-613 - View framing line

LAST AMENDED
10/24/1974

The #view framing line# of the SV-1 Special District is a line which establishes the outer edge of the #scenic view# to be protected. The two extreme ends of the #view framing line# are points B1 and B4 (Diagram 1).

The elevation of the #view framing line# at all points between B1 and B4 is 2.5 feet as shown in Diagram 2.

102-614 - View plane

LAST AMENDED
10/24/1974

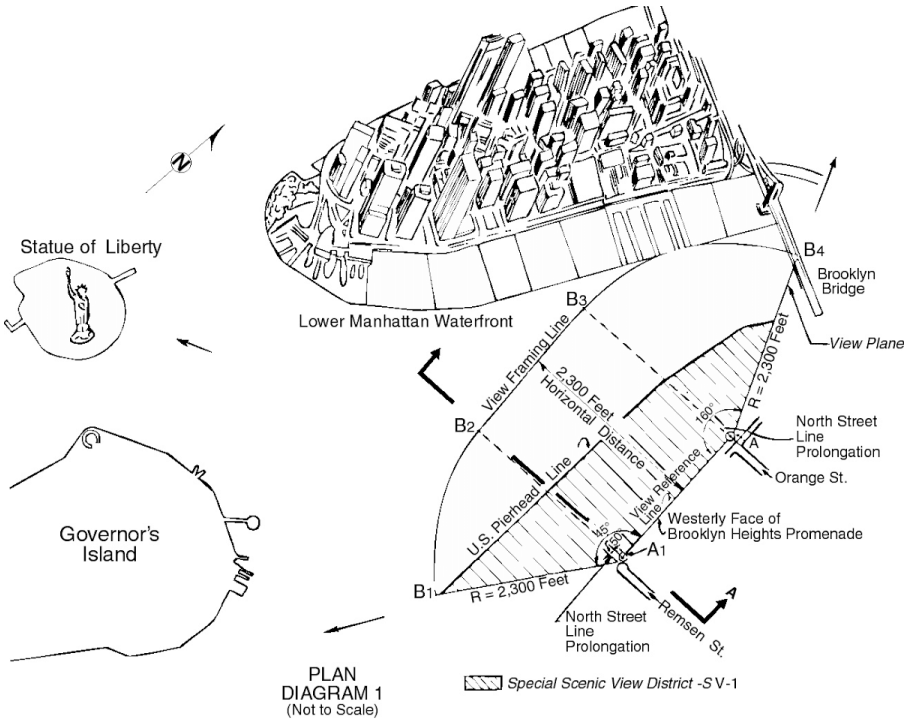
The #view plane# of the SV-1 Special District is an imaginary plane formed by joining the elevation of the #view reference line# with the elevation of the #view framing line# as shown in Diagram 2. The horizontal distance between the #view reference line# and the #view framing line# is 2,300 feet.

Those portions of the plane formed by points A, B3, B4 and A1, B1, B2 are conical surfaces.

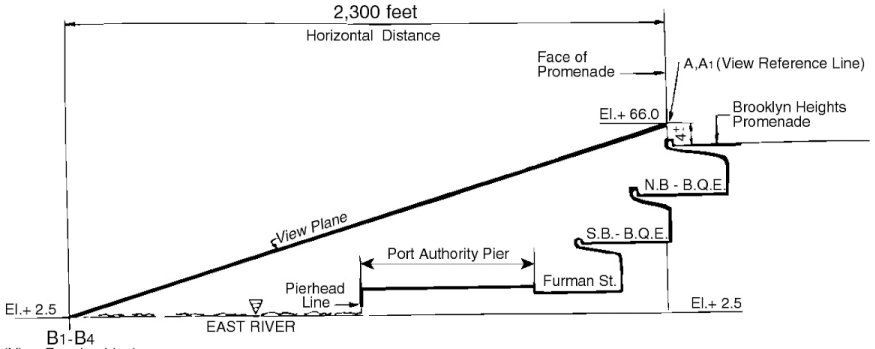
102-615 - Description of scenic view

LAST AMENDED
10/24/1974

The #scenic view# to be protected pursuant to the provisions of this Section includes: the panoramic view of the lower Manhattan skyline which includes such landmarks as the Brooklyn Bridge archway, the South Street Seaport, the Whitehall Ferry Terminal, and the vistas of the Statue of Liberty and Governors Island.



PLAN
DIAGRAM 1
(Not to Scale)



SECTION A-A
DIAGRAM 2
(Not to Scale)

SV-1 BROOKLYN HEIGHTS SCENIC VIEW DISTRICT

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Special Planned Community Preservation District (PC)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 3 - Special Planned Community Preservation District (PC)

103-00 - GENERAL PURPOSES

LAST AMENDED
6/10/2009

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;

(b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;

(c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;

(d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and

(e) to guide development within each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

103-01 - Establishment of Special Planned Community Preservation District

LAST AMENDED
2/2/2011

The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:

(a) have a land area of at least 1.5 acres;

(b) contain a minimum of three #buildings#;

(c) were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and

(d) include considerable clustered #open space# and related #commercial# #uses# available to all residents of the District.

The Commission has found that existing site plans resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned residential community.

103-02 - Special Planned Community Preservation District Areas

LAST AMENDED
7/18/1974

The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the #zoning maps#:

Fresh Meadows in the Borough of Queens

The Harlem River Houses in the Borough of Manhattan

Parkchester in the Borough of the Bronx

Sunnyside Gardens in the Borough of Queens.

103-10 - GENERAL PROVISIONS

LAST AMENDED
8/15/2024

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, no #development#, #enlargement#, or substantial alteration of landscaping or topography, shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permit for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

No demolition of #buildings# shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, of the New York City Administrative Code, or its successor, except that such demolition may be permitted pursuant to a development plan for which a

special permit has been granted under the provisions of Sections 103-11 and 103-12.

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

103-11 - Special Permits for Bulk and Parking Modifications

LAST AMENDED
12/5/2024

(a) For any #development# or #enlargement#, either of which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:

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

(2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the development to be distributed without regard for #zoning lot lines#;

(3) minor variations in the #yard# regulations required by the applicable district regulations;

(4) minor variations in the height and setback regulations required by the applicable district regulations;

(5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-371 (Distance between buildings); or

(6) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the development, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).

(b) In order to grant such special permits, the City Planning Commission shall make the following findings:

(1) that the #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the community;

(2) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that currently exists, consistent with the scale and design of the existing development, the landscaping surrounding the new landscaping arrangement, and conditions of the community;

(3) that the #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish

the environmental quality of the community; and

(4) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.

(c) Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the Commission shall authorize waiver of all or part of the required parking.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit in order to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform to the intentions of the #Special Planned Community Preservation District#.

103-12 - Special Permit for Landscaping and Topography Modifications

LAST AMENDED
6/10/2009

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

103-13 - Requirements for Application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial modification of landscaping or topography to be made within the Special District, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

103-14 - Recordation

LAST AMENDED
2/2/2011

At the time of any transfer of development rights which has been authorized by special permit under Section 103-11, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further development of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots

to which such transfer is made.

103-20 - SPECIAL REGULATIONS FOR SUNNYSIDE GARDENS

LAST AMENDED
6/10/2009

In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable.

The special permit provisions of Sections 103-11 (Special Permit for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.

103-21 - Curb Cuts

LAST AMENDED
12/5/2024

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Special Manhattanville Mixed Use District (MMU)

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Chapter 4 - Special Manhattanville Mixed Use District (MMU)

104-00 - GENERAL PURPOSES

LAST AMENDED
7/26/2001

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

(a) to encourage the development of a mixed use neighborhood that complements a revitalized community-oriented waterfront;

(b) to support a variety of community facility, commercial and manufacturing uses;

(c) to provide opportunities for the expansion of large academic, scientific and mixed use facilities in a manner that benefits the surrounding community;

(d) to strengthen the retail and service character and economic vitality of the neighborhood by encouraging active ground floor uses along Broadway, West 125th Street and 12th Avenue;

(e) to facilitate the maximum amount of design flexibility while fulfilling the goals of the mixed use district;

(f) to improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;

(g) to strengthen the visual corridors along West 125th Street and other east-west corridors that connect the community to the waterfront;

(h) to expand local employment opportunities;

(i) to recognize, preserve and promote the existing historic transportation infrastructure of the neighborhood;

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

104-01 - Definitions

LAST AMENDED
12/19/2007

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Lower street wall

"Lower street wall" is that portion of the #street wall# of a #building# that extends from grade to the height set forth in Section 104-33, paragraph (a).

Mandatory widened sidewalk

A "mandatory widened sidewalk" is a paved area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. #Mandatory widened sidewalks# are shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter.

Mandatory widened sidewalk line

A “mandatory widened sidewalk line” is the line shown on Map 3 in Appendix A of this Chapter.

Upper street wall

“Upper street wall” is that portion of the #street wall# of a #building# that extends from the #lower street wall# to the maximum #building# height set forth for each Parcel in the Base Plane and Building Height Table in Appendix B of this Chapter, or the height of the #building#, whichever is less.

104-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

104-03 - District Plan and Maps

LAST AMENDED
12/19/2007

The regulations of this Chapter are designed to implement the #Special Manhattanville Mixed Use District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendix A of this Chapter:

Map 1 Special Manhattanville Mixed Use District and Subdistricts

Map 2 Subdistrict A Block Plan

Map 3 Widened Sidewalk Lines

Map 4 Street Wall Types and Locations

Map 5 Parcel Designation and Maximum Building Heights

Map 6 Ground Floor Use and Frontage

Map 7 Mandatory Open Areas

The District Plan includes the following table in Appendix B of this Chapter:

Base Plane and Building Height Table

These maps, diagrams and table are hereby incorporated and made part of this Resolution for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

104-04 - Subdistricts

LAST AMENDED
12/19/2007

In order to carry out the provisions of this Chapter, three subdistricts are established, as follows:

Subdistrict A – Academic Mixed Use Area

Subdistrict B – Waterfront Area

Subdistrict C – Mixed Use Development Area

The location of the subdistricts of the #Special Manhattanville Mixed Use District# is specified on Map 1 in Appendix A of this Chapter.

104-10 - SPECIAL USE REGULATIONS

LAST AMENDED
12/19/2007

The #use# regulations of the underlying C6 Districts are modified in Sections 104-11 through 104-18, inclusive.

104-11 - Residential Use Modifications

LAST AMENDED
6/6/2024

The #residential use# regulations of the underlying C6-1 District are modified, as follows.

In Subdistrict A, a #residential use# may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section 104-13 (Commercial and Manufacturing Use Modifications), inclusive, only in accordance with the certification provisions of Section 104-14.

104-12 - Community Facility Use Modifications

LAST AMENDED
6/6/2024

The #community facility use# regulations of the underlying C6-1 and M1-2 Districts are modified, as follows:

(a) in Subdistrict A, #uses# listed under Use Group III(A) may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section 104-13 (Commercial and Manufacturing Use Modifications), inclusive, only in accordance with the certification provisions of Section 104-14.

(b) in Subdistrict B, #uses# listed under Use Group III permitted in the underlying M1-2 District, pursuant to Sections 42-10 (USE ALLOWANCES), inclusive, and 74-133 (Other community facility uses in M1 Districts), inclusive, shall be limited to 5,000 square feet of #floor area# per establishment

104-13 - Commercial and Manufacturing Use Modifications

LAST AMENDED
6/6/2024

(a) In Subdistricts A and C, the #use# regulations of a C6 District shall apply except that additional #uses# allowed in M1 Districts within a #Special Mixed Use District#, as set forth in Section 123-21 (Modification to M1 use regulations), inclusive, shall be permitted. All such #uses# shall be subject to the performance standards for an M1 District set forth in Section 42-20.

Such #uses# may locate in the same #building#, or in an #abutting# #building# containing a #residential use# or a #community facility# #use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications), only in accordance with the certification provisions of Section 104-14.

(b) In Subdistrict B, the #commercial# #use# regulations of the underlying M1 District are modified to permit #uses# listed under Food and Beverage Retailers in Use Group VI without limitation as to #floor area# per establishment.

104-14 - Certification Requirements

LAST AMENDED
6/6/2024

In Subdistrict A, a #use# listed in Section 104-13 (Commercial and Manufacturing Use Modifications) and a #residential use# or a #community facility# #use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications) may locate in the same #building#, or in an #abutting# #building#, only upon certification by a licensed architect or a professional engineer to the Department of Buildings stating that the #commercial# or #manufacturing use#:

(a) does not have a New York City or New York State environmental rating of "A," "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and

(b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

104-15 - Ground Floor Use and Frontage Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions shall apply except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter shall be considered #Tier C street frontages#. In addition, for #buildings# along such #Tier C street frontages#, the underlying streetscape requirements shall be modified such that:

(a) within the portion of the #ground floor level# #street frontage that is required to be allocated to non-#residential uses# to the #minimum qualifying depth#, #uses# may only include colleges or universities listed under Use Group III(B) where the #use# is #accessory# and open to the public;

(b) #uses# listed under Use Group VI with a size limitation in M1 Districts, as denoted with an "S" in the Use Group tables set forth in Section 42-16 (Use Group VI – Retail and Services), inclusive, shall be subject to a size limit of 10,000 square feet per establishment; and

(c) in lieu of the transparency requirements, the provisions of Section 104-41 shall apply.

104-16 - Modification of Article VII, Chapter 4 (Special Permits by the City Planning Commission)

LAST AMENDED
6/6/2024

The provisions of Section 74-171 (Laboratories) shall not apply in the #Special Manhattanville Mixed Use District#.

104-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
2/2/2011

In Subdistricts A, B and C, the #bulk# regulations of the underlying C6 and M1 Districts, as modified in this Chapter, shall apply.

The #floor area ratio#, #open space ratio# and #lot coverage# regulations applicable in the underlying C6 Districts are modified as set forth in Sections 104-21 through 104-25.

The #floor area ratio# regulations applicable in the underlying M1 District are modified as set forth in Section 104-22. No #floor area# bonuses shall be permitted.

Special provisions regulating change of #use# in #non-complying# #buildings# are set forth in Section 104-26.

The height and setback regulations of the underlying C6 Districts are superseded as set forth in Sections 104-30 through 104-34, inclusive.

The special maximum #building# height regulations for the M1-2 District are set forth in Section 104-31.

Notwithstanding the special #bulk# regulations of this Chapter, any #development# containing #dwelling units#, or college or school student dormitories as listed in Use Group 3, on Parcel H, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, shall comply with the height and setback regulations for an R8A District as set forth in Article II of this Resolution.

104-21 - Maximum Floor Area Ratio, Open Space Ratio and Lot Coverage for Residential Uses

LAST AMENDED
12/5/2024

In Subdistricts A and C, the #bulk# regulations for #residential use# are modified in accordance with the provisions of this Section.

For all #zoning lots#, or portions thereof, the maximum #floor area ratio#, #open space ratio# and #lot coverage# regulations shall not apply. In lieu thereof, the provisions of this Section shall apply.

In Subdistrict A, the maximum #floor area ratio# for #residential use# shall be 3.44. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 4.13.

In Subdistrict C, the maximum #floor area ratio# for #residential use# shall be 6.02. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 7.20.

For #interior# or #through lots#, or portions thereof, the maximum #lot coverage# shall not exceed 70 percent. For #corner lots#, the maximum #lot coverage# shall be 100 percent.

The provisions of Section 23-371 (Distance between buildings) shall not apply.

104-22 - Maximum Floor Area Ratio and Lot Coverage for Community Facility Uses

LAST AMENDED
12/5/2024

In Subdistricts A and C, the maximum #floor area ratio# permitted for #community facility uses# shall be 6.0.

In Subdistrict B, the maximum #floor area ratio# permitted for #community facility uses# shall be 2.0.

104-23 - Maximum Floor Area Ratio for Certain Uses

LAST AMENDED
6/6/2024

In Subdistricts A and C, the maximum #floor area ratio# permitted for #commercial# #uses# shall be 6.0, except that the maximum #floor area ratio# for #uses# listed in Section 104-13 (Commercial and Manufacturing Use Modifications) shall be 2.0.

104-24 - Maximum Floor Area Ratio for Multiple Uses on a Zoning Lot

LAST AMENDED
6/6/2024

When more than one #use# is located on a #zoning lot#, the maximum #floor area ratio# permitted for any #use# on such #zoning lot# shall not exceed the maximum permitted for such #use#, as set forth in Sections 104-21 through 104-24, inclusive, provided that the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

104-25 - Change of Use

LAST AMENDED
12/5/2024

In Subdistrict A, the provisions of Section 54-31 (General Provisions) shall not apply. In lieu thereof, a #use# listed under Use Groups IV, VI, VIII, IX, or X and not permitted as-of-right within C6

Districts, that is located in a #non-complying# #building or other structure# may be changed to:

(a) a #use# listed in 104-13 (Commercial and Manufacturing Use Modifications), subject to the performance standards for an M1 District set forth in Section 42-20, and subject to Section 104-14 (Certification Requirements), if applicable; or

(b) a #community facility# #use#, or #uses# listed under Offices in Use Group VII.

The #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the regulations set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS) shall not apply to the changes of #use# set forth in this Section.

The provisions of this Section shall apply to Blocks A and C, as shown on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, through December 31, 2015, and to all other Parcels and Blocks in Subdistrict A through December 31, 2030. Beginning on January 1, 2016, with respect to Blocks A and C and Parcel D4, and beginning on January 1, 2031, with respect to Parcels D1, D2, and D3, as shown on Map 5, and Blocks E, F, G, and H, as shown on Map 2, the provisions of this Section shall lapse, and the #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the requirements set forth in Section 104-40, shall apply to the changes of #use# set forth in this Section.

104-30 - SPECIAL HEIGHT AND SETBACK REQUIREMENTS

LAST AMENDED
10/23/2024

In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this

Section, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Section 104-31, et seq.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from the #base plane#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B of this Chapter.

Wherever a #mandatory widened sidewalk line# is shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter, such line shall be used instead of the #street line# for all purposes of Section 104-30, et seq.

The City Planning Commission may modify, by special permit, the special height and setback requirements of this Section pursuant to Section 104-60 (MODIFICATION OF BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT).

104-31 - Maximum Building Height

LAST AMENDED
12/5/2024

In Subdistrict A, the maximum #building# height, by Parcel, is shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter and specified in Appendix B of this Chapter. In Subdistricts B, C and the Other Area east of Broadway, the maximum #building# heights are shown on Map 5. However, for #qualifying affordable housing# or #qualifying senior housing# in Subdistricts C and the Other Area east of Broadway, the maximum #building# height shall be 145 feet. No other #building# shall exceed the maximum #building# height set forth in such Map or Appendix B of this Chapter.

104-32 - Rooftop Regulations

LAST AMENDED
12/19/2007

The special rooftop regulations of Section 104-32, inclusive, shall apply in Subdistricts A and C.

104-321 - Rooftop equipment

LAST AMENDED
12/6/2023

#Energy infrastructure equipment# and #accessory# mechanical equipment, other than solar or wind energy systems, may be located on the roof of a #building# in accordance with the following provisions:

(a) #Energy infrastructure equipment# and #accessory# mechanical equipment shall not exceed the maximum height for rooftop equipment specified for each Parcel as set forth in Appendix B of this Chapter and shall be measured from the roof level of the highest #story# of the #building#. Such equipment may penetrate the maximum #building# height specified for each Parcel as set forth in Appendix B.

(b) Such equipment shall be set back at least 10 feet from the #upper street wall# of the #building#. In addition, such equipment shall not penetrate a #sky exposure plane# that begins at the point of intersection of the roof and the #upper street wall# of the #building#, and rises over the #building# at a slope of 2.7 feet of vertical distance for each foot of horizontal distance, except for permitted obstructions set forth in Section 104-322. Where

portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#.

(c) Such equipment shall not overhang any recess in the #building# wall that is open to the sky.

104-322 - Permitted obstructions

LAST AMENDED
12/6/2023

The obstructions set forth in Section 33-42, other than the rooftop equipment permitted pursuant to Section 104-321, as well as the following obstructions, may penetrate the applicable maximum #building# height and the applicable maximum height for rooftop equipment set forth in Appendix B of this Chapter, and may also penetrate the #sky exposure plane# set forth in Section 104-321 (Rooftop equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any level above the maximum level of rooftop equipment as set forth in Section 104-321. Beyond 50 feet from the #upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

(a) Antennae and structural support thereto;

(b) Pipes and supporting structures;

(c) Railings.

104-33 - Mandatory Street Walls

LAST AMENDED
2/2/2011

Six types of mandatory #street walls# are established in the #Special Manhattanville Mixed Use District#, the regulations for which are set forth in Sections 104-331 through 104-336. Map 4 (Street Wall Types and Locations) and Map 5 (Parcel Designation and Maximum Building Heights), in Appendix A of this Chapter, specify locations where such regulations apply. The mandatory #street wall# requirements shall apply to any #development# and the #enlarged# portion of an existing #building#, except as set forth in paragraph (c) of this Section.

In Subdistrict A, the mandatory #street walls# specified as Street Wall Types 1, 3 and 4 consist of a #lower street wall# and an #upper street wall#, except that for #buildings# fronting on a #wide street# that do not exceed a height of 85 feet, and for #buildings# fronting on a #narrow street# that do not exceed a height of 60 feet, such #street wall# may in its entirety comply with the rules for an #upper street wall#.

(a) #Lower street wall#

(1) For Parcels D1, E1, F1, G1, G2 and H, the #lower street wall# is that portion of the #street wall# that extends from grade to a minimum height of 15 feet above the highest elevation of the #street# frontage of the #building# on Broadway and a maximum height of 55 feet above such elevation for each #street# frontage. For #buildings# without frontage on Broadway, the #lower street wall# shall be measured from the highest elevation of each such #street# frontage of such #building#;

(2) For Parcels A, C1, C4, D4, E4 and F4, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 55 feet above the highest elevation of such #street# frontage of such #building#;

(3) For Parcels C2, C3, D2, E2, E3, F2 and F3, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 45 feet above the highest elevation of such #street# frontage of such #building#. For the purposes of this Section, Parcel C2 shall be considered to have frontage only on West 130th Street.

(b) #Upper street wall#

For all Parcels, the #upper street wall# is that portion of the #street wall# that extends from the #lower street wall# to the maximum #building# height set forth in Appendix B or the height of the #building#, whichever is less.

(c) The mandatory #street wall# requirements shall not apply to vertical #enlargements# of one #story# not exceeding 15 feet in height.

(d) Where a #building# is located on more than one Parcel, the requirements of Sections 104-331 through 104-336, with respect to the locations of the #upper street wall# and the #lower street wall#, may apply to the entire #street frontage# of the Parcels.

(e) On Parcels C3 and C4, the applicable #lower street wall# provision may be applied to the entire #building#.

(f) For a #building# within Subdistrict A, located on a portion of a Parcel where no required #street wall# is shown on Map 4, such #building# shall comply with the #street wall# requirements for a #building# on the same Parcel. For a #building# on Parcel C3, the #street

wall# requirements shall be those provisions applicable to Parcel D2.

104-331 - Type 1 street wall location

LAST AMENDED
12/19/2007

Type 1 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

(a) The #upper street wall# shall be located anywhere within five feet of the #street line# for at least 70 percent of the #street frontage# of the Parcel and shall rise without setback to a minimum height of 85 feet above #curb level#, or the height of the #building#, whichever is less.

(b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 70 percent of the #street# frontage of the Parcel. For Parcels D1, E1, F1, G1, G2 and H, the height of the #lower street wall# shall be not less than twice the depth of the setback of the #lower street wall# from the #upper street wall#, but not less than 15 feet.

(c) No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of a Parcel.

(d) At least 20 percent of the area of an #upper street wall# facing Broadway shall be recessed to a minimum depth of 10 feet.

(e) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

104-332 - Type 2 street wall location

LAST AMENDED12/19/2007

Type 2 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of either paragraph (a) or (b) of this Section.

(a) The #street wall# shall be located within two to five feet of the #street line# or the #mandatory widened sidewalk line#, whichever is applicable, and shall rise without setback to a minimum height of 45 feet. A #street wall# fronting on West 125th Street shall extend along at least 70 percent of the length of the #street line# of the Parcel; a #street wall# fronting on West 130th Street shall extend along at least 50 percent of the length of the #mandatory widened sidewalk line#. No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of the Parcel on West 125th Street, or to the remaining 50 percent of the #street# frontage of the Parcel on West 130th Street; or

(b) Where the #lower street wall# is set back from the #upper street wall#:

(1) the provisions of Section 104-334 (Type 4 street wall location) shall apply to #street walls# facing West 130th Street;

(2) the provisions of Section 104-331 (Type 1 street wall location) shall apply to #street walls# facing West 125th Street; and

(3) for #street walls# facing 12th Avenue, the #upper street wall# shall be located within five feet of the #mandatory widened sidewalk line# and the #lower street wall# shall be set back not more than 30 feet from the #upper street wall#.

104-333 - Type 3 street wall location

LAST AMENDED
12/19/2007

Type 3 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

(a) The #upper street wall# shall be located within two feet of the 12th Avenue #mandatory widened sidewalk line#, and shall extend along no more than 70 percent of the length of the #mandatory widened sidewalk line# of the Parcel. Any #upper street wall# located on the remaining portion of the #street# frontage of the Parcel shall be set back from the 12th Avenue #widened sidewalk line# by a minimum distance of either:

(1) 20 feet, if such setback area faces both 12th Avenue and a #narrow street#; or

(2) 10 feet, if such setback area faces only 12th Avenue.

(b) The #lower street wall# shall be located at the same distance from the #mandatory widened sidewalk line#, or set back not more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section, and shall extend along at least 80 percent of the length of such required #upper street wall#. No #street wall# location regulations shall apply

to the remaining portion of the #lower street wall# frontage of a Parcel.

(c) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

104-334 - Type 4 street wall location

LAST AMENDED
12/19/2007

Type 4 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

(a) The #upper street wall# shall be located within five feet of the #street line# or #mandatory widened sidewalk line#, as applicable. Such #street wall# shall extend along at least 50 percent of the length of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable, and shall rise without setback to a minimum height of 60 feet above #curb level#, or the height of the #building#, whichever is less.

(b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 50 percent of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable.

(c) No #street wall# location regulation shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

104-335 - Type 5 street wall location

LAST AMENDED
12/19/2007

Type 5 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of paragraph (a) or (b) of this Section:

(a) The #street wall# shall be located within two feet of the #street line# or the #mandatory widened sidewalk line#, as applicable, and shall rise without setback to a minimum height of 45 feet or the height of the #building#, whichever is less. Such required #street walls# shall extend along at least 50 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or

(b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section 104-334 (Type 4 street wall location) shall apply.

No #street wall# location regulations shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

104-336 - Type 6 street wall location

LAST AMENDED
12/19/2007

Type 6 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall be located at or within 10 feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 120 feet. No #street wall# location regulations shall apply to the remaining 30 percent of the #street# frontage of a Parcel.

104-34 - Street Wall Recesses

LAST AMENDED
12/19/2007

Recesses are permitted for architectural, decorative or functional purposes, provided that such recesses comply with the provisions of this Section.

For portions of the #lower street wall# required pursuant to the provisions of Section 104-33, the maximum area of recesses shall not exceed 30 percent of the area of such required #lower street wall# and the maximum depth of such recesses shall not exceed three feet.

For that portion of the #upper street wall# required pursuant to the provisions of Section 104-33, and located below a height of 85 feet on a #wide street# and 60 feet on a #narrow street#, the maximum area of recesses shall not exceed 30 percent of the area of such portion of the #upper street wall# and the maximum depth of such recesses shall not exceed three feet. However, the regulation limiting the maximum depth of such recesses to three feet, set forth in this paragraph, shall not apply to the recesses required in paragraph (d) of Section 104-331.

104-40 - SPECIAL URBAN DESIGN REGULATIONS

LAST AMENDED
12/19/2007

The special urban design regulations of this Chapter include ground floor transparency requirements, and requirements for six different types of open areas that are accessible to the public, as described in Sections 104-42 and 104-43, inclusive, and shown on Maps 3 (Widened Sidewalk Lines) and 7 (Mandatory Open Areas) in Appendix A of this Chapter.

104-41 - Street Wall Transparency Requirements

LAST AMENDED
12/19/2007

Within Subdistrict A, the transparency requirements of paragraph (a) of this Section, subject to the modifications of paragraph (b) of this Section, as applicable, shall apply to #developments#, changes of #use# on the ground floor of a #building or other structure#, and #enlargements# that increase the #floor area# of the ground floor by more than 25 percent, but shall not apply to a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter.

(a) On all #streets#, at least 70 percent of the surface of the #street wall# shall be glazed, and at least 50 percent of the area of each such #street wall# shall be transparent to a minimum height of the ceiling of the ground floor, or not less than 15 feet above the finished level of the adjacent sidewalk, whichever is lower. The glazing material shall be highly transparent, with low reflectivity. Above this height, and to the top of the #lower street wall#, the #street wall# surface shall be at least 50 percent glazed and at least 30 percent transparent. Door or window openings within such walls shall be considered as transparent. Each such opening shall have a minimum width of two feet.

(b) For #street walls# where the provisions of Section 104-332 (Type 2 street wall location) apply, the required glazing at the ground floor shall apply to the minimum height of the ceiling of the ground floor, or not less than 20 feet above the finished level of the adjacent sidewalk, whichever is lower.

104-42 - Open Areas

LAST AMENDED
12/19/2007

All mandatory open areas as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter and all open areas adjacent thereto up to the #street wall# required pursuant to the provisions of Section 104-33 (Mandatory Street Walls) shall comply with the urban design regulations of Sections 104-42 through 104-43, inclusive, and shall be open and unobstructed except as specified.

104-421 - Mandatory widened sidewalks and adjacent areas

LAST AMENDED
12/19/2007

(a) Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter specifies the locations of #mandatory widened sidewalks#. The depth of such #mandatory widened sidewalks# shall be as indicated on Map 3 and specified in this Section, and shall be measured perpendicular to the #street line#. #Mandatory widened sidewalks# shall be constructed at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. The portions of all #mandatory widened sidewalks# used for pedestrian circulation shall be improved as sidewalks to Department of Transportation standards.

(b) Within #mandatory widened sidewalks#, landscaping and other amenities shall be permitted. #Mandatory widened sidewalks# shall be considered #streets# for the purposes of applying the provisions of the New York City Building Code governing cornices, eaves, sills and other architectural elements that project over #streets#. However, no fences shall be permitted, no planters shall be higher than two feet above the finished level of the adjacent sidewalk, and all trees shall be planted flush to grade.

(c) Adjacent area at grade between #lower street wall# and sidewalk

Where the #lower street wall#, or the #street wall# if no #lower street wall# is required, is set back from the #mandatory widened sidewalk line# or the #street line#, whichever is applicable, the entire surface area of the ground located between the #street wall# and the public sidewalk shall comply with the standards of paragraphs (a) and (b) of this Section. Such areas may be covered and may include columns and other elements not specifically excluded pursuant to paragraph (b) of this Section.

(d) Additional regulations shall apply to the following areas and conditions:

(1) #Narrow streets#

The #mandatory widened sidewalks# located along #narrow streets# shall be five feet wide. A paved walking path not less than 10 feet wide, which may include the public sidewalk, shall be provided. The paving surface shall be of a non-skid material, whether wet or dry.

(2) 12th Avenue

The #mandatory widened sidewalks# located along 12th Avenue, as shown on Map 7 in Appendix A of this Chapter, shall be 30 feet wide and include a 15 foot wide area adjacent to the #street line# for the provision of an open market and a walking surface with a minimum clear path of 15 feet adjacent to the market area. The walking surface shall be of a non-skid material, whether wet or dry.

(i) Permanent, fixed elements, such as landscaping and seating, with a minimum coverage of five percent of the market area, shall be required.

(ii) The following obstructions shall be permitted:

Temporary, moveable elements with a maximum coverage of 30 percent of

the market area per #zoning lot#, such as carts, kiosks or pavilions, open or enclosed; market umbrellas; retail structures, open; and seating and other street furniture.

104-422 - Midblock Open Areas

LAST AMENDED
2/2/2011

Midblock Open Areas shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. However, no Midblock Open Area is required on any #block# that is not developed as a single #zoning lot#. The Midblock Open Areas shall have a minimum width of 50 feet clear and open to the sky.

All Midblock Open Areas shall have a minimum clear path of 15 feet and shall be improved as paved surfaces of a non-skid material, whether wet or dry. A minimum of 20 percent and a maximum of 50 percent of each Midblock Open Area shall be improved with landscape treatment, including planting and other amenities. No fences shall be permitted. No walls or planters shall be higher than two feet above the finished level of the nearest adjoining sidewalk.

The full width of each Midblock Open Area shall be improved and open to the public prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area. However, up to 10 feet of the width of a Midblock Open Area may be temporarily enclosed within a construction fence for the shortest period of time reasonably necessary to permit construction in the adjacent area.

For #buildings# adjacent to the Midblock Open Areas, other than a #building# located on Parcel E2 as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, #building# walls fronting on such Midblock Open Areas shall be transparent for at least 50

percent of the area of each such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

104-423 - East/West Open Area

LAST AMENDED
2/2/2011

An East/West Open Area shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. The East/West Open Area shall have:

(a) a minimum width of 60 feet and shall be open to the sky;

(b) a minimum clear path of 15 feet, which shall be improved as a paved surface of a non-skid material, whether wet or dry; and

(c) a minimum of 20 percent of its area improved with landscape treatment, including planting and other amenities. No walls or planters shall be higher than two feet above the finished level of the adjacent sidewalk.

Air intake grilles, flush to grade, shall be permitted, provided such intake grilles do not exceed 10 percent of the area of the East/West Open Area, and are concealed from public view by planting or other design features.

The full width of the East/West Open Area shall be improved and open to the public, prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area.

104-424 - The Square

LAST AMENDED
2/2/2011

Area of the Square

If Block D is developed as a single #zoning lot#, an open area known as “the Square,” with a minimum area of 40,000 square feet, shall be provided, connecting West 130th and West 131st Streets, as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. This minimum area shall not include either the Midblock Open Area on Block D, or the area of the #mandatory widened sidewalks# on the West 130th and 131st Street frontages adjacent to the Square.

The Square shall be used for open space accommodating both passive recreation and limited active recreation.

#Building# transparency

The bounding #building# wall on the west side of the Square shall be transparent for 50 percent of the area of such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

Circulation and access

No fences or gates shall be permitted anywhere in the Square.

An unimpeded pedestrian access, with a minimum width of 15 feet, shall be provided across the Square in a generally diagonal direction in the north/south orientation, connecting the two narrow streets, with both ends located a minimum of 100 feet from the Midblock Open Area on Block D.

The Square shall provide unobstructed access from the adjoining sidewalks for at least 50 percent of the length of each street frontage of the Square. No single fixed element, within 15 feet of the #street line# of the Square, shall have a dimension greater than 15 feet or be higher than 30 inches, measured from the finished level of the adjacent sidewalk. The clear path between obstructions shall be at least three feet; however, to qualify as an unobstructed access that contributes to the 50 percent requirement set forth in this paragraph, a minimum width of five feet is required.

Elevation of the Square

The elevation of the Square shall generally follow the adjacent topography. Within 15 feet of the #street line#, the elevation of the Square, for a minimum of 50 percent of the length of each frontage on a #street#, shall have a maximum slope of 1:15. Beyond 15 feet from the #street line#, all open areas in the Square, including rolling or bermed lawn areas, may vary but shall not be more than five feet above or one foot below the level of the nearest sidewalk or natural topography. Paved areas shall not be higher than two feet above the level of the nearest sidewalk.

Permitted obstructions

No walls or planters shall be higher than 2 feet, 6 inches above the finished level of the nearest adjoining sidewalk. No planters or planter walls shall be higher than 18 inches above the level of the adjacent grade.

Permanent structures, such as food or information kiosks, pavilions or public restrooms, may be placed in the Square, provided they do not exceed a height of 20 feet, or occupy more than three

percent of the area of the Square.

Temporary or movable amenities, including elements such as trellises, movable tables, game tables, play equipment and performance facilities, are permitted, not to exceed 10 percent of the area of the Square.

Seating

A minimum of one linear foot of seating shall be provided for each 50 square feet of the Square. A minimum of 75 percent of the required seating shall be fixed; up to 25 percent may be movable. Every two and one-half linear feet of fixed seating shall be considered as seating for one person.

The following standards shall apply to all required seating:

(a) fixed seating may be provided in the form of double-sided benches, which shall be a minimum of 36 inches deep;

(b) 50 percent of the fixed seats shall have backs; such backs shall be not less than 14 inches high;

(c) fixed seating shall be between 16 inches and 18 inches in height, with a minimum depth of 18 inches measured from the edge to the back; and

(d) all seating shall be made of durable material and shall be comfortable to sit on, with rounded edges of at least one inch radius.

However, other types of seating, such as the edges of planters and fountains, may count toward the required amount of seating if such seating has a minimum depth of 22 inches and is between 16 and 18 inches in height.

At least 20 percent of the required seating shall be provided within 15 feet of the #street line# of the Square fronting all #streets# and the adjacent Midblock Open Area, and arranged to encourage a

variety of uses. If such Midblock Open Area is provided with seating, that frontage of the Square may be exempt from this requirement.

General requirements for trees and planting

A minimum of 50 percent of the Square shall be landscaped with soft ground cover. Soft ground cover shall include trees, grasses, shrubs and other ornamental planting material. The remaining 50 percent of the Square may be paved as hard surface.

At least 30 percent of the area of the Square shall contain a continuous planting area, with minimum soil depth of five feet. Berming is allowed provided that the height of the berm is not greater than five feet above the level of the adjoining sidewalk.

Trees

A minimum of 38 trees is required. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet. Trees shall be planted in continuous planted areas that have a minimum depth of four feet and a minimum area of 500 square feet of soil. All trees shall be planted flush to grade. The requirements of this paragraph, (a), shall be in addition to the requirements of Section 104-422 (Midblock Open Areas).

Planting

Seasonal planting is encouraged but not required. When planting beds are provided, they can be counted towards meeting the requirement for soft ground cover. Planting beds shall have a minimum soil depth of two feet for grass or other similar ground cover and three feet for shrubs.

Other required amenities

Racks shall be provided for a minimum of 16 bicycles. Such racks shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Four drinking fountains, two of which shall be fully accessible for children and people with disabilities, shall be provided in the Square or on the sidewalks, #mandatory widened sidewalks# or Midblock Open Area adjacent to the Square.

Not less than 40 cubic feet of trash receptacles shall be provided. Individual containers shall not be smaller than 25 gallons each. There shall be 10 containers, at least three of which shall be for used for recycling paper, plastic and metal waste. Such recycling containers shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Permitted amenities

Permitted amenities include such elements as artwork and water features, which may occupy up to 10 percent of the area of the Square.

Public space signage

At least four entry and two information plaques shall be provided. The content and design of such #signs# shall comply with the standards for public space #signs# set forth in the Zoning Resolution. Information about the Square may be provided on the entry plaques.

Vents facing the square

On any #building# wall adjacent to and facing the Square, exhaust or air intake vents shall be located higher than 15 feet above the level of the Square.

Vents and stairs in the Square

Exhaust or air intake vents and stair bulkheads shall not be permitted in the Square, except as authorized by the City Planning Commission, subject to the following conditions:

(a) the top of the exhaust or intake vent shall be a minimum of 20 feet above the finished level of the adjacent grade;

(b) no single element shall be more than 200 square feet; and

(c) the aggregate area occupied by all vents and stair bulkheads shall not exceed one percent of the area of the Square.

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

(1) placement of such elements cannot be reasonably accommodated elsewhere on the #zoning lot#; and

(2) such vents and stair bulkheads are located so as to minimize impact on the visibility, accessibility and public use and enjoyment of the Square.

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

104-425 - The Small Square

LAST AMENDED

2/2/2011

If Block C is developed as a single #zoning lot#, an open area known as the "Small Square," with a minimum area of 10,000 square feet, shall be provided as a passive open space, connecting West 129th and West 130th Streets. It shall be improved with paved surfaces of a non-skid material, whether wet or dry. No fences or walls shall be permitted in the Small Square.

The bounding #building# walls on all #buildings# #abutting# the Small Square shall be transparent for 50 percent of the area of the portion of each such wall measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

The Small Square shall be landscaped with a minimum of eight trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet. All trees shall be planted flush to grade.

A minimum of 30 moveable seats shall be provided at all times; additional moveable or fixed seating may be provided.

104-426 - The Grove

LAST AMENDED
2/2/2011

If Block A is developed as a single #zoning lot#, an open area known as "the Grove," with a minimum area of 400 square feet, shall be provided as a passive open space connecting West 125th and West 129th Streets. It shall contain seating at the western portion of the Block and a grove of trees with a minimum of four trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be

planted in soil with a minimum depth of four feet.

The Grove shall be improved with paved surfaces of a non-skid material, whether wet or dry. It shall be landscaped with trees planted flush to grade and may include additional planting. The Grove may contain fixed or moveable seating.

No fences, walls or planters are permitted in the Grove.

104-43 - Open Area Standards

LAST AMENDED
12/19/2007

104-431 - Access and hours of public accessibility

LAST AMENDED
12/19/2007

All open areas shall be accessible directly from an adjoining public sidewalk, except as otherwise provided in this Chapter. No fences or gates shall be permitted anywhere within the open areas, except as permitted in Section 104-42 (Open Areas).

All open areas except the Square and the East/West Open Area shall be accessible to the public 24 hours per day, seven days a week.

The Square and the East/West Open Area shall be accessible to the public seven days per week, from the hours of 7:00 a.m. to 8:00 p.m., from November 1 through April 14, and from 7:00 a.m. to 11:00 p.m. from April 15 through October 31.

All open areas may be closed not more than one day each year, on a non-holiday weekend day in January, to preserve the private ownership of such areas, except the Square and the East/West Open Area may each be closed by its respective owner for private events and activities for a maximum of 12 days in each calendar year, which days shall not include public holidays. Advance notice of such closing shall be posted at the perimeter of the Square and the East/West Open Area and shall be provided to the Chairperson of the City Planning Commission not less than 24 hours prior to each such closing.

104-432 - Lighting

LAST AMENDED
12/19/2007

All paved areas shall be illuminated with a minimum level of illumination not less than two horizontal foot candles (lumens per foot) throughout. All other areas shall have a minimum level of illumination not less than 0.5 horizontal foot candles (lumens per foot). Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of the open space.

104-433 - Maintenance and operation

LAST AMENDED
12/19/2007

The owner of each open area within Subdistrict A shall be responsible for its maintenance and operation. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner of an open area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent Parcels. The owner may establish and enforce rules of conduct for the use of the open areas and standards for permits for events and activities in an open area. Rules and regulations for the open areas will be subject to review and approval by the Chairperson of the City Planning Commission.

No vehicles shall be stored on any of the open areas.

104-44 - Street Trees on Narrow Streets and Broadway

LAST AMENDED
12/19/2007

On #narrow streets# and Broadway, #street# trees with a minimum caliper of four inches shall be provided for the entire length of the #street# frontage of the #zoning lot#, except adjacent to the Midblock Open Areas and the Grove. Such trees shall be planted at maximum intervals of 25 feet on center. The location and/or spacing of trees may be waived by the Commissioner of Parks and Recreation to the extent that these requirements are determined to be infeasible. All trees shall be planted flush to grade and in accordance with the applicable standards of the Department of Parks and Recreations, and shall be located within a soft surface, landscaped strip at least five feet wide adjacent to the curb, which landscaped strips need not be continuous. Other planted landscape treatment and amenities may be permitted within such landscaped strip. Such trees shall be maintained by the owner of the adjacent #development# or #enlargement#.

104-50 - PERMITTED TRANSFER OF FLOOR AREA

LAST AMENDED
10/23/2024

Transfers of #floor area# may be made from granting sites to receiving sites, within Subdistrict A, subject to the requirements of this Section.

For the purposes of this Section, a "granting site" shall mean any #zoning lot# in Subdistrict A that comprises a #block# as identified by letter on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, or the portion of the #block# identified as Block H on Map 2, from which #floor area# is to be transferred pursuant to the provisions of this Section, and a "receiving site" shall mean a #zoning lot# in Subdistrict A that comprises a #block#, as identified by letter on Map 2, or the portion of the #block# identified as Block H on Map 2, to which #floor area# is transferred.

#Floor area# may be transferred as follows:

(a) by notice, in accordance with the provisions of Section 104-52 (Transfer of Floor Area by Notice);

(b) by authorization, in accordance with the provisions of Section 104-53 (Transfer of Floor Area by Authorization); or

(c) by special permit, in accordance with the provisions of Section 104-60 (MODIFICATION OF BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT), where the proposed #development# or #enlargement# on the receiving site requires modification of the #bulk# regulations of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS).

104-51 - General Requirements for Transfer

LAST AMENDED
12/19/2007

For any transfer of #floor area# by notice or by authorization pursuant to Section 104-50, inclusive, the requirements of this Section shall apply.

(a) Notification

Prior to any transfer of #floor area#, pursuant to Sections 104-52 (Transfer of Floor Area by Notice) or 104-53 (Transfer of Floor Area by Authorization), the owners of the granting site and the receiving site(s) shall jointly notify or apply to the Department of City Planning, as applicable, in writing, of such intent to transfer #floor area#. Such notification or application shall be signed by the owners of the granting site and the receiving site(s) and shall include site plans.

(b) Notices of restriction

Notices of restrictions shall be filed by the owners of the granting site and the receiving site(s) in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance by the Commissioner of Buildings of a building permit for a #building# on the receiving site containing any such transferred #floor area#.

(c) #Floor area#

The amount of #floor area# to be transferred from a granting site shall not exceed the maximum amount of #floor area# permitted on the #block# containing the granting site for #community facility uses#, pursuant to Section 104-12 (Community Facility Use Modifications), less the total floor area of all existing #buildings# on such #block#. The

transfer of #floor area#, once completed, shall irrevocably reduce the maximum #floor area# permitted on the granting site for any #use# by the amount of #floor area# transferred.

(d) #Use#

#Floor area# transferred pursuant to the provisions of Section 104-50 through 104-53, inclusive, shall only be used for #community facility uses# and shall be in addition to the #floor area# permitted for #community facility uses# on the receiving site.

(e) Height and setback

Any #building# on a receiving site that uses the #floor area# so transferred shall comply with the special #bulk# regulations of this Chapter.

104-52 - Transfer of Floor Area by Notice

LAST AMENDED
12/19/2007

For any transfer of #floor area# from a granting site which comprises any of Blocks A, C or D to one or more receiving sites on Blocks B, E, F, G or H, the general requirements of Sections 104-50 and 104-51 shall apply as well as the following:

(a) the site plan submitted for the granting site under the provisions of paragraph (a) of Section 104-51 shall show the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;

(b) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #floor area# until the Chairperson of the City

Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning for the Square, the Small Square or the Grove, as applicable, on the granting site, conform with the requirements of Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS); and

(c) no temporary certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public open area which is required to be provided on the granting site pursuant to the provisions of Sections 104-424 (The Square), 104-425 (The Small Square) or 105-426 (The Grove), as applicable, has been constructed substantially in accordance with the plan certified by the Chairperson pursuant to paragraph (a) of this Section and is substantially complete and may be opened to the public, and no permanent certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson certifies to the Department of Buildings that construction of the public open space which is required to be provided on the granting site is complete.

104-53 - Transfer of Floor Area by Authorization

LAST AMENDED
12/19/2007

Within Subdistrict A, the City Planning Commission may authorize the transfer of #floor area# from a granting site other than Blocks A, C or D to a receiving site, subject to the general requirements of Sections 104-50 and 104-51, provided the Commission finds that such transfer:

(a) will permit better site planning; and

(b) will not unduly increase the #bulk# of #buildings# in any #block# to the detriment of the occupants or users of #buildings# on #blocks# outside Subdistrict A.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

104-60 - MODIFICATION OF BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT

LAST AMENDED
10/23/2024

The City Planning Commission may, by special permit:

(a) modify the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS), inclusive, provided the Commission finds that such modifications are necessary to:

(1) meet programmatic and mechanical requirements;

(2) achieve a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets#, #buildings# and properties;

(3) provide flexibility of architectural design and encourage more attractive #building# forms; and

(4) result in a #development# or #enlargement# that is compatible with #development# in the surrounding area.

(b) permit the transfer of #floor area# from any granting site to a receiving site for a #development# that requires modification of the special height and setback requirements of Section 104-30, inclusive, provided the Commission finds:

(1) such transfer complies with the general requirements set forth in paragraphs (a), (b), (c) and (d) of Section 104-51;

(2) the distribution of #floor area# on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating #floor area# in any portion of Subdistrict A; and

(3) where such transfer is from a granting site on Blocks A, C or D, it shall also comply with the provisions of paragraphs (b) and (c) of Section 104-52 (Transfer of Floor Area by Notice).

(c) modify the applicable #bulk# requirements for any #development# or #enlargement# that is subject to the provisions of Section 74-681 (Development within or over a railroad or transit right-of-way or yard), except #floor area ratio# provisions, provided that such #bulk# modifications will:

(1) not unduly obstruct access to light and air to surrounding #streets# and properties; and

(2) be compatible with the essential character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.

104-70 - PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS

LAST AMENDED
12/19/2007

In the #Special Manhattanville Mixed Use District#, the #accessory# off-street parking and loading regulations of the underlying zoning districts shall apply, except as set forth in this Section, inclusive.

104-71 - Accessory Off-street Parking

LAST AMENDED
12/19/2007

In Subdistrict B, the regulations regarding required #accessory# off-street parking spaces set forth in Section 44-20, shall not apply.

In Subdistrict A, the #accessory# off-street parking and loading regulations in Article III, Chapter 6, pertaining to the underlying C6 District shall be modified, as follows:

(a) #accessory# parking spaces at or above grade shall be completely enclosed;

(b) #accessory# parking garages at or above grade shall not be located:

(1) within 60 feet of the #lot line# on Broadway of any #zoning lot# or within 90 feet of the #lot line# on 12th Avenue of any #zoning lot#;

(2) on Parcels E2 or G2; or

(3) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter or within 10 feet of any such Mandatory Open Area, except that access to and egress from #accessory# parking garages shall be permitted in such areas; and

(c) parking spaces provided below grade shall not be subject to the provisions of Section 36-12 (Maximum Size of Accessory Group Parking Facilities).

104-711 - Accessory parking below grade

LAST AMENDED
12/19/2007

Required and permitted #accessory# off-street parking spaces may be located below grade, without regard to #zoning# #lot lines#.

(a) Such #accessory# group parking facilities shall not exceed the following maximum number of spaces:

Blocks C, D and E combined: up to 1,800 spaces in total

Block F: up to 1,000 spaces in total

Blocks G and H combined: up to 600 spaces in total

(b) Such #accessory# group parking facilities are subject to the following requirements:

(1) the location of the curb cuts shall be subject to the provisions of Section 104-73;

(2) such #accessory# off-street parking spaces shall not be located further than 1,000 feet from the nearest boundary of the #zoning lot# to which they are #accessory#; and

(3) such #accessory# off-street parking facilities shall provide adequate reservoir spaces at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir spaces be required for more than 50 automobiles at each entrance.

104-72 - Public Parking Garages

LAST AMENDED
12/19/2007

In Subdistrict A, #public parking garages# shall not be located:

(a) within 60 feet of the #lot line# on Broadway of any #zoning lot# or within 90 feet of the #lot line# on 12th Avenue of any #zoning lot#;

(b) on Parcels E2 or G2; or

(c) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter, or within 10 feet of any such Mandatory Open Area.

104-73 - Permitted Curb Cut Locations

LAST AMENDED
12/19/2007

The following curb cut regulations shall apply to any #development# or #enlargement#:

(a) existing curb cuts on #wide streets# may remain until such time as a #community facility use# is located on that portion of the #zoning lot#;

(b) no new curb cuts are permitted on #wide streets# or within 50 feet of the intersection of any two #street lines#. Furthermore, no curb cuts are permitted on Block B. However, curb cuts may be permitted in such areas where the Commissioner of Buildings determines there is no alternative means of access to off-street parking spaces or required loading berths from other

#streets# bounding the #block# or #zoning lot#;

(c) new curb cuts shall not be greater than 30 feet in width;

(d) there shall be no more than two new curb cuts per #street# frontage on a #zoning lot#, except on Block F where three curb cuts per #street# frontage are permitted, and except as provided in paragraph (f) of this Section;

(e) there shall be a minimum distance of 30 feet between curb cuts on a #street# frontage of a #zoning lot#; and

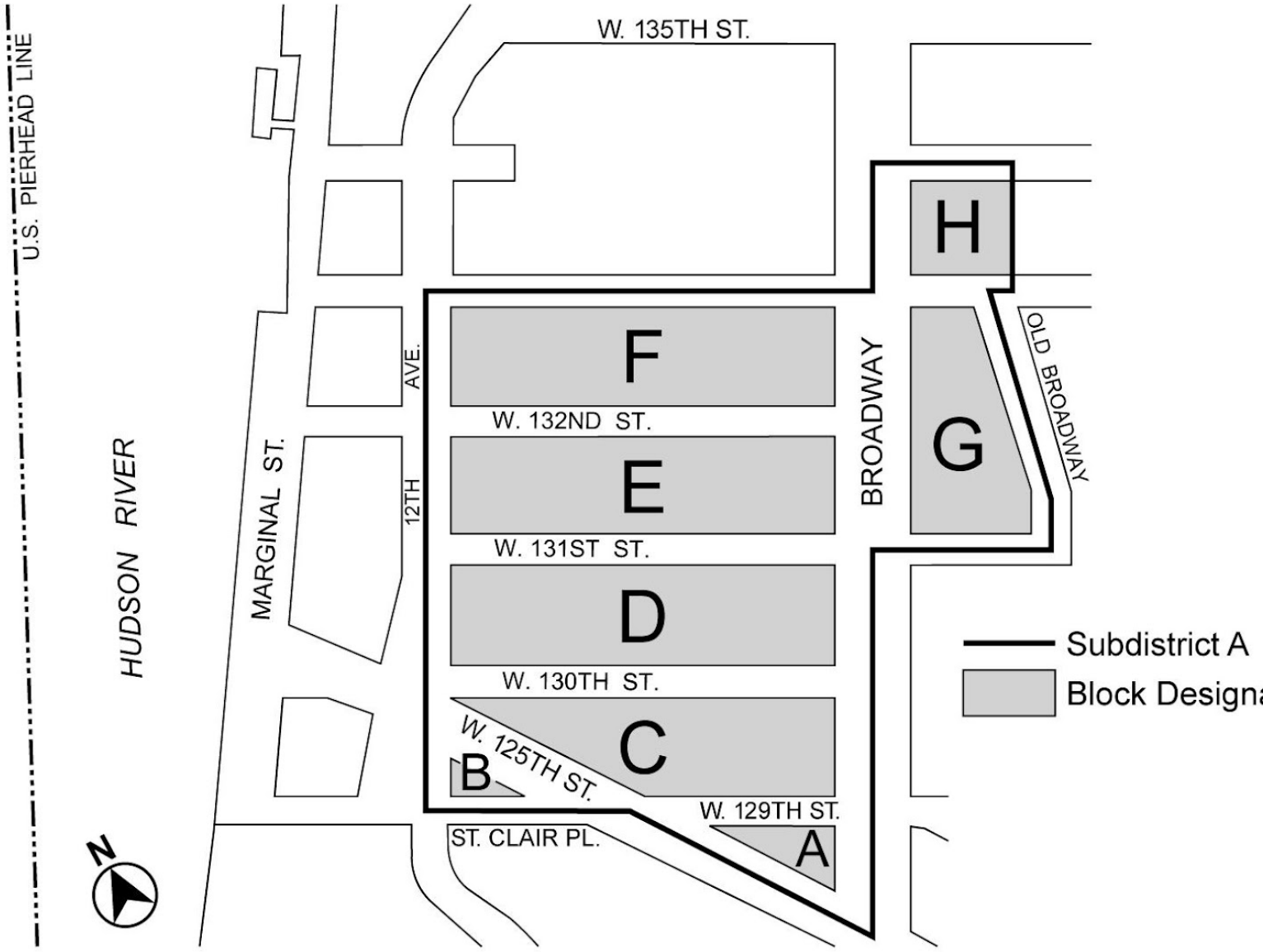
(f) in order to access the Square, as described in Section 104-424, one curb cut, not to exceed 15 feet in width, shall be permitted along each #street# frontage of the sidewalk adjacent to the Square. Such curb cuts shall be in addition to the two curb cuts permitted on Block D, pursuant to paragraph (d) of this Section.

Appendix A - Special Manhattanville Mixed Use District Plan

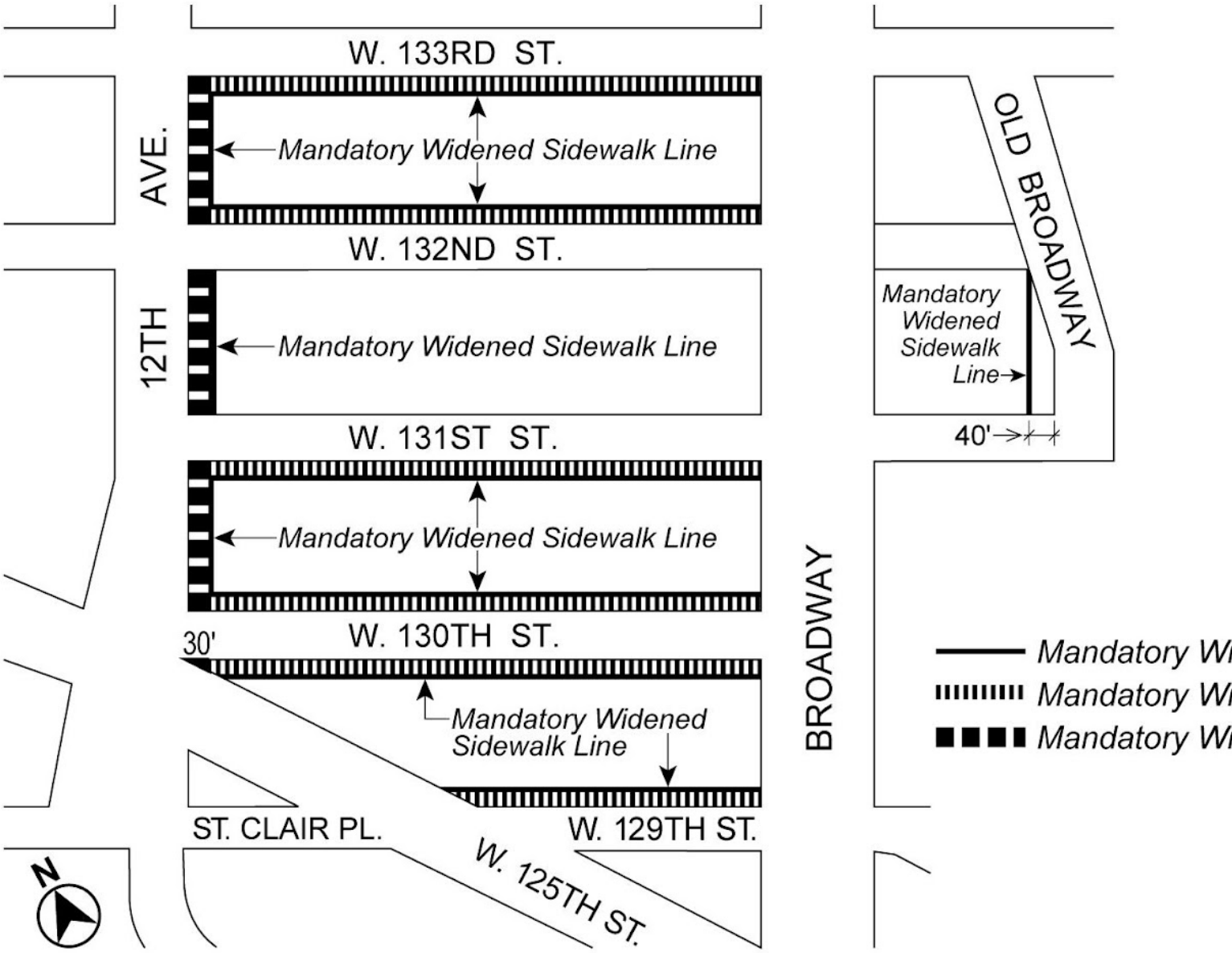
LAST AMENDED
10/23/2024

Map 1 - Special Manhattanville Mixed Use District and Subdistricts (10/23/24)

Map 2 - Subdistrict A Block Plan (12/19/07)



Map 3 - Widened Sidewalk Lines (12/19/07)



Map 4 - Street Wall Types and Locations (10/23/24)

Map 5 - Parcel Designation and Maximum Building Heights (10/23/24)

Map 6 - Ground Floor Use and Frontage (10/23/24)

Map 7 - Mandatory Open Areas (10/23/24)

Appendix B - Base Plane and Building Height Table

LAST AMENDED
12/19/2007

Parcel*	#Base Plane#** (in feet)	Maximum #Building# Height** Above #Base Plane# (in feet)	Maximum Height of Rooftop Equipment (in feet)
A	21.6	140	40
B	10.37	60	20
C1	20.74	180	60
C2	19.29	125	40
C3	15.19	190	40
C4	9.36	130	40
D1	26.68	230	60
D2	23.25	160	60

D3	15.85	50	N/A
D4	9.05	180	40
E1	32.42	240	60
E2	23.38	118	40
E3	14.82	170	60
E4	10.11	210	60
F1	46.0	180	40
F2	34.92	170	60
F3	25.63	190	60
F4	11.97	240	60
G1	44.92	210	60
G2	55.62	100	40
H	66.61	120	20

* Parcels are shown on Map 5 in Appendix A

** These numbers reflect measurement in feet above Manhattan Datum, which is 2.75 feet above Sea Level

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Special Natural Area District (NA)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 5 - Special Natural Area District (NA)

105-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2005

The "Special Natural Area District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;

(b) to preserve land having qualities of exceptional recreational or educational value to the public;

(c) to protect aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;

(d) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;

(e) to preserve hillsides having unique aesthetic value to the public; and

(f) to promote the most desirable use of land and the direction of building development in accordance with a well-considered plan, to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and thereby protect the City's tax revenues.

105-01 - Definitions

LAST AMENDED
12/6/2023

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces, including any surfaces with permeable paving. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{} \times 100$$

$$\frac{}{A}$$

Where: S - #average percent of slope#

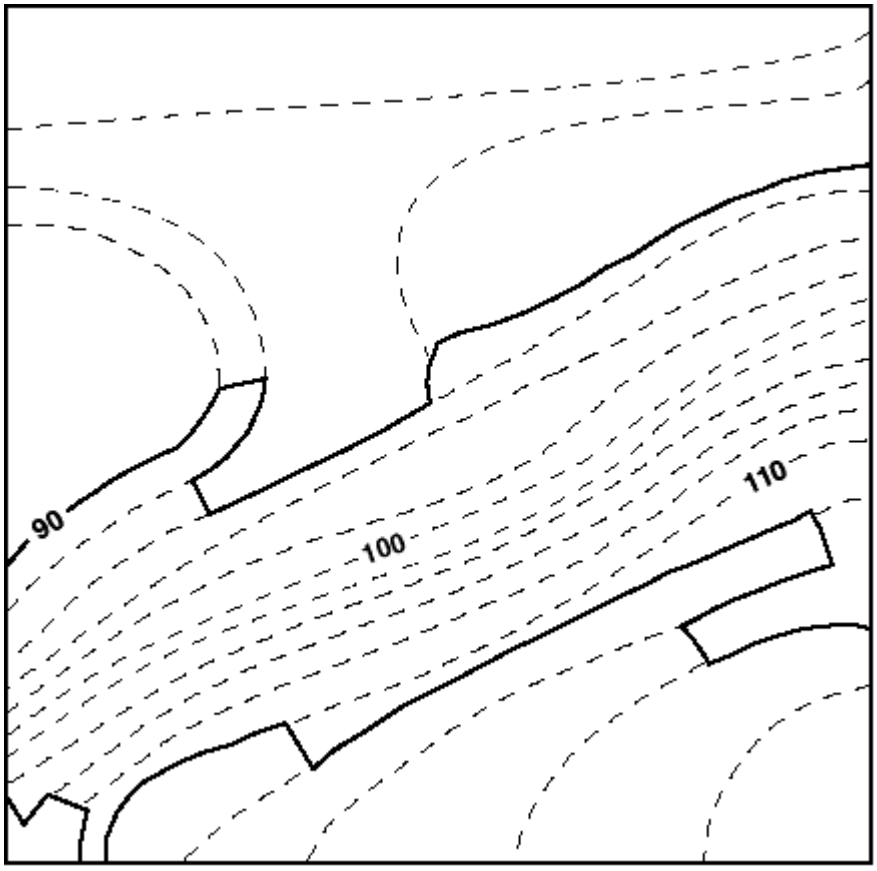
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (ILLUSTRATIVE EXAMPLE)



Example:

$$X = \frac{\text{Contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to

20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch. Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 105-10 (NATURAL FEATURES) and existing within a #Special Natural Area District#.

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures# which includes land contour work, topographic modifications, removal of #topsoil#, vegetation, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any other #natural features#, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies.

Staging area

A "staging area" is any area on a #zoning lot# used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

Steep slope

A "steep slope" is a portion of a #zoning lot# with an incline of 25 percent or greater. However, a portion of a #zoning lot# with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

Topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

Tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more that is counted towards a tree preservation requirement or a credit for a newly planted tree of three-inch #caliper# or more that is counted towards a tree planting requirement.

Tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arboriculturists (ISA) or equivalent professional organization that includes:

(a) a survey of the current condition and health of such trees of six-inch #caliper# or more;

(b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;

(c) a schedule for site monitoring during construction;

(d) a procedure to communicate protection measures to contractor and workers; and

(e) post-construction treatment.

105-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

(a) any #development#, #enlargement# or #site alteration#;

(b) any subdivision of a #zoning lot# existing on the effective date of the Special District designation into two or more #zoning lots#; and

(c) any public improvement projects located within the #Special Natural Area District#, which shall be subject to the provisions of Sections 105-92 (Special Provisions for City-owned Land) and 105-93 (Inter-agency Coordination), except for any such projects which were approved by the Board of Estimate prior to the effective date of the Special District designation.

Prior to issuance by the Department of Buildings or other City or State agencies, of a permit for any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, or for any #site alteration# for which no permit is required by the Department of Buildings or other City or State agencies, an application shall be submitted to the City Planning Commission for review and approval pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), except those #developments#, #enlargements# and #site alterations# that are not subject to the provisions of Section 105-40, as specified in Section 105-021 (Actions not requiring special review).

Any authorization or special permit granted by the City Planning Commission after July 18, 1995, pursuant to the provisions of this Chapter, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

When a #zoning lot# existing on the effective date of the Special District designation is subdivided into two or more #zoning lots#, an application shall be submitted to the Commission for review and approval pursuant to Section 105-90 (FUTURE SUBDIVISION).

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special

Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

105-021 - Actions not requiring special review

LAST AMENDED
2/2/2005

The special review requirements of Section 105-40 (SPECIAL REVIEW PROVISIONS) of this Chapter shall not apply to the following:

(a) a #site alteration# on a #zoning lot# containing #buildings or other structures#, or a #development# or #enlargement# on any #zoning lot#, provided that such #zoning lots# shall have:

(1) not more than 10,000 square feet of #lot area#;

(2) an #average percent of slope# of less than 10 percent;

(3) no significant #natural features#, and the resulting #development#, #enlargement# or #site alteration# can satisfy the requirements of Section 105-30 (PRESERVATION OF NATURAL FEATURES), inclusive;

(4) the resulting #development#, #enlargement# or #site alteration# not exceed 2,500 square feet of #lot coverage#; and

(5) no Notice of Restriction or Restrictive Declaration recorded against the title of such property;

(b) any #site alteration#, on a #zoning lot# containing a #residential building# in existence on the effective date of the Special District designation, involving a structure that does not require a permit from the Department of Buildings, including, but not limited to swimming pools, garden sheds and fences, provided that:

(1) any modification of topography for the footprint, foundation or grading around the footprint of such structure shall not exceed two feet of cut or fill; and

(2) no tree of six-inch #caliper# or greater shall be removed and the #critical root zone# of such tree shall be an #area of no disturbance# on any #zoning lot#.

105-022 - Requirements for application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for certification, authorization or special permit and to the Department of Buildings respecting any #development#, #enlargement# or #site alteration#, to be made within any #Special Natural Area District#, shall include the following:

(a) a survey map prepared by a registered surveyor showing topography at two-foot contour intervals and indicating the #average percent of slope#, the existing slope of the land, as it occurs, in categories of 10–14 percent, 15–19 percent, 20–24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning

lot# and in the sidewalk area of the adjacent #streets#, location of geologic features, aquatic features and botanic environments, as en–umerated in Section 105-11 (Description of Natural Features);

(b) photographs showing the location and condition of such #natural features# for verification with pre-existing aerial survey and/or other photographs for each #Special Natural Area District#;

(c) a site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of any #steep slopes#, #steep slope buffer# areas and the #staging area#; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating, for the latter, the #critical root zone# and in addition, for #Tier II sites#, the location of any other #area of no disturbance#;

(d) a drainage plan and soil report prepared by a professional engineer, when necessary to assess whether or not there will be major impact on #natural features#. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989;

(e) a grading plan showing all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;

(f) a landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings;

(g) any other information necessary to evaluate the request; and

(h) for #developments#, #enlargements# and #site alterations# on #Tier II sites#, the application shall also include:

(1) an alignment and paving plan for any #private road# with a typical cross-section; and

(2) a construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site; and if the #critical root zone# is proposed to be modified, a #tree protection plan# for any tree proposed for preservation.

For a #site alteration#, #enlargement# or #development# within any #Special Natural Area District#, the Commission may modify one or more requirements set forth in paragraphs (a) through (h) of this Section, when such modification is requested by the applicant in writing and when the Commission determines that the requirements are unnecessary for evaluation purposes.

Appendix B of this Chapter should be used as a guide to assist in identifying the #natural features# on the survey required in this Section.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a permit is required for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District# from any City or State agency, an application for such permit shall be filed simultaneously with such agency and the Commission.

105-023 - Relationship to public improvement projects

LAST AMENDED
2/2/2005

In all cases, the City Planning Commission shall deny an application, whenever the #development#, #enlargement# or #site alteration# will interfere with a public improvement project (including highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) that has been approved by the City Council or the City Planning Commission.

105-03 - District Plan

LAST AMENDED
1/19/2016

The regulations of this Chapter are designed to implement the #Special Natural Area District# Plan. The District Plan includes the following:

Appendix A - Special Natural Area District Plan Maps

Appendix B – Glossary

Appendix C - Selection List for Ground Covers and Shrubs

Appendix D - Tree Selection List for On-site Trees

Appendix E - Tree Selection List for Street Trees

These maps and lists are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

105-10 - NATURAL FEATURES

LAST AMENDED
12/19/1974

105-11 - Description of Natural Features

LAST AMENDED
2/2/2005

All #natural features# shall be significant in terms of age, size, composition, function, structure, history, association, location, ecological value or educational interest.

The protection of one #natural feature# may require the protection of another which is closely linked to it. The preservation of #natural features# may also be necessary to avoid such adverse conditions as flooding, erosion or hazards to private property. All vegetation is part of a botanic environment or part of an aquatic feature and shall be considered as a #natural feature# protected by the regulations of this District. For the purposes of this Chapter, vegetation includes all forms of plant material, including, but not limited to, trees, shrubs, vines, ferns, grasses, herbs and other plant life.

All #natural features# defined in this Section and further described in Appendix B of this Chapter shall be protected by the provisions of this Chapter.

(a) Geologic features

(1) Rock outcrop

A rock outcrop is the portion of a rock formation which appears at the surface of the earth.

(2) Geologic deposit

A geologic deposit is a mass of material which has been placed, shaped or created by the actions of wind, water, ice, gravity, vulcanism, pressure or temperature, either alone or in combination. Such deposits are to include erratic boulders, glacial formations, mineral deposits or semi-precious stones.

(b) Topographic features

(1) #Steep slope#

(2) Existing natural topography

Existing natural topography is the ground elevation of land.

(3) #Topsoil#

#Topsoil# is generally the top six inches of soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth.

(c) Aquatic features

Wetlands, including, but not limited to State and Federal, mapped or designated, freshwater or tidal wetlands:

(1) Laminarian zone

A laminarian zone is that land under the surface of salt water from the mean low tide mark to the depth of 15 fathoms. The portion of laminarian zone to be protected by the provisions of this Special District extends to the pierhead line or to the shore line where no pierhead line has been established.

(2) Beach

A beach is a tract of relatively flat, sandy or gravelly land, without visible vegetation, forming the shore of a large body of water.

(3) Tidal wetland and saltwater littoral zone

A tidal wetland or saltwater littoral zone is that land which is regularly covered by tidal waters and its spray.

(4) Swamp

A swamp is a wet woodland, the soil of which is typically waterlogged or often covered with water.

(5) Marsh

A marsh is a wet prairie that has waterlogged soil during the growing season (from last spring frost to first fall frost) and is often covered with shallow water.

(6) Bog

A bog is a tract of waterlogged land without natural drainage.

(7) Meadow

A meadow is a tract of land that is waterlogged to within a few inches of the surface and may have temporary ponds during the non-growing season (between the first fall frost and first spring frost).

(8) Creek, stream or brook

A creek, stream or brook is a free flowing fresh watercourse on soil, gravel or rock that drains a watershed.

(9) Lake or pond

A lake or pond is a body of fresh or salt water standing year round.

(10) Natural spring

A natural spring is a point source of water exiting from the surface of the earth or rock.

(d) Botanic environments

(1) Primary succession community area

A primary succession community area is a tract of land characterized by species that can tolerate extreme environmental conditions and provide initial protection for less tolerant forms of life. These species are usually annuals and herbaceous.

(2) Secondary succession community area

A secondary succession community area is a tract of land characterized by short-lived trees and shrubs as well as grasses and herbaceous material. These species are less tolerant than primary succession community species but provide a greater diversity and range of protection from the sun, wind and rain.

(3) Climax community area

A climax community area is a stable association of plants and animals that will perpetuate itself indefinitely with minor variation in the group of associated plants. The climax community area in New York City is the glaciated oak-chestnut association, which is part of the eastern hardwood deciduous forest.

(4) Dune or heathland

A dune or heathland is a tract of windblown and wind- or water-shaped sandy land with such characteristic species as beach grass and beach heather.

(5) Wild grassland

A wild grassland is an area whose vegetation is primarily of wild grass species.

The #natural features# defined in this Section are described in Appendix B of this Chapter.

105-20 - PROTECTION OF NATURAL FEATURES

LAST AMENDED
2/2/2005

All #natural features# within a #Special Natural Area District# shall be protected by the regulations of this Chapter in accordance with the provisions set forth in Sections 105-02 (General Provisions), 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES).

Except for any existing #natural feature# that is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no #natural features# described in Section 105-11 (Description of Natural Features) shall be removed, destroyed or altered unless permitted by certification, authorization or special permit of the City Planning Commission, pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), or allowed pursuant to Section 105-021 (Actions not requiring special review).

105-30 - PRESERVATION OF NATURAL FEATURES

LAST AMENDED
2/2/2005

The provisions of this Section are applicable to all #developments#, #enlargements# and #site alterations# within the #Special Natural Area District#, pursuant to Section 105-02 (General Provisions). When pursuant to Sections 105-41 (Certification) or 105-021 (Actions not requiring special review), it is not necessary for an applicant for a #development#, #enlargement# or a #site alteration# to apply for an authorization or special permit, such #development#, #enlargement# or #site alteration# shall nonetheless comply with the #natural feature# preservation requirements of this Section, inclusive.

105-31 - Botanic Environment and Tree Preservation Requirements

LAST AMENDED
2/2/2005

To the maximum extent possible, existing trees and vegetation shall be retained. Trees of six-inch #caliper# or more and vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

(a) such trees or vegetation are located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking, or within a distance of 15 feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;

(b) the continued presence of such tree would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning;

(c) the continued presence of such tree would interfere with the growth or health of another tree of six-inch #caliper# or more, designated for preservation and belonging to a species listed in Appendix D (Tree Selection List for On-site Trees) of this Chapter; or

(d) an authorization pursuant to Section 105-425 (Modification of botanic environment and tree preservation and planting requirements) has been granted by the City Planning Commission approving the removal of such trees or vegetation.

Any tree of six-inch #caliper# or more that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# shall be replaced pursuant to the provisions of Section 105-32 (Botanic Environment and Tree Planting Requirements).

105-32 - Botanic Environment and Tree Planting Requirements

Any vegetation that cannot be saved as a result of #site alteration#, #enlargement# or #development# shall be replaced with alternative vegetation to be approved by the City Planning Commission. All #developments#, #enlargements# and #site alterations# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#.

The replanting of elements of vegetation that are parts of an association or community shall be such as to reestablish, as rapidly as is reasonable, the vigor and character of the association. When necessary to establish ecological balance, the Commission may also require additional vegetation to be planted.

(a) Tree planting

For the purposes of this Section, the following minimum standard shall apply for tree planting:

(1) For any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, trees of at least three-inch #caliper#, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

(2) For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of #caliper#, credit for an additional tree shall be given.

Single-trunk trees, newly planted to meet this requirement, shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. Trees newly planted to

meet this requirement shall be of a species selected from Appendix D of this Chapter, and acceptable from the standpoint of hardiness, appearance and habit of growth suitable to the site.

The Commission may grant a waiver of the tree planting requirements by certification to the Department of Buildings, where the Commission finds that the ecology of the site is such that the substitution of other plant material would be more appropriate than the tree planting requirements and a detailed plan for planting has been filed with the Commission for its approval.

(b) Botanic Environment Planting

For the purposes of this Section, the following minimum standard shall apply for the planting of vegetation.

Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# and is not permitted to be removed pursuant to the regulations of Sections 105-31 (Botanic Environment and Tree Preservation Requirements) or 105-425 (Modification of botanic environment and tree preservation and planting requirements), shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, plantings shall be provided of the size and number indicated in paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) of this Section. The area of removed vegetation shall be measured so as to include any portions of the #zoning lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and shrubs shall be selected from Appendix C (Selection List for Ground Covers and Shrubs) of this Chapter. Species of on-site trees shall be selected from Appendix D (Tree Selection List for On-site Trees) of this Chapter.

(1) Ground cover shall be planted one at one-foot-on-center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and

(2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or

(3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or

(4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

The planting of species shall not be limited to woody plant materials, but shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses and other associated vegetation. All vegetation to be planted shall be either of the species which characterized the area's biological community prior to #site alteration#, #enlargement# or #development#, or of an alternative biologic community found in the area. Species selection shall give particular attention to the relationship of the species to each other and to the surrounding plant community and to the quality of the soil and the vertebrate and invertebrate populations associated with and dependent upon the proposed plants.

105-33 - Residential Lot Coverage Regulations on Sites Granted an Authorization Pursuant to Section 105-422

LAST AMENDED
12/5/2024

The maximum permitted percentage of #lot coverage# for #residences# 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 TIER II ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

	#Residence District#*						
						R6	
#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 portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 105-422 (Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer), the maximum permitted percentage of #lot coverage# for such #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II

PERMITTED PERCENTAGE OF LOT COVERAGE ON ANY ZONING LOT GRANTED AN AUTHORIZATION PURSUANT TO SECTION 105-422 FOR MODIFICATION OF A STEEP SLOPE OR STEEP SLOPE BUFFER

#Residence District#*						
					R6	
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#

105-34 - Grading Controls for Tier II Sites

LAST AMENDED
2/2/2011

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

(a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.

(b) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.

(c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.

(d) Fills shall be compacted to at least 95 percent of maximum density, as determined by AASHTO T99 or ASTM D698.

(e) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.

(f) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on February 2, 2005, should be rounded in a vertical arc with a radius of not less than five feet.

(g) Tops and toes of cut and fill slopes and retaining walls shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures for a horizontal distance of six feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet.

105-35 - Tier II Site Requirements for Driveways and Private Roads

LAST AMENDED
2/2/2011

The provisions set forth in this Section and Section 105-34 (Grading Controls for Tier II Sites) shall apply to driveways and to #private roads# that provide access to #buildings# #developed# after February 2, 2005. The provisions for #private roads# set forth in Article II, Chapter 6, shall not apply.

(a) Driveways

(1) The maximum grade of a driveway shall not exceed 10 percent.

(2) The paved width of a driveway shall not exceed 18 feet.

(3) The maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.

(b) #Private roads#

(1) The maximum grade of a #private road# shall not exceed 10 percent.

(2) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back.

(3) The paved width of a #private road# shall not exceed 34 feet.

(4) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb.

(5) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#.

(6) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including

splays.

(7) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts.

(8) Along the entire length of a #private road#, trees shall be provided and maintained at the rate of one tree for every 25 feet of #private road# frontage and shall comply with the requirements set forth in Section 105-32 (Botanic Environment and Tree Planting Requirements).

(9) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section.

The City Planning Commission may by authorization pursuant to Section 105-434 (Modification of requirements for private roads and driveways), allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

105-36 - Controls During Construction

LAST AMENDED
2/2/2005

The following requirements must be met during construction and identified on the construction plan:

(a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#,

driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15-foot limit infeasible or impractical.

(b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.

(c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.

(d) The #staging area# shall be located in an area that would most minimize destruction of the #natural features# of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.

(e) #Topsoil# shall be used in the area to be replanted as soon as construction is complete.

(f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

105-37 - Special Erosion and Sedimentation Prevention Requirements for Authorizations for Tier II Sites

LAST AMENDED

2/2/2011

Any #development#, #enlargement# or #site alteration# that is on a #Tier II site# and requires an authorization shall be subject to the provisions of this Section. The requirements of this Section shall supplement any other requirements set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS) that also must be met.

Prior to construction, at least one of the erosion and sedimentation control measures described in paragraphs (a) through (e) of this Section shall be selected. A plan describing how the selected erosion and sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site shall be prepared by a professional engineer or landscape architect and submitted to the City Planning Commission.

(a) Benches and berms

These are level terraces or ledges constructed across sloping land to provide a relatively flat construction site or reduce the length and grade of the slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity.

(b) Diversion channels

These are earth channels with a supporting ridge on the lower side constructed across the slope lengths to break up concentration of runoff and move water to stable outlets at a non-erosive velocity.

(c) Debris or sediment basins

These consist of a dam or embankment, a pipe outlet and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. They protect property below the installation from damage by excessive sedimentation and debris.

(d) Retention ponds

These are impoundment-type ponds that temporarily store runoff water and release it at rates that minimize erosion and prevent flooding. They may be located above the site to trap water before it enters the area or within the site to protect properties below the site.

(e) Grassed waterways or outlets

These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental measure used to slow the velocity of runoff.

105-38 - Special Submission Requirements for Authorizations on Tier II Sites

LAST AMENDED
2/2/2011

When a #development#, #enlargement# or #site alteration# is on a #Tier II site#, an application to the City Planning Commission for an authorization shall include the following submission requirements. These requirements shall be in addition to the requirements set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS).

(a) A drainage plan and soil report prepared by a professional engineer to protect #natural features#. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage

(detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed #developments#, #enlargements# or #site alterations# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.

(b) An erosion and sedimentation plan as described in Section 105-37 (Special Erosion and Sedimentation Prevention Requirements for Authorizations for Tier II Sites).

(c) For any #development# or #site alteration# on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect that shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method of preserving existing trees, shrubs and ground covers.

(d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

105-40 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
12/5/2024

The provisions of this Section shall apply to all #developments#, #enlargements# or #site alterations# located within a #Special Natural Area District#.

Prior to the issuance by the Department of Buildings of any permit for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, the City Planning Commission shall certify to the Department of Buildings that the #development#, #enlargement# or

#site alteration# is approved pursuant to Sections 105-41 (Certification), 105-42 (Authorizations to Alter Natural Features), 105-43 (Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations) or 105-44 (Special Permit), inclusive.

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Developments), shall apply to a #large-scale residential development#, as modified by the provisions of Section 105-701 (Applicability of large-scale residential development regulations).

105-41 - Certification

LAST AMENDED
2/2/2005

When it is not necessary for the applicant for a #development#, #enlargement# or #site alteration# to apply for an authorization or special permit, the Chair of the City Planning Commission shall certify to the Department of Buildings that such #development#, #enlargement# or #site alteration# complies with the regulations of this Chapter, and that no authorization or special permit is required pursuant to this Chapter.

Where #natural features# are to be protected and maintained under Section 105-60 (MAINTENANCE OF NATURAL FEATURES), the Commission shall indicate in the certification specific conditions and safeguards appropriate to the designated area.

105-42 - Authorizations to Alter Natural Features

LAST AMENDED
2/2/2005

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

(a) modification of topographic features including existing natural topography and #topsoil# pursuant to Section 105-421 (Modification of topographic features on Tier I sites) and modification of #steep slopes# pursuant to Section 105-422 (Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer);

(b) modification of geologic features including the relocation of erratic boulders, and the alteration of rock outcrops pursuant to Sections 105-423 and 105-424;

(c) modification of botanic environment, pursuant to Section 105-425;

(d) alteration of aquatic features, pursuant to Section 105-426 in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Natural Area District#.

105-421 - Modification of topographic features on Tier I sites

LAST AMENDED
2/2/2005

The topographic features, including natural topography and #topsoil#, existing at the time of designation of a #Special Natural Area District# may be modified by the City Planning Commission, provided that the Commission finds that:

(a) #development#, #enlargement# and #site alteration# 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, including any removal of #topsoil#, will not disturb the drainage pattern and soil conditions in the area;

(c) such modification of topography has minimal impact on the existing topographic features of the surrounding area and blends harmoniously with it;

(d) such modification is the least modification required to achieve the purpose for which it is granted; and

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Where permits are required from a City agency, the Commission shall request a report from such agency, and the provisions of Section 105-93 (Inter-agency Coordination) shall apply.

105-422 - Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer

LAST AMENDED
12/5/2024

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #Tier II site# or on portions of a #zoning lot# having a #steep slope# or #steep slope buffer#.

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

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the 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 modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the modification will not disturb the drainage patterns and soil conditions of the area; and

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

The #lot coverage# regulations of Section 105-33 (Residential Lot Coverage Regulations on Sites Granted an Authorization Pursuant to Section 105-422) shall apply to any #residential# #development#, #enlargement# or #site alteration# granted an authorization pursuant to this Section.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of this Chapter for which an authorization or special permit has not been obtained.

105-423 - Relocation of erratic boulders

LAST AMENDED
2/2/2005

No erratic boulder with a diameter at any point of six feet or more may be moved from its location at the time of designation of a #Special Natural Area District# to another location within the Special

District during #development#, #enlargement# or #site alteration# except in compliance with the provisions of this Section.

Prior to the moving of an erratic boulder from its present location to a location elsewhere within the #Special Natural Area District#, an application shall be filed with the City Planning Commission showing the present location and the proposed location. Moving of an erratic boulder will be permitted only by authorization of the Commission under the following circumstances:

(a) where such a boulder is located in an area to be occupied by #buildings#, driveways, parking areas or recreation areas and it is not possible to avoid such location by minor adjustments in the arrangement of such #buildings#, driveways, parking areas or recreation areas on the site;

(b) where the boulder's continued existence in its present location would create hazards or dangers; or

(c) where authorizations granted by the Commission under the provisions of this Chapter require or clearly contemplate the boulder's relocation from its present position.

In issuing an authorization under this Section, the Commission shall require an appropriate relocation site, visible, if possible, from a public #street#, park, or public place, preferably on the #zoning lot# or elsewhere within the #Special Natural Area District#. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder.

105-424 - Alteration of rock outcrops

LAST AMENDED
2/2/2005

The City Planning Commission may authorize the alteration of a rock outcrop, provided that:

(a) the #development# or #enlargement# is not feasible without such alteration, or that the requested alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or

(b) such alteration is necessary to protect the health and safety of the site occupants; and

(c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

105-425 - Modification of botanic environment and tree preservation and planting requirements

LAST AMENDED
2/2/2005

The City Planning Commission may authorize modifications to the provisions of Sections 105-31 (Botanic Environment and Tree Preservation Requirements), 105-32 (Botanic Environment and Tree Planting Requirements) and paragraph (b)(8) of Section 105-35 (Tier II Requirements for Driveways and Private Roads).

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

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, 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 ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the botanic preservation or planting requirements being modified; and

(d) in order to modify requirements relating to tree preservation, planting or removal, the Commission shall also find that:

(1) such tree is located in areas which require excessive cut or fill of land deemed inimical to plant survival; or

(2) the continued presence of such tree would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning.

Where on-site replanting of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Natural Area District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

105-426 - Alteration of aquatic features

LAST AMENDED

No portion of an aquatic feature shall be altered or land operations affecting aquatic features undertaken by or on behalf of present or future applicants for permits except in compliance with the

provisions of this Section. The City Planning Commission may permit the alteration of aquatic features, provided that:

(a) the #development# or #enlargement# is not feasible without such alteration or where such alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or

(b) such alteration is necessary to protect the health and safety of the site occupants; and

(c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district; and

(d) such modification shall not disturb the drainage patterns in the area.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

Where permits are required from a City agency for any work affecting #natural features#, the Commission shall request a report from such agency and the provisions of Section 105-93 (Inter-agency Coordination) shall apply.

In the event alteration of an aquatic feature is found inappropriate, the Commission may treat an application under this Section as an application for modification of #yard# and height and setback regulations under Section 105-432.

105-43 - Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations

LAST AMENDED
1/19/2016

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

(a) modification of #lot coverage# controls in accordance with the provisions of Section 105-431;

(b) modification of underlying district regulations relating to #bulk# or #parking# in accordance with the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations);

(c) modification of grading controls in accordance with the provisions of Section 105-433; and

(d) modification of requirements for driveways and private roads on #Tier I sites# and #Tier II sites# in accordance with the provisions of Section 105-434.

105-431 - Modification of lot coverage controls

LAST AMENDED
2/2/2011

For any #development# or #enlargement# on a #Tier II site# or within a #steep slope# or a #steep slope buffer# on a #Tier I site#, the City Planning Commission may authorize variations in the #lot coverage# controls set forth in Section 105-33.

In order to grant such authorization, 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# or #enlargement# that satisfies the purpose of this Chapter;

(b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillsides# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;

(c) such modification is the least modification required to achieve the purpose for which it is granted;

(d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(e) the modification will not disturb the drainage pattern and soil conditions of the area; and

(f) the modification does not impair the essential character of the surrounding area.

105-432 - Modification of yard, height and setback regulations, and parking location regulations

LAST AMENDED
2/2/2011

For any #development# or #enlargement# that does not qualify under provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, parking lot landscaping or maneuverability requirements, location of parking, driveways or curb cuts and required space between #buildings# on the same #zoning lot#, and may modify height and setback regulations for the purpose of preserving #natural features#, provided the Commission finds that:

(a) the proposed placement of #buildings# and arrangement of #open space# will not have significant adverse effects upon the light, air and privacy for existing #buildings# in adjacent

areas or the opportunities therefore in future #development#; and

(b) will preserve significant #natural features#.

The Commission may condition such authorizations upon the joint submission of acceptable plans for #development# or #enlargement# of two or more adjacent #zoning lots# by the owners thereof.

105-433 - Modification of grading controls

LAST AMENDED
2/2/2011

For any #development#, #enlargement# or #site alteration# on a #Tier II site#, the City Planning Commission may authorize variations in the grading controls set forth in Section 105-34.

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

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the modifications 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 modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the modification will not disturb the drainage pattern and soil conditions of the area;

(e) the modification does not impair the essential character of the surrounding area; and

(f) the benefits to the surrounding area from the modification outweigh any disadvantages that may be incurred thereby in the area.

105-434 - Modification of requirements for private roads and driveways

LAST AMENDED
1/19/2016

For any #development#, #enlargement# or #site alteration#:

(a) the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 105-35 (Tier II Site Requirements for Driveways and Private Roads), as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts) provided that:

(1) 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;

(2) such modification is the least modification required to achieve the purpose for which it is granted;

(3) the modification will not disturb the drainage pattern and soil conditions of the area;

(4) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and

(5) such modification will enhance the quality of the design of the #development#, #enlargement# or #site alteration#; or

(b) located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony-Seaview Hospital Historic District, as shown on Map 2 in Appendix A of this Chapter, the City Planning Commission may authorize modifications or waivers of the requirements for #private roads# as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) through Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets), inclusive, and Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through 26-33 (Screening), inclusive, provided that such modification or waiver:

(1) results in greater environmental conservation or preservation of existing natural features;

(2) results in a superior site and landscape plan that will not unduly disturb the drainage pattern and soil conditions of the area;

(3) results in greater preservation of historic #buildings# or other architectural elements of the Historic District designated by the Landmarks Preservation Commission;

(4) enhances vehicular and pedestrian connections between #buildings# on the site and the surrounding neighborhood;

(5) will not impair the essential character of the Historic District and the surrounding area;

(6) is the least required to achieve the purpose for which it is granted; and

(7) will not reduce the required minimum width of the #private road# to a width less than 34 feet unless the Fire Department has approved such reduction and determined that emergency vehicles can adequately access and move within the site.

105-44 - Special Permit

LAST AMENDED
2/2/2005

For any #development#, #enlargement# or #site alteration# within the #Special Natural Area District#, the City Planning Commission may grant special permits for modification of the

underlying district regulations in accordance with the provisions of Sections 105-441 and 105-442.

105-441 - Modification of use regulations

LAST AMENDED
2/2/2011

In addition to any #use# modifications which may be granted under the provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may permit #semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts.

Furthermore, except in the #Special Natural Area District#-1 (NA-1), the Commission may permit #semi-detached# or #attached# #single-family residences# in R1-2 Districts provided that the #development# or #enlargement# is on a tract of land of at least four acres, and provided the Commission finds that:

(a) the preservation of #natural features# requires the permitted #development# to be concentrated to the extent feasible in the remaining portion of the tract;

(b) for such concentration of #development#, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #residential building# types;

(c) the change of housing type constitutes the most effective method of preserving #natural features#;

(d) the #aggregate width of street walls# of a number of #residential buildings# separated by party walls shall not exceed 100 feet;

(e) the proposed #street# system for the tract of land to be #developed# is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area; and

(f) the existing topography, vegetation and proposed planting effectively screen all #attached# #single-family residences# from the #lot lines# along the perimeter of the tract of land to be #developed#.

105-442 - Natural area dedicated for public use

LAST AMENDED
2/2/2005

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

105-45 - Certification of Restoration Plans

LAST AMENDED
2/2/2005

On any #zoning lot# to which the provisions of Section 105-02 (General Provisions) apply, no #natural features# as described in Section 105-11 (Description of Natural Features) or any other vegetation shall be removed, altered, relocated or replaced without prior approval by the City

Planning Commission, as set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS).

In the event that any such features are removed, altered, relocated or replaced from a #zoning lot# without prior approval by the Commission, the Commission may specify the manner of their replacement or restoration. If trees are to be planted, the Commission may require that they be three inches in #caliper#.

A copy of the restoration plan certified by the Commission specifying requirements for the replacement or restoration of the #natural features# shall be issued to the owner of the #zoning lot# containing such violations and to the Department of Buildings.

Upon receipt of the Commission's certified restoration requirements, the Department of Buildings shall require the owner of the #zoning lot# to remove the violations in accordance with the requirements set forth by the Commission. If such violations have not ceased within 90 days of receipt of the Commission's requirements, the Department of Buildings shall institute such action as may be necessary to terminate the violations. For compliance with new planting requirements to remove violations, the Department of Buildings may allow an additional 90 days.

No building permit or certificate of occupancy shall be issued by the Department of Buildings for any #development#, #enlargement#, #site alteration# or #use# on such #zoning lot# until the violations are removed from the #zoning lot# in accordance with the restoration plan certified by the Commission.

105-50 - REGULATIONS FOR PROTECTION OF NATURAL FEATURES

LAST AMENDED
2/2/2011

The provisions of this Section establish regulations for City Planning Commission review of #development#, #enlargement# or #site alteration# plans from the standpoint of the adequacy of

protection for #natural features# within a #Special Natural Area District#. Plans that are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

These regulations are to be used by the Commission in reaching a determination whether to approve #development#, #enlargement# or #site alteration# plans filed pursuant to Sections 105-41 (Certification), 105-42 (Authorizations to Alter Natural Features), 105-43 (Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations) or 105-44 (Special Permits).

The Commission, where appropriate, shall be guided by the reports from other city agencies involved in land contour work, storm water drainage systems and similar operations affecting #natural features#.

In determining the necessary alteration of #natural features# or extent of modifications involved in a #development#, #enlargement# or #site alteration#, the Commission shall be guided by the effect of any alteration of a #natural feature# on the total ecological process of the surrounding natural environment including the following: the effect of such alteration on the existing topography, soil conditions, erosion, natural flow of water and drainage, water quality, and animal, plant and marine life.

Further guidelines for the protection of #natural features# are:

(a) No #natural feature# shall be moved, removed, covered, diminished, broken or disfigured, unless permitted pursuant to the provisions of Sections 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-40 (SPECIAL REVIEW PROVISIONS). Furthermore, #topsoil# shall neither be removed from the surface of any #zoning lot# nor covered with inferior material unless permitted pursuant to Section 105-40. Where existing topography is altered without prior authorization of the Commission, the Commission may require new grading or other topographical modifications or surface improvement to reestablish the viability and function of the soil as a growing medium, and as a drainage surface, in order to permit the site to blend harmoniously with the surrounding area of the Special District.

(b) Filling, excavating, draining, dredging, grading and contouring shall be staged and controlled so as to minimally impair the function, composition, vitality and existence of #natural features#. When and where possible, such operations shall be done in a manner so as to maintain or improve the biological system and individual features on the site.

(c) All filling, excavating, draining, dredging, grading and contouring shall avoid creation of #steep slopes# or conditions causing erosion, loss of fertility of soil, health or safety hazards, and shall be done in conformance with the limits and nature of the soil involved.

(d) All land operations including filling, excavating, draining, dredging, grading and contouring shall be limited to those operations which maintain or restore natural drainage, cause a minimum disturbance of the #natural features# and their setting while providing for the #development#, #enlargement# or #site alteration# or permitted #uses#.

(e) No #development#, #enlargement# or #site alteration# shall be such as to impede or change the quality, turbidity, temperature or chemical composition of natural drainage or aquatic features.

(f) A #development#, #enlargement# or #site alteration# shall be permitted only in areas sufficiently removed from the #natural features# to avoid impairment of their existence, functions or beauty.

(g) There shall be maximum preservation of all natural vegetation in and adjacent to the #natural features# found on the site. Plant communities which have been substantially reduced in area or composition as a result of a #development#, #enlargement# or #site alteration# shall be restored, extended or replaced by alternative plant materials with an adequate maintenance program. In no case shall the site be allowed to be denuded and without vegetational cover upon completion of the #development#, #enlargement# or #site alteration#.

(h) Replacement of any #natural feature# and planting of new vegetation on a site in the Special District shall be such as to extend, reinforce, increase the diversity, function and vitality of an

association or community in the area. Special attention shall be given to symbiotic relationships between plants and the relationship between vegetation to be planted and animal populations which are dependent upon or related to the proposed vegetation. Where appropriate, planting shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses, and other associated vegetation.

(i) Adequate provision shall be made for proper management and maintenance of #natural features# and their immediate surroundings to avoid pollution, loss of vigor, reduction in composition or function or other ecological damage.

(j) Where appropriate, when a portion of a #natural feature# or its function must be altered, such alteration shall not only reinforce the function, vitality and existence of the remaining portion of the #natural feature# but also improve conditions for other #natural features#. This shall apply particularly but not exclusively to the removal and replanting of plant materials.

(k) Where appropriate, a #development#, #enlargement# or #site alteration# shall be such as to leave #natural features# intact in their natural setting and, where feasible, visible from public #streets# or places.

(l) For a #steep slope#, these additional requirements apply:

(1) In all #Residence Districts#, for #residential# #developments# on individual #zoning lots# substantially within a #steep slope# area, the #lot area per dwelling unit# requirement shall not be less than 12,500 square feet. Except in R1 Districts located in #Special Natural Area District#-1 (NA-1), the Commission may, for a tract of land of at least four acres substantially within the #steep slope# area, modify, by authorization, the #lot area per dwelling unit# requirement set forth in this paragraph, (l)(1), for the #steep slope# area, and may allow #development# to be concentrated in clusters to preserve the #steep slope# areas in their natural state, provided that such clusters are located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the

creation of new #steep slopes#.

(2) In no event shall the #lot area per dwelling unit# requirement be less than the amount required by the underlying district regulations.

(3) Existing vegetational cover in steep areas shall not be removed, destroyed or damaged except pursuant to development and grading plans approved by the Commission. An objective of such plans shall be to fit #street# layouts and #building# designs to the natural terrain, limit grading to a practical minimum and provide for maximum preservation of the natural terrain and vegetational cover.

105-60 - MAINTENANCE OF NATURAL FEATURES

LAST AMENDED
2/2/2005

For any #development#, #enlargement# or #site alteration# on a tract of land within a #Special Natural Area District#, the City Planning Commission may require a maintenance plan for a #natural feature#. Where a maintenance plan is required, approval of the development plan and the granting of any certification, authorization or special permit shall be conditioned upon the Commission's approval of the maintenance plan.

The maintenance plan shall specify what the maintenance is to consist of and whose responsibility it will be, and shall provide assurance that maintenance will be satisfactorily executed. The Commission, in considering the maintenance needs of a particular #natural feature# and the content of an acceptable maintenance plan shall, where appropriate, refer all relevant plans to the Landmarks Preservation Commission, Department of Parks or other City agency with primary responsibilities in natural areas conservation, for its report thereon. The Commission shall, in its determination, give due consideration to any such report submitted within one month from the date of referral. If such City

agency does not report within one month, the Commission may make a final determination without reference thereto.

For #natural features# for which the Commission determines that specialized maintenance and regulated public #use# are appropriate, the maintenance plan may provide for dedication of the #natural feature# to the City or an approved private conservation organization for responsible maintenance in the public interest.

105-70 - SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT

LAST AMENDED
2/2/2011

In order to carry out the purposes of this Chapter, all #zoning lots# #developed# predominantly for #residential use# may be subject to the provisions of this Section.

105-701 - Applicability of large-scale residential development regulations

LAST AMENDED
12/5/2024

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), shall apply except as modified by the provisions of this Section.

Any #zoning lots# #developed#, used predominantly for #residential uses#, may be treated as a #large-scale residential development# and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein or in Section

105-80 (JOINT APPLICATIONS), regardless of whether such #zoning lot# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential development#, as set forth in Section 12-10 (DEFINITIONS).

However, in R1 Districts located in the #Special Natural Area District#-1 (NA-1), no modification of minimum required #lot area# as set forth in Section 23-11 (Lot Area and Lot Width Regulations in R1 through R5 Districts) shall be allowed for any #development# pursuant to paragraph (c) of Section 78-311 (Authorizations by the City Planning Commission) or Section 78-32 (Bonus for Good Site Plan) but modifications of required #front# or #rear yards# and height and setback regulations on the periphery of such #zoning lot#, pursuant to paragraphs (c) and (d) of Section 78-312 (Special permits by the City Planning Commission), shall apply. Modification of #side yards# of all #zoning lots#, including #zoning lots# in R1 Districts, shall be subject to the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations).

Bonuses which may be granted for #large-scale residential developments#, pursuant to Section 78-32 through Section 78-35 (Special Bonus Provisions), may not be granted for #zoning lots# which have less than 10 acres and less than the number of #buildings# or number of #dwelling units# required by the definitions of a #large-scale residential development#.

Commonly or separately owned areas containing #natural features# may qualify as common #open space# for purposes of satisfying #open space# requirements.

Approval by the Commission of a development plan incorporating #natural features# as common #open space# shall be conditioned upon the findings required in Sections 78-313 (Findings) and 78-52 (Common Open Space) with respect to the qualification of areas as common #open space# and upon additional findings that appropriate safeguards are provided for the protection and preservation of such #natural features#. In the case of #natural features# that are determined to have qualities of exceptional recreational, cultural or educational value to the public and that are directly accessible to the public from a public right-of-way, the applicant may request the City to take title or a less than fee interest in the property occupied by such a #natural feature# without any cost to the City or its designee for #use# and enjoyment by the public subject to the provisions of Section 105-60

(MAINTENANCE OF NATURAL FEATURES).

105-702 - Applicability of lower density growth management area regulations

LAST AMENDED
2/2/2011

The regulations for #developments# or #enlargements# within #lower density growth management areas# are modified as follows:

(a) Parking location regulations

#Accessory# parking spaces shall be permitted within a #front yard#.

(b) Private road regulations

The provisions of paragraph (b) of Section 105-35 (Tier II Requirements for Driveways and Private Roads) shall apply to #Tier II sites# accessed by #private roads#.

105-80 - JOINT APPLICATIONS

LAST AMENDED
12/19/1974

Notwithstanding the provisions of Section 78-06 (Ownership), a tract of land which is the subject of an application for authorizations or special permits under the provisions of this Chapter may include adjacent property in more than one ownership, provided that the application is filed jointly by the owners of all property included. Any subdivision of the tract reflecting ownerships at the time of

application or creating new ownerships before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

105-90 - FUTURE SUBDIVISION

LAST AMENDED
2/2/2011

Within a #Special Natural Area District#, any #zoning lot# existing on the effective date of the Special District designation may be subdivided into two or more #zoning lots#, provided that #natural features# are preserved to the greatest extent possible under future development options.

A plan for such subdivision shall be filed with the City Planning Commission and the Commission shall certify that such subdivision complies with this objective. The subdivision plan shall include a survey map indicating existing topography and other #natural features# within this area. When a #zoning lot#, existing on the effective date of the Special District designation, is more than 10 acres and is intended to be subdivided, an area plan of the entire #zoning lot# shall be filed with the Commission. The area plan shall include the proposed #street# system within the area, #block# layouts and any other information required by the Commission.

When any #zoning lot# is subdivided into two or more #zoning lots#, all resulting #zoning lots# that lie substantially within a #steep slope# area existing as of December 19, 1974, shall be subject to the #steep slope# provisions of Section 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES) and all other provisions of this Chapter, as applicable.

In the event that #natural features# on any #zoning lot# subject to the provisions of Section 105-02 (General Provisions) proposed for subdivision have been removed, altered, relocated or replaced from the #zoning lot# without prior approval by the Commission, as set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS), the Commission shall not approve the subdivision until violations are

removed from the #zoning lot# in accordance with the Commission's requirements under Section 105-45 (Certification of Restoration Plans).

105-91 - Special District Designation on Public Parks

LAST AMENDED
2/2/2005

When a #Special Natural Area District# is designated on a #public park# or portion thereof, any #natural features# existing on December 19, 1974, within such area shall not be removed, destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that any alteration of #natural features# is the least alteration required to achieve the purpose intended and such authorization is consistent with the intent of the #Special Natural Area District#.

105-92 - Special Provisions for City-owned Land

LAST AMENDED
2/2/2011

The provisions of Section 105-40 (SPECIAL REVIEW PROVISIONS) shall apply on City-owned land, except that modifications permitted under Section 105-44 (Special Permits) may be approved by the City Planning Commission.

Furthermore, provisions of Section 105-93 (Inter-agency Coordination) shall apply on City-owned land. However, the provisions of this Chapter shall not apply to any public improvement project approved by the Board of Estimate prior to the effective date of the Special District designation.

105-93 - Inter-agency Coordination

LAST AMENDED
2/2/2005

Where an authorization or permit is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Departments of Transportation or Buildings for land contour work, by the Department of Environmental Protection for storm water drainage systems for #buildings# or adjacent areas or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development#, #enlargement# or #site alteration# within a #Special Natural Area District# will best meet the purposes of the Special District. Applications for any required permit or authorizations shall be filed simultaneously with each agency requiring a permit.

105-94 - Special Natural Area Districts Specified

LAST AMENDED
5/21/1975

105-941 - Special Natural Area District-1:

LAST AMENDED
6/23/1977

Emerson Hill, Dongan Hills, Todt Hill, Lighthouse Hill and the Central Wetlands Area of Staten Island

The central, serpentine, hilly spine of Staten Island is composed of Emerson Hill, Dongan Hills, Todt Hill and Lighthouse Hill. These hills are richly endowed with steep slopes, rock outcrops, erratic boulders and ponds, lakes, swamps, creeks and many trees of the glaciated Oak-Chestnut association.

To the south and west of the serpentine hills are tidal wetlands, a habitat for marine life and water fowl. The wetlands include parts of Latourette Park, Fresh Kills Park and New Springville Park. The high and low wetlands of Latourette Park and New Springville Park and most of the low wetlands of Fresh Kills Park remain in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

105-942 - Special Natural Area District-2:

LAST AMENDED
5/21/1975

Riverdale, Spuyten Duyvil and Fieldston, The Bronx

The Riverdale Ridge of The Bronx is composed of part of Riverdale, Spuyten Duyvil and Fieldston. This ridge contains steep slopes, rock outcrops, ponds, brooks, swampy areas and mature trees.

The western foot of the ridge contains marshes, feeding areas for water fowl. The shore line of the Hudson River estuary contains the aquatic food web necessary to sustain marine life.

The marshes and most of the Hudson River shore line are included in Riverdale Park. Much of the Riverdale Ridge and Riverdale Park are in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the

provisions of this Chapter.

105-943 - Special Natural Area District-3:

LAST AMENDED
12/1/1977

Shore Acres Area of Staten Island

The Shore Acres area of Staten Island owes its unique character to Shore Acres Pond, which is fed predominantly by springs percolating from an underground aquifer through Pleistocene strata of sand and gravel.

The Pond is a resting place for migratory and local fowl as well as a watering hole for opossums which are abundant along the wooded cliffs of the Narrows. The Pond has shaped its built environment, including the street layout, landscaping and orientation of neighboring homes. The surrounding area is distinguished by rolling topography with orientation of the northeastern edge toward Lower New York Bay and the Narrows.

The natural drainage area is in need of protection to ensure survival and maintenance of the Pond which in turn is essential to the preservation of this special area.

105-944 - Special Fort Totten Natural Area District-4

LAST AMENDED
12/5/2024

(a) General purposes

The "Special Fort Totten Natural Area District"-4 (hereinafter referred to as the Special District), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following general purposes:

(1) to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;

(2) to protect aquatic, biologic, geologic, topographic and other natural features having ecological and conservation values and functions;

(3) to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and

(4) to promote the desirable use of land improvements in accordance with the District Plan and in conformance with the character of the Fort Totten area and thus conserve the value of land and buildings and thereby protect the City's tax revenue.

(b) Definitions

(1) Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

(2) Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District#-4 as shown on the District Plan (Appendix A)

complying with the definition of #street# in Section 12-10, except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

(c) General requirements

(1) Requirements for applications

An application to the Commission for any #development# within the Special District shall be subject to the requirements of Section 105-021 (Actions not requiring special review). In addition, an application for #development# within Area B shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

(2) Pier #development#

The Commission may permit, by special permit, pier #development#, only upon finding that the proposed #development# shall have no significant adverse impact on the Special District or surrounding environment. The Commission may prescribe appropriate conditions and safeguards to minimize possible adverse effects on the surrounding area.

(d) Special regulations

(1) Demolition

Except in Area E, no demolition permit or alteration permit for alterations which may affect the character or design of the facade of a #building or other structure# shall be issued by the Department of Buildings, except as permitted by the Commission, unless it is an unsafe #building or other structure# and demolition or alteration is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code. An applicant for any such permit shall notify the Landmarks Preservation Commission of the application.

The Commission, by special permit, may allow:

(i) the alteration of such #building or other structure#, provided that such alteration treatment of the facade relates harmoniously to the character and materials of the original facade and to the adjoining #buildings or other structures#; or

(ii) the demolition of such #buildings or other structures#, other than those deemed unsafe as defined by the Department of Buildings, provided that the Commission finds that the existing #building or other structures# are not suitable for rehabilitation.

Where a #building or other structure# has been demolished pursuant to this Section, the Commission may, by special permit, allow the replacement of the demolished structure provided that the design of the new structure in terms of scale, #lot coverage#, #building# height and exterior treatment of the facade shall replicate as nearly as possible the design and site plan of the original #building#.

(2) Special height regulations

In order to preserve the unique character of the Special District and to protect the views of and to the water within the Special District, Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts) shall apply except that the maximum height for any #development# or #enlargement# shall be 32 feet or three #stories#, whichever is less.

(3) Location of zoning district boundaries at the shore line

Zoning district boundary lines shall coincide with the shore line lawfully existing on April 28, 1983, or any natural or lawful alteration thereof.

A zoning district boundary line which intersects the shore line lawfully existing on April 28, 1983 shall be prolongated, in a straight line, to such naturally or lawfully altered shore line. Lawfully approved piers or other lawfully approved structural extensions of the shore line, as may be so altered, shall not generate development rights.

(4) Designated open space

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan, shall require certification by the Commission that such #designated open space# shall not be reduced in size or altered in shape and shall be preserved in its natural state by the owner of the #zoning lot#.

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

#Designated open space# may be used for active recreational facilities provided that

the Commission certifies that such #uses# have minimal impact on tree removal, topographic alteration or drainage conditions.

All #designated open spaces# shall be directly accessible to the public from public rights-of-way between dawn and dusk. A prominent plaque or other permanent #sign# shall be displayed on all #designated open spaces# in a prominent location, designated by the Commission, visible from the adjacent public right-of-way. Such plaque or permanent #sign# shall have a #surface area# of not less than three nor more than six square feet, and shall contain the following statement:

"This area is open to the public between sunrise and sunset."

(5) District plan

The District Map for the #Special Fort Totten Natural Area District#-4 identifies specific areas comprising the District Plan in which special zoning regulations carry out the general purposes of the #Special Fort Totten Natural Area District#-4. The District Plan is set forth in Appendix A and is made an integral part hereof. These areas and the specific paragraphs of this Section which contain regulations pertaining thereto are as follows:

Area A - Historic Fort Area, paragraph (d)(6)

Area B - Planned Community Area, paragraph (d)(7)

Area C – Water Related Area, paragraph (d)(8)

Area D - Bay Area, paragraph (d)(9)

Area E - Development Area, paragraph (d)(10)

(6) Historic Fort Area (Area A)

Within Area A (Fort Area) there shall be no #development# nor #enlargement# of existing #buildings or other structures# except that the Commission may authorize necessary renovation to protect existing structures. In all cases the Commission shall refer all applications to the Landmarks Preservation Commission and Department of Parks and Recreation or other City agencies with primary responsibilities in the conservation area, for its report thereon.

(7) Planned Community Area (Area B)

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

(i) Special permit

For any #development#, #enlargement# or alteration of landscaping or topography, the Commission may, by special permit, allow:

(a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots#

within the development to be distributed without regard for #zoning# #lot lines#;

(b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lot# within the development to be distributed without regard for #zoning# #lot lines#;

(c) minor variations in the #yard# and #court# regulations required by the applicable district regulations;

(d) minor variations in the height and setback regulations required by the applicable district regulations;

(e) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-371 (Standard minimum distance between buildings);

(f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning# #lot lines#, or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to findings of Section 78-41 (Location of Accessory Parking Spaces), or where such requirement substantially injures the functioning of the existing area, authorize waiver of all or part of the required parking.

(ii) Findings

As a condition precedent to the granting of a special permit under the provisions of paragraph (d)(7)(i) of this Section, the Commission shall make the following findings:

(a) that the #development#, #enlargement# or said alteration is related to the existing #buildings or other structures# in the Planned Community Area (Area B) in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the area;

(b) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #buildings# and the landscaping surrounding the new landscaping arrangement and conditions of the community;

(c) that the #development# or #enlargement# is sited such that it will not require at the same time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community;

(d) that minimal landscaping is to be removed during construction and such areas will be fully restored upon completion of construction.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions, and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community.

(iii) Parade ground

Unless ownership is retained in a governmental agency, the parade ground

#designated open space# shall be commonly owned with a #zoning lot# within Area B or Area E and the maintenance of the parade ground shall be the collective responsibility of said owner or owners. The parade ground shall be used for open recreational #uses# and may contain minor #accessory# structures to said #use#. The parade ground shall be directly accessible from the adjoining #streets# along its entire perimeter. There shall be no fences nor walls around or within the parade ground.

(8) Water Related Area (Area C)

In order to protect the unique aquatic and botanic characteristics of the area, there shall be no #development# in Area C except as provided by paragraph (d)(1) of this Section.

(9) Bay area (Area D)

In order to promote waterfront related activities, the permitted #uses# in a C3 District shall be modified as follows in Area D:

(i) #residential uses#, which #uses# are permitted only above the ground floor of those #buildings# existing prior to April 28, 1983;

(ii) all #uses# listed under Use Group VI shall be permitted as applicable in C2 Districts, except #uses# listed in Motor Vehicle and Parts Dealer.

(10) Development area (Area E)

Any #zoning lot# #developed# predominantly for #residential uses# may be considered a #large-scale residential development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, except that the #accessory# #uses# of Section 78-22 (Accessory Uses in Large-Scale Residential Developments) shall not apply.

Any #zoning lot# #developed# predominantly for #community facility uses# may be treated as a #large-scale community facility development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 9.

In Area E, the Commission may authorize clustering of #single-family# and #two-family residences# and a modification of housing types in order to maximize the preservation of existing #natural features# in the area, and to provide adequate view protection, and to relate these new structures with the existing structures in the general vicinity. Clustering shall be limited to a maximum #street wall# of 100 feet.

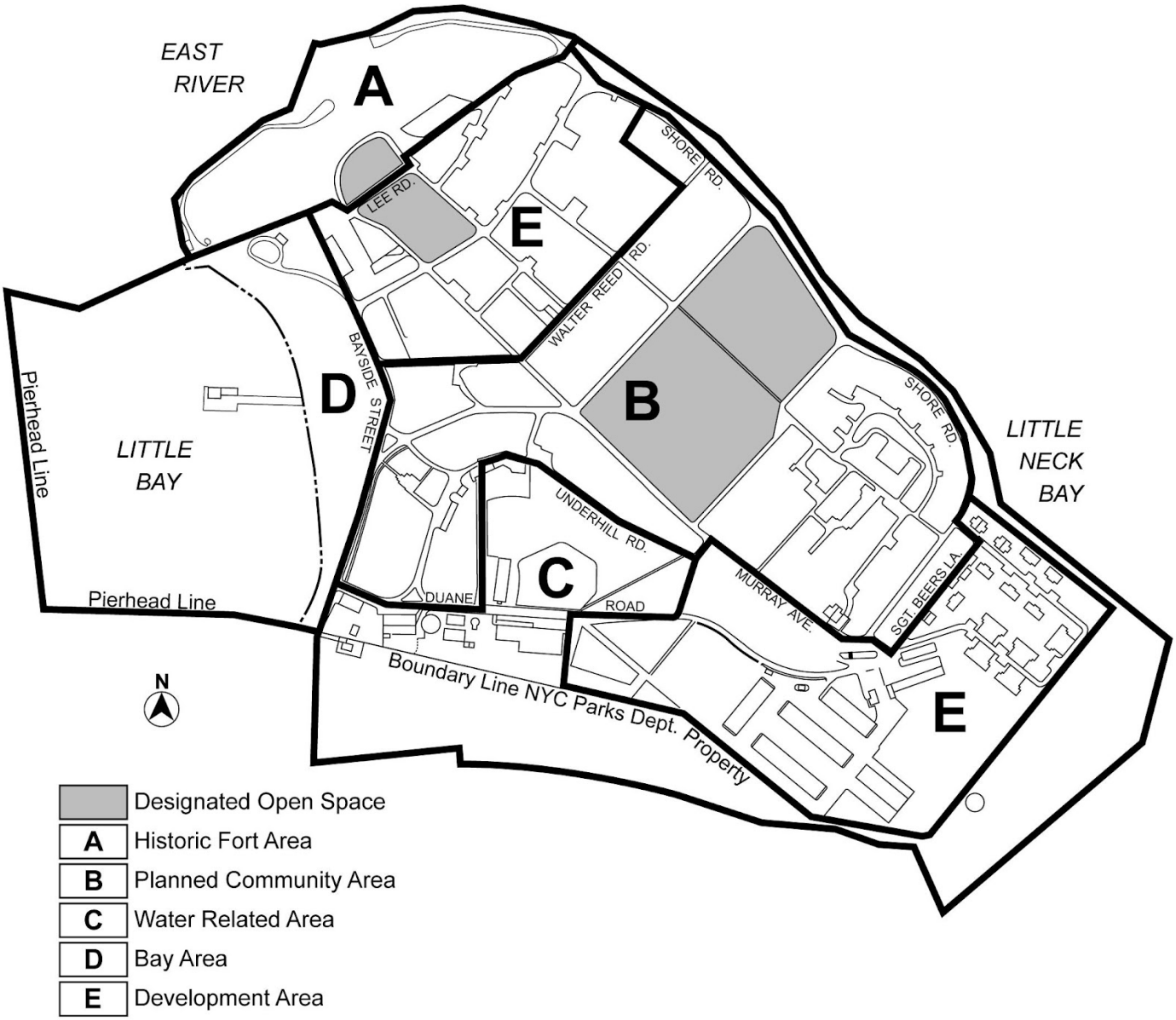
Any and all bonuses permitted in Sections 78-32 through 78-353, inclusive, shall not apply to #development# in Area E.

Appendix A - Special Natural Area District Plan Maps

LAST AMENDED
1/19/2016

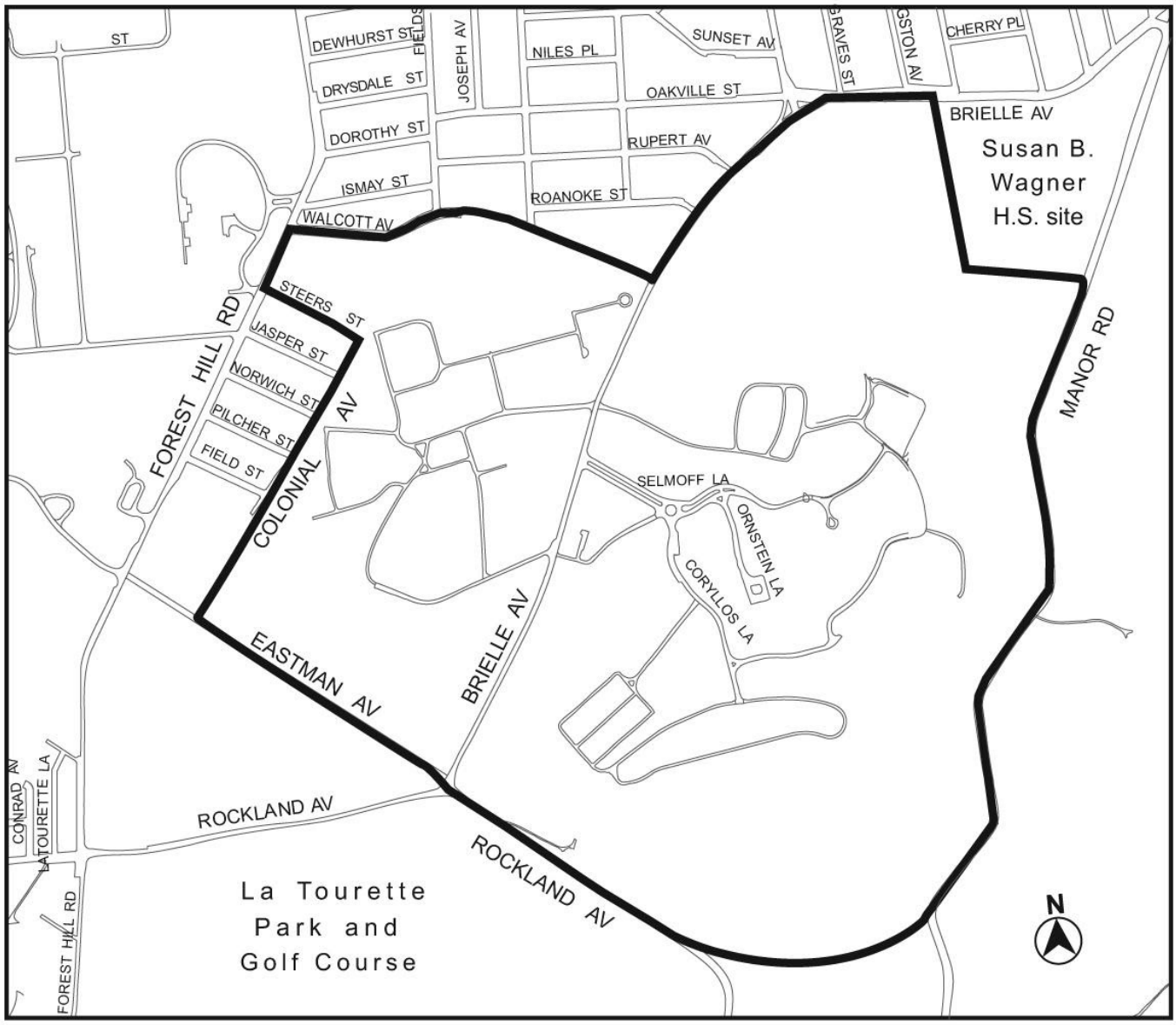
Map 1. Special Fort Totten Natural Area District-4 Plan Map,

Borough of Queens



	Designated Open Space
A	Historic Fort Area
B	Planned Community Area
C	Water Related Area
D	Bay Area
E	Development Area

Map 2. New York City Farm Colony-Seaview Hospital Historic District, Borough of Staten Island



Appendix B - Glossary

LAST AMENDED
6/23/1977

Part I:

Certain botanic terms referred to in the text and Part II of this Appendix are explained below:

A "tree" is any woody plant with one trunk rising out of the earth and root system, from which branches then spring, usually at some distance from the earth. A tree may be deciduous or coniferous.

A "shrub" is a woody plant that has one or more trunks rising from the same root system instead of a single trunk. These trunks or stems may or may not branch at some distance from the earth. A shrub may be deciduous or coniferous.

A "herb" is a non-woody plant with a fleshy stem which dies back to the earth level at the end of the growing season. It may be annual, biennial, or perennial.

A "vine" is a woody plant whose trunk or stem must be supported by the general environment or other plants. It is unable to stand on its own.

A "grass" is a family of herbaceous plants, rarely woody, with hollow round stems.

An "annual" is a plant which completes its life cycle in the space of one growing season, that is, it goes from seed to full plant and flower and sets seed in a single season.

A "biannual" is a plant which requires two years to grow from seed to mature plant capable of producing seed and then dies.

A "perennial" is a plant which lives more than one or two years and usually produces seeds for more than a few years.

A "fern" is a perennial, flowerless plant which reproduces by spores.

An "association" is a grouping of many plant species over a wide area sharing a common habitat and similar geographic conditions.

A "community" is a series of plants, animals, algae, fungi, grasses, trees, shrubs, herbs and other life forms which characteristically grow and live together in harmony, creating a balanced biological environment.

Part II:

Description of Natural Features defined in Section 105-10 (NATURAL FEATURES):

(a) Geologic features

(1) Rock outcrop

A rock outcrop shows the type of rock underlying the area, the results of surface abrasion by glacier, waterborne or windborne matter, or the results of chemical or temperature weathering.

(2) Geologic deposits

Geologic deposits include:

Soils of different origins such as loess and mineral deposits such as artinite, garnets, zircon, topaz, beryl, tourmaline, algite, tremolite, serpentine, muscovite, amethyst, peridot, jadeite, geodes and other elements of the Precambrian, Odovician, Triassic, Cretaceous, Pleistocene and Holocene geology found in New York City.

An erratic boulder is a relatively large mass of rock which has been moved significant distances from its parent rock to be left amidst a geologic area which has a different history and origin than the parent.

(b) Topographic features

(1) #Steep slope#

A #steep slope# includes ground formation with sharp inclines such as hills and palisades.

(2) Existing natural topography

Existing natural topography includes terrain other than #steep slope# areas.

(3) #Topsoil#

#Topsoil# includes all of the A horizon, specifically, from top to bottom: the A1 litter layer where organic material, such as leaves and animal matter accumulate; the A2 fermentation layer where organic material is decomposed by fermentation, fungi, bacteria and soil organisms; the A3 humic layer where humus, resulting from the decomposition process, lies; and the B1 mixing layer where the humic substances become mixed with mineral matter.

(c) Aquatic features

(1) Laminarian zone

(i) Rock bottom

Characteristic plants:

Green algae:

Chaetomorphia melagonium

Cladaphora gracilis

Codium fragile

Brown algae:

Asophyllum nodosum

Sargassum filipendula

Agarum cribrosum

Red algae:

Rhodymenia palmata (Dulse)

Ceramium robrum

Ahnfeltia plicata

Polysiphonia lanosa

Seirospora griffithsiana

Callithamnion corymbosum

Characteristic animals:

Diadumene leucolena - Pallid sea anemone

Ceriantheopsis americanus - Worm sea anemone

Astrangia danae - Star coral

Crisia denticulata - Fringed moss animal

Bugula turrita - Turreted moss animal

Membranipora monostachys - Sea mat

Lepas fasticularis - Northern sea barnacle

Balanus balanoides - Rock barnacle

Littorina littorea - Common periwinkle

Littorina obtusata - Smooth periwinkle

Littorina irrorata - Salt marsh periwinkle

Crepidula fornicata - Common boatshell

Polinices dublicatus - Shark eye

Urosalpinx cinera - Oyster drill

Mytilus edulus - Blue mussel

Modiolus demissus - Ribbed mussel

Crassostrea virginica - Virginia oyster

Petricola pholadiformis - False angelwing

(ii) Mud or sand bottom

Characteristic plants:

Green algae:

Chaetomorphia melagonium

Cladophroa gracillis

Brown algae:

Sargassum filipendula

Laminaria agardhi

Agarum cribosum

Red algae:

Rhodymenia palmata (Dulse)

Cystoclonium purpureum

Ahnefeltia plicata

Polysiphonia lanosa

Seirospora griffithsiana

Callithamnion corymbosum

Characteristic animals:

Ceriantheopsis americanus - Worm sea anemone

Littorina littorea - Common periwinkle

Littorina obtusata - Smooth periwinkle

Littorina irrorata - Salt march periwinkle

Crepidula fornicata - Common boatshell

Polinices dublicatus - Shark eye

Lunatia heros - Common moonshell

Mytilus edulus - Blue mussel

Modiolus demissus - Ribbed mussel

Nucula proxima - Atlantic nut clam

Aequipecten irradians - Bay scallop

Mercenaria mercenaria - Northern quahog

Macome baltica - Baltic macoma

Tagelus plebius - Stout razor

Mya arenaria - Soft shell clam

Corbulua contracta - Common basket clam

(2) Beach

Characteristic saltwater beach animals:

Beach flea:

Orchestia agilis

Talitrus longicornis

Sandworms or Bristleworms:

Nereis virens

Nereis limbata

Nephthys picata

Arabella opalina

Lumbriconereis tenuis

Glycera americana

Nerine agilis

Cirratulus grandis

Cistenides gouldii

Clymenella torquata

Maldane elongate

Ghost shrimp:

Penaeus brasiliensis

Laldemonetes vulgaris

Crangon vulgaris

Ghost crab, Horseshoe crab, Green crab:

Ocypoda arenaria

Limulus polyphemus

Carcindes moenas

Blue crab:

Callinectes sapidus

Callinectes hastatus

Lady crab,Sand crab,Rock crab:

Ovalipes ocellatus

Platyonichus ocellatus

Cancer irroratus

Fiddler crabs:

UCA minax

Gelasimus minax

UCA pubnax

Gelasimus pugnax

UCA pugilator

Gelasimus pugilator

Pinnotheres maculatum - Oyster crab

Venus mercenenia - Hardshell clam

Mya arenaria - Softshell clam

Enis directus - Razor clam

Tagelus gibbus - Clam

Psilaster florae - Starfish

Amphiura squamata - Brittlestars

Echinarachncus parma - Sand dollar

Snails:

Haminae solitaria

Scala lineata

Scala multistriata

Polynices heros

Polynices triseriata

Polynices duplicata

Crepidula fornicata

Crepidula plana

Littorina littorea (Periwinkle)

Urosalpinx linera (Oyster drill)

Eupleura caudata

Columbella avara

Columbella similis

Columbella anachis

Columbella astyris

Columbella lunata

Nassa trivittata

Nassa obsoleta

(3) Tidal wetland or saltwater littoral zone

(i) Rock bottom

Characteristic plants:

Blue-green algae:

Callothrix spp.

Rivularia atra

Green algae:

Ulothrix flacca

Enteromorpha intestinalis

Ulva lactuca (Sea lettuce)

Monostroma oxyspermum

Codium fragile

Brown algae:

Fucus vesiculosus

Fucus vesiculosus var spiralis

Fucus spiralis

Ascophyllum nodosum

Red algae:

Hildenbrandia prototypus

Agardhiella tenera

Chrondrus crispus (Irish moss)

Bangia fuscopurpurea

Porhyra umbilicalis

Ceratium rubrum

Ahnfeltia plicata

Polysiphonis lanosa

Scirospora griffithsiana

Callithamnion corymbosum

Characteristic animals:

Lepas fascicularis - Northern sea barnacle

Balanus balanoides - Rock barnacle

Littorina littorea - Common periwinkle

Littorina obtusata - Smooth periwinkle

Littorina saxatilis - Rough periwinkle

Littorina irrorata - Salt marsh periwinkle

Crepidula fornicata - Common boatshell

(ii) Mud or sand bottom

Characteric plants:

Blue-green algae:

Callothrix spp.

Lyngbya majuscula

Rivularia atra (Mermaids hair)

Rhizoslonium fragile

Green algae:

Enteromorpha linza

Ulva lactuca (Sea lettuce)

Monostroma oxyspermum

Codium fragile

Red Algae:

Chrondrus crispis (Irish moss)

Bangia fuscopurpurea

Porhyra umbilicalis

Ceramium rubrum

Ahnfeltia plicata

Polysiphonia lanosa

Scirospora griffithsiana

Callithamnion corymbosum

Bacchairs halmilifolio - Groundseltree

Distichlis spicata - Alkali grass

Hybiscus palustris - Marsh mallow

Iva fructescens - Marsh elder

Juncus gerardi - Black grass

Limonium carolinianum - Sea lavender

Phragmites communis - Reed

Ruppia maritima - Wigdeon grass

Salicornia spp. - Perennial saltwart

Spartina alternifolia - Smooth cordgrass

Spartina cynosuroides - Salt reedgrass

Spartina patens - Salt hay

Spartina pectinata - Freshwater cordgrass

Zostera pectinata – Eelgrass

Characteristic animals:

Ceriantheopsis americanus - Worm sea anemone

Littorina littorea - Common periwinkle

Littorina saxatilis - Rough periwinkle

Littorina littorea - Salt marsh periwinkle

(4) Swamp

Characteristic plants:

Acer rubrum - Red maple

Acer - Silver maple

Alnus spp. - Alder

Arisaema triphyllum - Jack in the pulpit

Cephalanthus occidentalis - Buttonbush

Cornus florida - Dogwood

Epilobium hirsutum - Willowherb

Hibiscus moscheutus - Rosemallow

Salix spp. - Willow

Smilax glauca - Catbrier

Smilax rotundifolia - Bulbrier

Quercus palustris - Pin oak

(5) Marsh

Characteristic plants:

Acnida - Waterhemp

Acorus calamus - Sweetflag

Cyperus spp. - Chufa

Echinochola - Wild millets

Eleocharis - Spikerushes

Impatiens pallida - Jewelweed

Leersia orysoides - Rise cutgrass

Phragmites communis - Reeds

Pontederia cordata - Pickerelweed

Polygonum - Smartweed

Sagittaria - Arrowhead

Scirpus cyperinus - Sedge bullrush

Typha latifolia - Cattails

Zizania aquatica - Wild rice

(6) Bog

Characteristic plants:

Andromeda folifolia - Bog rosemary

Arethusa bulbosa - Swamp pink

Caldopogon pulcherlus - Grass pink

Chamaedaphne calyculata - Leatherleaf,

marsh cinquefoil

Drosera rotundifolia - Sundew plant

Eriophorum virginidum - Cottongrass

Iris versicolor - Blue flag, wild iris

Ledum groenlandicum - Labrador tea

Menyanthes trifoliata - Bogbean

Myrica gale - Sweetgale

Peltandra virginica - Snakes-mouth orchid

Rhododendron viscosum - Swamp azalea

Sarracenia purpurea - Pitcher plant

Solidago uliginosa - Bog goldenrod

Sphagnum - Sphagnum moss

Urtricularia conuta - Horned bladderword

Vaccinium macrocarpon - American cranberry

Vaccinium oxycoccus - Dwarf cranberry

(7) Meadow

Characteristic plants:

Amelanchier canadensis - Shadbush

Apios americana - Groundnut

Lilium supurbum - Turks cap lily

Impatiens pallida - Jewelreed

Lysmachia terrestris - Swamp-candles

Lythrum calicaria - Spiked loosetrife

Sambucus canadensis - Elderberry

Spirea tomentosa - Steeplebush

(8) Creek, stream or brook

Creeks, streams and brooks are often classified by the rate at which the water flows, a fast stream being a water flow of about two feet per second. Creeks, streams and brooks are valuable for their drainage function, the fish they contain both as a source of sport and for the other forms of life which relate to the animal and plant life dependent upon the stream.

(i) Fast creek, stream or brook

Characteristic plants:

Fontalis - Water moss

Ulothrix - Algae

Diatoma - Diatoms

Gomphonema

Characteristic animals:

Caddisflies:

Trichoptera

Phyganea

Rhyacophila

Philopotamidae

Hydropsychidae

Hydropsyche

Pharyganeidae

Limnephilidae

Leptocerus

Leptocella

Anthrpsodes

Oecetis

Brachyecentridae

Helicopsychidae

Simulium - Blackfly

Ple coptera - Stonefly

Tipulidae - Cranefly

Neuroptera - Dobsonfly

Ephemeroptera - Mayfly

Osonychia

Percina caprodes - Log perch

Salvelinus fortinalis - Brook trout

Salmo gairdneri - Steelhead trout

Salmo trutta - Brown trout

Salmo salar - Atlantic salmon

(ii) Slow creek, stream or brook

Characteristic plants are the same as those in a lake or pond.

Characteristic animals:

Dragon Fly:

Anisoptera

Iodonata

Water striders:

Gerridae

Hempitera

Odonata

Zygoptera - Damselflies

Orixidae - Waterboatmen

Hexagenia - Mayfly

Sphaerium - Fingernail clam

Semotilus atromaculatus - Creek chub

Ictalurus punctatus - Channel catfish

Ictalurus catus - White catfish

Ictalurus melas - Black catfish

Cyprinus carpio - Carp

Esox lucius - Northern pike

Esox americanus - Little pickerel

Esox niger - Chain pickerel

Roccus americana - White perch

Roccus saxatilis - Striped bass

(9) Lake or pond

Characteristic plants:

Ceratophyllum demersum - Coontail

Duckweeds:

Lemna

Spirodella

Wolffia

Wolfflella

Myriophyllum - Watermillfois

Najas - Naiads

Nuphar - Cowlilies

Nymphaea - Waterlilies

Potamogeton - Pondweeds

Vallisneria spiralis - Wild celery

(10) Spring

Characteristic plants and animals are the same as those found in a swamp, marsh, bog, meadow, creek, stream, brook, lake or pond.

(d) Botanic environment

(1) Primary succession community area

Characteristic plants:

Achillea millefolium - Yarrow

Anagallis areensis - Scarlet pimpernel

Anaphalis margaritacea - Pearly everlasting

Antennaria plantaginifolia - Pussy's toes

Artemisia caudata - Tall wormwood

Asclepias syriaca - Common milkweed

Asclepias tuberosa - Orange milkwood

Asparagus officinalis - Garden asparagus

Aster ericoides - Heath aster

Aster linariifolius - Stiff-leaved aster

Brassica nigra - Black mustard

Chrysanthemum leucanthemum - Ox-eye daisy

Cichorium intybus - Chicory

Cirsium arvense - Canada thistle

Cirsium discolor - Field thistle

Convolulus sepium - Wild morning glory

Coreopsis lanceolata - Coreopsis

Cytisus scoparius - Scotch broom

Datura stramonium - Jimsonwee

Daucus carota - Queen Anne's lace

Dianthus armeria - Deptford jink

Dianthus plumarius - Garden pink

Epilobium angustifolium - Fireweed

Erodium circutarium - Stork's bill

Eupatorium hyssopifolium - Hyssop-leaved boneset

Euphorbia cyparissia - Cypress spurge

Frageria virginiana - Wild strawberries

Gnaphalium obtusifolium - Sweet everlasting

Holcus lanatus - Velvetgrass

Hypericum gentianoides - Pineweed

Hypericum perforatum - Common St. Johnswort

Hypochoeris radicata - Cat's ear

Linaria canadensis - Old-field-toadflax

Linaria vulgaris - Butter-and-eggs

Lonicera japonica - Japanese honeysuckle

Lychnis alba - White campion

Matericaria matricariodes - Pineappleweed

Ooenothera biennis - Evening primrose

Opuntia humifusa - Prickly pear cactus

Oxalis stricta - Yellow wordsorrel

Phytolacca americana - Pokeweed

Plantago lanceolata - English plantain

Polygonum persicaria - Lady's thumb

Polygonum pennsylvanicum - Pinkweed

Potentilla canadensis - Old-field cinquefoil

Potentilla recta - Sulphur cinquefoil

Rana unculus repens - Creeping buttercup

Rosa virginiana - Virginia rose

Rudebeckia hirta - Black-eyed-susan

Saponaria officinalis - Bouncing-bet

Sedum acre - Stone crop

Solanum americanum - Black nightshade

Solanum dulcamara - Bitter nightshade

Solidago nemoralis - Grey goldenrod

Solidago puberula - Purple-stemmed goldenrod

Solidago tenuifolia - Grass-leaved goldenrod

Spergularia rubra - Pink sand-spurry

Tanacetum vulgare - Tansy

Taraxicum officinale - Dandelion

Trichostemma dichotomum - Blue curls

Trifolium arvense - Rabbitfood clover

Verbascum thapsus - Mullein

Yucca fllamentosa - Yucca

(2) Secondary succession community area

Characteristic plants of a secondary succession community area include the species found in a primary succession community area, a swamp, a meadow and the following species:

Acer rubrum - Red maple

Amelanchier canadensis - Shadbush

Amelanchier obovalis - Serviceberry

Betula lenta -Black birch

Betula lutea - Yellow birch

Betula populifolia - Gray birch

Cornus florida - Flowering dogwood

Larix laricina - American larch

Lindera benzoin - Spice bush

Picea mariana - Black spruce

Pinus rigida - Pitch pine

Pinus strobus - White pine

Prunus serotina - Black cherry

Prunus virginiana - Choke cherry

Rhus copallina - Dwarf sumac

Rhus glasbra - Smooth sumac

Rhus typhina - Staghorn sumac

Rubus spp. - Blackberries

Salix spp. - Willow

Sambucus canadensis - Elderberry

Smilax rotunoifolia - Bull brier

Tilia americana - American basswood

Vaccinium - Blueberry

(3) Climax community area

Characteristic plants:

Acer rubru - Red maple

Acer saccharum - Sugar maple

Amelanchier obovalis - Serviceberry

Azalea spp. - Azalea

Betula lenta - Sweet birch

Betula lutea - Yellow birch

Betula pupulifolia - Grey birch

Carpinus caroliniana - Ironwood

Carya laciniosa - Shelbark hickory

Carya glasbra - Pignut hickory

Carya ovata - Shagbark hickory

Carya tomentosa - Mockernut hickory

Castanea dentata - American chestnut

Celtis occidentalis - American hackberry

Chamaecyparis thyoides - Atlantic white cedar

Cornus florida - Flowering dogwood

Diospyros virginiana - Persimmon

Fagus grandifolia - American beech

Fraxinus americana - White ash

Gaylussacia - Huckleberry

Hamamelis virginiana - Witch hazel

Ilex opaca - Holly

Juglans cinera - Butternut

Juglans nigra - Black walnut

Juniperus virginiana - Red cedar

Kalmia latifolia - Laurel

Larix laricina - Larch

Liquidamber styraciflua - Sweet gum

Liriodendron tulipifera - Tulip-tree, Yellow poplar

Nyssa sylvatica - Sour gum

Ostrya virginiana - Hop hornbean

Picea mariana - Black spruce

Pinus rigida - Pitch pine

Pinus strobus - White pine

Prunus serotina - Black cherry

Prunus virginiana - Choke cherry

Quercus prinus - Chestnut oak

Quercus alba - White oak

Quercus bicolor - Swamp oak

Quercus coccinea - Scarlet oak

Quercus pallustris - Pin oak

Quercus rubra - Red oak

Quercus velutina - Black oak

Sambucus canadensis - Elderberry

Sassafras variifolium - Sassafras

Tilia americana - American basswood, linden

Tsuga canadensis - Hemlock

Ulmus americana - American elm

Vaccinium spp. - Blueberry

(4) Dune and heathland

Characteristic plants:

Aster undulatus - Skydrop aster

Ammophilia Breviligulata - Beachgrass

Baptisia tinctoria - Wild indigo, rattle box

Corema couradii - Broom crowberry

Comptonia peregrina - Sweetfern

Deschampaia flexuosa - Wavyhair grass

Gaylussacia baccata - Black huckleberry

Helianthum canadense - Frostweed

Hieracium venosum - Rattlesnake weed

Hudsonia ericoides - Golden beachheather

Hudsonia tomentosa - Woolly beachheather

Hyrica pennsylvanica - Bayberry

Potentilla tridentata - Three toothed cinquefoil

Rubus spp. - Blackberries, raspberries

Vaccinium angustifolium - Low sweet blueberries

(5) Wild grassland

A wild grassland exists usually on poor soils and is composed of a mixture of native grasses, such as the following:

Dantonia spicata - Poverty oat grass

Andropogon virginicus - Broomsedge

Bromus spp. - Bromegrass

Appendix C - Selection List for Ground Covers and Shrubs

LAST AMENDED

2/2/2005

Ground Covers

BOTANICAL NAME	COMMON NAME
Adiantum pedatum	Maidenhair fern
Agrostis perennans (A. altissima)	Autumn bent-grass
Anaphalis margaritacea	Pearly everlasting
Andropogon gerardii	Big bluestem
Andropogon glomeratus	Bushy bluestem
Andropogon virginicus	Broom sedge
Anemone canadensis	Canada anemone

Antennaria plantaginifolia	Plantain-leaved pussytoes
Arctostaphylos uvaursi	Bearberry
Asarum canadense	Wild ginger
Aster cordifolius	Heart-leaved aster
Aster divericatus	White wood aster
Aster ericoides	Heath aster
Aster lanceolatus (A. simplex)	Lined aster
Aster macrophyllus	Large-leaved aster
Aster novaeangliae	New England aster
Athyrium felixfemina (A. asplenoides)	Lady fern

Athyrium thelypteroides	Silvery glade fern
Carex appalachica (C. radiata)	Sedge
Carex pensylvanica	Pennsylvania sedge
Chimaphila maculata	Spotted or stripped wintergreen/Pipsisswas
Chimaphila umbellata	Pipsisswas, Prince's pine, Bitter wintergreen
Chrysopsis mariana	Maryland golden aster
Danthonia compressa	Flattened oat grass
Danthonia spicata	Oatgrass, Poverty grass
Dennstaedtia punctilobula	Hay-scented fern
Deschampsia caespitosa	Tufted hair grass

Deschampsia flexuosa	Common hair grass, Crinkled hair grass
Dryopteris intermedia	Common wood fern
Dryopteris marginalis	Marginal wood fern, Leatherleaf wood fern
Erigeron philadelphicus	Daisy fleabane
Eupatorium maculatum	Spotted JoePye Weed
Eupatorium rugosum	White snakeroot
Eupatorium sessilifolium	Upland boneset
Fragaria virginiana	Wild strawberry, Virginia strawberry
Gaultheria hispidula	Creeping snowberry, Creeping pearl berry

Gaultheria procumbens	Wintergreen, Teaberry, Checkerberry
Geranium maculatum	Wild geranium, Spotted cranesbill
Geum canadense	White avens, Winter rosette
Heuchera americana	Hairy alum root, Rock geranium
Hypericum ellipticum	Pale St. John's Wort
Muhlenbergia schreberi	Nimblewill
Oenothera fruticosa	Sundrops, Wild beet, Suncups, Scabish
Onoclea sensibilis	Sensitive fern, Bead fern
Osmunda claytoniana	Interrupted fern

Panicum clandestinum	Deer tongue grass
Panicum virgatum	Switch grass, Wild red top, Thatch grass
Parthenocissus quinquefolia	Virginia creeper, Woodbine, American ivy
Phlox subulata	Mountain phlox, Moss pink, Moss phlox
Polygonatum biflorum	Smooth Solomon=s seal, True King Solomon=s seal
Polygonatum virginianum (Tovaria v.)	Jumpseed
Polypodium virginianum	P. vulgare, Rocky polypody, Am. wall fern
Polystichum acrostichoides	Christmas fern, Dagger fern, Canker break
Rudbeckia hirta var. hirta	Black-eyed Susan
Rudbeckia triloba	Thin-leaved cone flower

Thelypteris noveboracensis	New York fern
Tiarella cordifolia	Allegheny foamflower, False mitrewort
Tradescantia virginiana	Virginia Spiderwort, Common S., Widow's tears
Verbena hastata	Blue vervain
Vernonia noveboracensis	New York ironweed
Verbesina alternifolia (Actinomeria a.)	Wingstem
Viola sororia	Wooly blue violet sister violet, Dooryard violet

Shrubs

Amelanchier canadensis	Shadblow
Amelanchier laevis (A. arborea)	Serviceberry, Allegheny

Aronia arbutifolia	Red chokeberry
Aronia melanocarpa	Black chokeberry
Clethra alnifolia	Sweet pepperbush, Summersweet
Comptonia peregrina	Sweet fern, Meadow fern, Spleenwort bush
Cornus amomum	Silky dogwood
Cornus racemosa	Gray dogwood, Red-panicled dogwood
Cornus sericea (C. stolonifera)	Red osier dogwood
Corylus americana	American hazelnut
Corylus cornuta	Beaked hazelnut
Diervilla lonicera	Bush honeysuckle, Blue herb, Gravel weed

Hamamelis virginiana	Witch hazel
Ilex glabra	Inkberry, Gallberry
Ilex verticillata	Winterberry
Juniperus communis	Common juniper
Juniperus horizontalis	Creeping juniper, Creeping cedar/Savin
Kalmia angustifolia	Sheep laurel
Kalmia latifolia	Mountain laurel
Lindera benzoin	Spice bush
Myrica pensylvanica	Northern bayberry
Physocarpus opulifolius	Common ninebark

Potentilla fruticosa	Cinquefoil, Bush cinquefoil
Rhododendron maximum	Great laurel
Rhododendron periclymenoides	Pinkster azalea
Rhododendron viscosum	Swamp azalea
Rhus aromatica	Fragrant sumac, Sweet scented sumac/Lemon sumac
Rhus copallina	Winged sumac
Rhus glabra	Smooth sumac
Rhus typhina	Staghorn sumac
Rosa blanda	Smooth rose, Meadow rose
Rubus alleganiensis	Common blackberry, Allegheny blackberry

Salix humilis	Prairie willow
Salix lucida	Shining willow
Sambucus canadensis	American elderberry
Spirea tomentosa	Hardhack spirea
Vaccinium angustifolium	Lowbush blueberry
Vaccinium corymbosum	Highbush blueberry
Viburnum acerifolium	Maple leaf viburnum
Viburnum alnifolium (V. Lantanoides)	Hobble bush
Viburnum dentatum	Arrowwood viburnum
Viburnum lentago	Nanny-berry

Viburnum prunifolium	Black-haw

Appendix D - Selection List for On-site Trees

LAST AMENDED

2/2/2005

Small Trees

BOTANICAL NAME	COMMON NAME
Amelanchier laevis	Serviceberry
Betula nigra	River birch
Betula populifolia	Grey birch
Carpinus caroliniana	Hornbeam
Cercis canadensis	Eastern redbud
Cornus florida	Flowering dogwood

Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn
Hamamelis virginiana	Witch hazel
Ilex opaca	American holly
Juniperus virginiana	Eastern red cedar
Populus tremuloides	Quaking aspen

LARGE TREES

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red maple
Acer saccharum	Sugar maple

Betula lenta	Black/Sweet birch
Betula papyrifera	Paper birch
Celtis occidentalis	Common hackberry
Chamaecyparis thyoides	Cedar, Atlantic white
Fagus grandifolia	American beech tree
Fraxinus americana	Ash, white
Fraxinus pennsylvanica	Ash, green
Larix laricina	Tamarack/American larch
Liquidambar styraciflua	Sweet gum
Liriodendron tulipifera	Tulip tree

Nyssa sylvatica	Black tupelo
Picea rubens	Spruce, red
Pinus resinosa	Pine, red
Pinus rigida	Pine, pitch
Pinus strobus	Pine, eastern white
Platanus occidentalis	American sycamore
Populus deltoides	Eastern cottonwood
Populus grandidentata	Aspen, big toothed
Quercus alba	White oak
Quercus borealis	Northern red oak

Quercus palustris	Pin oak
Quercus phellos	Willow oak
Quercus prinus	Chestnut oak
Quercus rubra	Red oak
Tilia americana	Basswood

Appendix E - Selection List for Street Trees

LAST AMENDED

2/2/2005

Street Trees

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red maple
Amelanchier canadensis	Shadbush, Serviceberry

Carpinus caroliniana	American hornbeam, Musclewood
Celtis occidentalis	Hackberry
Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn
Fraxinus pennsylvanica	Green ash
Fraxinus americana	White ash
Gingko biloba (male trees only)	Gingko
Gleditsia triacanthos inermis	Honey locust, thornless
Liquidambar styraciflua	Sweet gum
Nyssa sylvatica	Tupelo, swamp

Ostyra virginiana	American hop hornbeam
Quercus palustris	Pin oak
Quercus stellata	Post oak
Quercus phellos	Willow oak
Quercus rubra	Northern red oak
Taxodium distichum	Bald cypress
Tilia americana	Basswood
Tilia cordata	Little leaf linden

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Coney Island Mixed Use District (CO)

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Chapter 6 - Special Coney Island Mixed Use District (CO)

106-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

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

(a) to stabilize the residential future of this mixed residential and industrial area by permitting expansion and development of residential and light manufacturing uses where adequate environmental standards are assured;

(b) to promote the opportunity for people to work in the vicinity of their residences;

(c) to provide a safe circulation system in this area of mixed residential and manufacturing use;

(d) to retain adequate wage, job-intensive, seasonally stable industries within New York City;

(e) to provide an opportunity for the improvement of Coney Island in a manner consistent with the objectives of the Comprehensive Plan of the City of New York; and

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

106-01 - General Provisions

LAST AMENDED
12/5/2024

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

All #residences# and #community facilities# shall be subject to all the provisions applicable in R5 Districts, except as otherwise specifically provided in this Chapter.

All #commercial# and #manufacturing uses# shall be subject to all the provisions applicable in M1-2 Districts, except as otherwise specifically provided in this Chapter.

The maximum #floor area ratio# for #mixed buildings# shall be that permitted for C2 Districts mapped over an R5 District.

The #use# of any #building# may be changed to another #use# listed within the same Use Group or as provided in Sections 106-12 (Special Permit Provisions for Residential Uses), 106-32 (Special Permit Provisions for Manufacturing and Commercial Uses) or 106-33 (Changes of Manufacturing or Commercial Use).

In any #building# above the level of the first #story# ceiling, #residential uses# shall not be located on the same #story# as or below #manufacturing# or #commercial# #uses#, and #manufacturing uses# shall not be located on the same #story# as or above #residential uses#.

#Zoning lots# adjacent to the #Special Coney Island Mixed Use District# shall not be subject to the provisions of Sections 42-214 (Special provisions applying along district boundaries), 42-412 (In M2 or M3 Districts), 42-42 (Enclosure or Screening of Storage), 42-44 (Limitations on Business Entrances, Show Windows or Signs), 42-56 (Special Provisions Applying Along District Boundaries), 43-30

(SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) or 44-583 (Restrictions on location of berths near Residence Districts).

Special regulations for #residential uses# are listed in Sections 106-11 and 106-12 of this Chapter.

Special regulations for #community facility uses# are listed in Section 106-21 of this Chapter.

Special regulations for #manufacturing# and #commercial# #uses# are listed in Sections 106-31, 106-32 and 106-33 of this Chapter.

Special regulations for #buildings# containing both #residential# and #commercial# #uses# are listed in Sections 106-41 and 106-42 of this Chapter.

106-10 - SPECIAL REGULATIONS FOR RESIDENTIAL USES

LAST AMENDED
1/9/1975

106-11 - Special Provisions for As-of-Right Residences

LAST AMENDED
6/6/2024

#Developments# or #enlargements# containing #residences# are allowed as-of-right, provided that:

(a) the #zoning lot# shares a common #side lot line# on at least one side with a #residential# or #community facility use#;

(b) the frontage along the #street line# of the #zoning lot# shall not exceed 60 feet, but in no event shall the total area of such #zoning lot# exceed 7,800 square feet;

(c) the #zoning lot# is not located within a continuous frontage of vacant #zoning lots# or #land with minor improvements# whose aggregate length exceeds 60 feet;

(d) the #zoning lot# is not located on Cropsey Avenue or on the east side of Stillwell Avenue; and

(e) on the same #zoning lot#, there are no #manufacturing uses# or #commercial uses# that would not be permitted as-of-right within C7 Districts.

106-12 - Special Permit Provisions for Residential Uses

LAST AMENDED
2/2/2011

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

(a) change of #commercial# or #manufacturing use# to #residential use#; and

(b) modification in #yard# and off-street parking regulations for #residential uses# in #developments# or #enlargements#;

provided that the following findings are made:

(1) that a change of #use# from #manufacturing# or #commercial# to #residential use# shall not displace any #building# or #use#, or preempt any #zoning lot# which is essential to the normal functioning and growth of existing #manufacturing# or #commercial# #uses# within the district; and

(2) that such #residential uses# shall not be exposed to inordinate noise, smoke, dust, noxious odor or other adverse influences from #manufacturing uses# and traffic.

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

106-20 - SPECIAL REGULATIONS FOR COMMUNITY FACILITY USES

LAST AMENDED
1/9/1975

106-21 - Special Permit Provisions for Community Facility Uses

LAST AMENDED
2/2/2011

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

(a) #development# of #community facility buildings#; and

(b) change of #use# of a #residential#, #manufacturing# or #commercial building# to a #community facility use#;

provided that the following finding are made:

(1) that such #community facility# is necessary to the growth and functioning of #residential# or #manufacturing uses# in the #Special Coney Island Mixed Use District#; and

(2) that a more suitable location for such #use# cannot be found outside the #Special Coney Island Mixed Use District#.

106-30 - SPECIAL REGULATIONS FOR MANUFACTURING OR COMMERCIAL USES

LAST AMENDED
1/9/1975

106-31 - Special Provisions for As-of-Right New Buildings With Manufacturing and Commercial Uses

LAST AMENDED
6/6/2024

New #buildings# containing #manufacturing uses# or #commercial# #uses# shall be allowed as-of-right, provided that:

(a) the #zoning lot# shares a common #side lot line# with a #manufacturing# or #commercial# #use#;

(b) the frontage along the #street line# of the #zoning lot# shall not exceed 60 feet, but in no event shall the total area of such #zoning lot# exceed 7,800 square feet;

(c) the #zoning lot# is not located within a continuous frontage of vacant #zoning lots# whose aggregate length exceeds 60 feet;

(d) #manufacturing# #uses# shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive;

(e) #commercial# #uses# shall be limited to those permitted in a C2 District, except those listed under Use Group V, and shall be located on Neptune, Stillwell or Cropsey Avenues; and

(f) no #residential uses# occupy the #zoning lot#.

106-32 - Special Permit Provisions for Manufacturing and Commercial Uses

LAST AMENDED
6/6/2024

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

(a) #uses# not permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings With Manufacturing and Commercial Uses);

(b) change of #use# from a #residential use# to a #manufacturing# #use# permitted by Section 106-31 or #commercial# #use#; and

(c) modifications in #yard# regulations for #manufacturing# #uses# permitted by Section 106-31 or #commercial# #uses# in #developments# or #enlargements#;

provided that the following findings are made:

(1) that such #use# will comply with the regulations on performance standards of M1 Districts;

(2) that additional truck traffic generated by such #use# or the modification of #yard# regulations will not create harmful, congested or dangerous conditions; and

(3) that a change of #use# from #residential# to a #manufacturing# #use# permitted by Section 106-31 or #commercial# #use# shall not displace or preempt any #building# which is essential to the functioning and growth of existing residences within the district.

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

106-33 - Special Yard Regulations

LAST AMENDED
6/6/2024

Where a #side lot line# of a #zoning lot# containing #manufacturing# or #commercial# #uses# coincides with the #side# or #rear lot line# of a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 15 feet wide.

Where the #rear lot line# of a #zoning lot# containing #manufacturing# or #commercial# #uses# coincides with a #side lot line# of a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 20 feet in depth.

Where a #zoning lot# containing #manufacturing# or #commercial# #uses# shares a common #rear lot line# with a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 30 feet in depth. Such open areas shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

106-40 - SPECIAL REGULATIONS FOR BUILDINGS CONTAINING BOTH RESIDENTIAL AND COMMERCIAL USE

LAST AMENDED

1/9/1975

106-41 - Use Regulations

LAST AMENDED
6/6/2024

#Developments# containing both #residential# and #commercial# #uses# are allowed in the #Special Coney Island Mixed Use District#, provided that the regulations of this Chapter are met. No #buildings#, however, shall contain both #residential uses# and #commercial# #uses# that would not be permitted as-of-right within C7 Districts.

106-42 - Modification of Yard Regulations

LAST AMENDED
1/9/1975

No #front# or #side yards# are required for #buildings# containing both #residential# and #commercial# #uses#. For the #residential# portion of such #buildings#, the #rear yard# may be provided at any level not higher than the floor level of the lowest #story# used for #residential use#.

106-50 - ADMINISTRATION

LAST AMENDED
1/9/1975

106-52 - Requirements for Applications

LAST AMENDED
2/2/2011

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits, and such other information as may be required by the Commission.

Special permit applications for #development# pursuant to Section 106-32 (Special Permit Provisions for Manufacturing and Commercial Uses) shall be referred to the Department of Transportation for its report, pursuant to Section 74-31, paragraph (d).

106-53 - Relationship to Public Improvement

LAST AMENDED
1/9/1975

In all cases, the City Planning Commission shall deny any application whenever the #development# will interfere with a public improvement which has been approved by the Board of Estimate, the City Planning Commission, or the Site Selection Board.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Special South Richmond Development District (SRD)

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Chapter 7 - Special South Richmond Development District (SRD)

107-00 - GENERAL PURPOSES

LAST AMENDED
8/15/2024

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

(a) to guide future development in accordance with the Land Use Plan for South Richmond and the Capital Improvement Plan for the Special District area;

(b) to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area;

(c) to avoid destruction of irreplaceable natural and recreational resources such as lakes, ponds, watercourses, beaches and natural vegetation and to maintain the natural ecological balance of the area with minimum disruption of natural topography, trees, lakes and other natural features;

(d) to promote water-dependent uses that provide a substantial environmental benefit; and

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

107-01 - Definitions

LAST AMENDED
12/5/2024

Definitions specifically applicable in this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Area of no disturbance

An “area of no disturbance” is an area designated on a site plan or #area plan# to be protected from #site alteration#, except for new native planting. An #area of no disturbance# shall contain natural features including trees of six-inch caliper or more, #designated open space#, and aquatic features.

#Plan review sites# may include safeguards such as an #area of no disturbance# to define areas where #site alterations# shall not be proposed.

Area of no land alteration

An “area of no land alteration” is an area adjacent to a wetland or other body of water regulated by the New York State Department of Environmental Conservation (NYSDEC) where a permit indicates #development# restrictions may occur such as those pursuant to permits or deed restrictions issued by NYSDEC.

Area plan

An “area plan” is a proposed layout for a #zoning lot# subdivision with traffic circulation, including curb cuts on #arterials#; access easements; #areas of no disturbance#; #areas of no land alteration#; areas of #designated open space#; #building# envelopes; required #building# setbacks within proposed #zoning lots# in #Residence Districts#; and any other information prescribed by the City Planning Commission.

Arterial

An “arterial” is a #street# listed in Section 107-24 (Special Regulations for Arterials or Railroad Rights of Way) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply.

Caliper (of a tree)

“Caliper” of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

Designated open space

“Designated open space” is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

Open space network

The “open space network” is a planned system of #open spaces# as shown on the District Plan (Map 3 in Appendix A), which includes #public parks#, #designated open space# and the #waterfront esplanade#.

Plan review site

A “plan review site” is any #zoning lot# that contains one or more acres, where there is a proposed #development, #enlargement#, #site alteration#, or subdivision of such #zoning lot# into two or more #zoning lots#.

Site alteration

A “site alteration” is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#, which includes permanent topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, whether or not a permit is required from the Department of Buildings or other public agencies.

Tree credit

A “tree credit” is a credit for preserving an existing tree or for planting a new tree which is counted towards tree requirements.

Waterfront esplanade

The “waterfront esplanade” is a pedestrian way to be provided for public #use# within the #open space network# along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

107-02 - General Provisions

LAST AMENDED
11/2/2023

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

Property within the jurisdiction and control of the Department of Environmental Protection shall be exempt from the provisions of this Chapter where such property is an existing or planned portion of the Staten Island Bluebelt intended to support best management practices of stormwater.

107-03 - Requirements for Certification, Authorization or Special Permit Application

LAST AMENDED
11/2/2023

An application to the City Planning Commission for a certification, authorization or special permit respecting a #development#, #enlargement#, or #site alteration# shall include a survey map, prepared by a licensed land surveyor and dated no more than two years prior to the date of filing an application, showing:

(a) existing topography at two foot contour intervals;

(b) the location of all existing #buildings or other structures# and the location of all proposed #buildings or other structures#;

(c) the location of individual existing trees of six inch caliper or more;

(d) the location of any elements of the #open space network# on or adjacent to the #zoning lot#; and

(e) the location of any #areas of no land alteration#, streams, and natural watercourses;

and such other information as may be required by the Commission for its determination as to whether or not the certification, authorization or special permit is warranted.

107-04 - Applications to the City Planning Commission Prior to November 2, 2023

LAST AMENDED
8/15/2024

(a) Applications for authorization or special permit which were adopted prior to November 2, 2023, may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified.

Continuance of such application shall be subject to the provisions of Sections 11-42 (Lapse of

Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

(b) Applications for certification granted by the Commission prior to November 2, 2023, may be continued pursuant to the regulations in effect on the date that such certification was granted.

107-06 - District Plan (Appendix A)

LAST AMENDED
11/2/2023

The District Plan for the #Special South Richmond Development District# shows the #open space network#, #designated open space#, #waterfront esplanade#, and #building# setback lines. The elements of the District Plan are set forth in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

107-08 - Future Subdivision of Certain Plan Review Sites

LAST AMENDED
11/2/2023

Any subdivision of a #plan review site# that is proposed to take place within the Special District shall be filed with the Department of City Planning, and the Chairperson of the City Planning Commission shall certify that subdivision of such #plan review site#:

(a) does not contain, or have frontage along, any District Plan Element listed in Section 107-20 (DISTRICT PLAN ELEMENTS), inclusive;

(b) does not contain an #area of no land alteration#;

(c) does not exceed the rate of two #tree credits# per 1,000 square feet of lot area; and

(d) does not have a violation for tree removal without prior permission or approval and no trees have been removed since November 2, 2023, unless permitted pursuant to Section 107-312 (Regulations within plan review sites).

In the case of a subdivision which does not comply with the above conditions, subdivision of such #plan review site# shall not be permitted unless authorized by the Commission pursuant to Section 107-64 (Future Subdivision of Certain Plan Review Sites).

The subdivision plan for the #plan review site# shall include a survey map in accordance with the requirements set forth in Section 107-03 (Requirements for Certification, Authorization or Special Permit Application).

For the purpose of applying the provisions of this Section, a subdivision includes the reconfiguration of a #zoning lot# in a manner that would reduce the area of such #zoning lot#.

107-09 - Applicability of Article VI

LAST AMENDED
5/12/2021

107-091 - Applicability of Article VI, Chapter 2

LAST AMENDED
5/12/2021

The Chairperson of the City Planning Commission may, by certification, modify or waive a required #visual corridor#, as defined in Section 62-11, with respect to #developments#, including minor modifications thereto, that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, provided that at least one required #visual corridor# continues to be provided pursuant to the restrictive declaration.

107-092 - Applicability of Article VI, Chapter 4

LAST AMENDED
5/12/2021

For #zoning lots# in #flood zones# with #single-# or #two-family# #detached# #residences# utilizing the provisions for #cottage envelope buildings#, as defined in Section 64-11 (Definitions), the provisions of this Chapter pertaining to minimum #lot area#, #lot width#, and minimum sizes of #front yards# and #side yards# shall not apply, and in lieu thereof, the underlying district regulations shall apply for the purposes of determining the applicability of the definition of #cottage envelope buildings#, and the particular amount of relief permitted pursuant to Section 64-33 (Cottage Envelope Buildings), inclusive.

107-10 - SPECIAL REQUIREMENTS

LAST AMENDED
11/2/2023

107-11 - Special Requirements for Application

LAST AMENDED
11/2/2023

For a #site alteration#, or a #development#, or #enlargement#, no certificate of occupancy or sign-off of a permit, as applicable, shall be issued by the Department of Buildings until the planting requirements of the following provisions, as applicable, have been satisfied, and reflected on an as-built survey, tree schedule, or any such information as may be required:

Section 107-32 (Tree Requirements)

Section 107-48 (Special Landscaping and Buffering Provisions).

107-20 - DISTRICT PLAN ELEMENTS

LAST AMENDED
11/2/2023

All land in the #open space network# as shown on the District Plan (Map 3 in Appendix A), except #public parks#, and all #zoning lots# along an #arterial# as shown on the District Plan (Map 2 in Appendix A), are subject to the provisions of this Section, inclusive.

107-21 - Modification of Designated Open Space

LAST AMENDED
8/18/1983

The City Planning Commission may adjust the boundaries of a #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that:

(a) such adjustment shall:

(1) result in a substantial improvement in the quality and usefulness of the #designated open space#; and

(2) permit #development# which better satisfies the purpose of this Chapter and include new features in the #designated open space# which will be at least equal in quality to those which are displaced from it; and

(3) provide an equivalent area replacement for the area removed from the #designated open space#; or

(b) such adjustment shall:

(1) be permitted to exclude:

(i) a #zoning lot# which is contiguous to exempted #zoning lots# along at least two #lot lines#; or

(ii) a #zoning lot# which would otherwise be contiguous to exempted #zoning lots# along at least two #lot lines# but for the separation by a #street#; or

(iii) #streets# #abutting# exempted #zoning lots#; and

(2) not substantially alter the utility and quality of the #designated open space#; or

(c) such adjustment shall:

(1) be in conjunction with a public improvement project approved by the City prior to September 11, 1975, for funding to exclude in whole or in part the bed of a mapped #street# and/or adjacent #zoning lots# or portions thereof; and

(2) not substantially alter the utility and quality of the #open space network#; or

(d) such adjustment shall:

(1) exclude, in whole or in part, private property contiguous with a #public park# which has been mapped since September 11, 1975; and

(2) not preclude the continuity to the #designated open space# or the public pedestrian way or the #waterfront esplanade#; and

(3) not substantially alter the utility and quality of the #designated open space#.

107-22 - Designated Open Space

LAST AMENDED
11/2/2023

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan (Map 3 in Appendix A), shall require certification by the City Planning Commission that:

(a) such #designated open space# shall be preserved in its natural state by the owner of the #zoning lot#; and

(b) where required by the Commission, the applicant has complied with the provisions of Section 107-222 (Public pedestrian ways); and

(c) where required by the Commission, as indicated on the District Plan, that the applicant has complied with Section 107-23 (Waterfront Esplanade).

Within any #designated open space#, removal of trees, alteration of topography, #development# or #enlargement# of active recreational facilities, or the establishment of utility easements may be undertaken only in accordance with the provisions of this Section and Section 107-30 (NATURAL FEATURE REGULATIONS).

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

107-221 - Active recreational facilities

LAST AMENDED
11/2/2023

#Designated open space# may be used for active recreational facilities provided that the City Planning Commission certifies that such #uses# are compatible with the purposes of the #open space network # and have minimal impact on tree removal, topographic alterations or drainage conditions.

Active recreational facilities may include swimming pools, tennis courts or facilities and equipment normally found in playgrounds, and shall comply with the #use# regulations of the underlying district.

In the development of active recreational facilities, no individual trees of six-inch #caliper# or more shall be removed except by special authorization of the Commission in accordance with the provisions of Section 107-65 (Modification of Natural Feature Regulations). Active recreational facilities shall

not be allowed within 60 feet of any watercourse in #designated open space# unless the Commission certifies that a location closer to such watercourse will not adversely affect the natural character of the watercourse or its drainage function. The Commission, where appropriate, shall be guided by the reports from other City agencies involved in land contour work, storm water drainage systems or similar operations.

If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-222 - Public pedestrian ways

LAST AMENDED
11/2/2023

For any #site alteration#, #development#, or #enlargement# on a #zoning lot# which contains #designated open space#, the City Planning Commission shall certify whether or not the applicant shall be required to provide a public pedestrian way through a portion of the #designated open space#.

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. The public pedestrian way shall be improved at the time the #site alteration#, #enlargement#, or #development# takes place.

The location and dimension of such pedestrian way shall be determined by the Commission. The owner of the #zoning lot# may request the City to take an easement on the property. If the City of

New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-223 - Permitted obstruction in designated open space

LAST AMENDED
12/5/2024

The following shall not be considered as obstructions when located in #designated open space#:

(a) Awnings and other sun control devices, pursuant to Section 23-311 (Permitted obstructions in all yards, courts and open areas);

(b) Balconies, unenclosed, subject to the provisions of Section 23-62;

(c) Eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;

(d) Fences or walls, conditioned upon certification by the City Planning Commission that:

(1) such fences or walls will not obstruct or preclude public access or circulation of pedestrians, cyclists or horseback riders through the public easement within #designated open space#; and

(2) the location, size, design and materials of such fences or walls are appropriate to the character of the #designated open space#;

(e) #Qualifying exterior wall thickness#, pursuant to Section 23-311;

(f) Solar energy systems on walls pursuant to Section 23-311.

No #accessory# off-street parking facilities shall be permitted in #designated open space#. No #building or other structure# shall be erected in #designated open space# except as permitted by the provisions of Section 107-221 (Active recreational facilities). Any existing #building or other structure# located within the #designated open space# on November 2, 2023, and not complying with the provisions of this Section or the other Sections specified in the preceding paragraph, shall not be #enlarged# but may be continued as a #non-conforming# #use# or #non-complying# #building# subject to the applicable provisions of Article V (Non-conforming Uses and Non-complying Buildings) in accordance with the underlying district regulations.

107-224 - Qualification of designated open space as lot area for bulk computations

LAST AMENDED
2/2/2011

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

Where the area of the #designated open space# claimed as #lot area# exceeds the above permitted amount, the provisions of Section 107-72 (Qualification of Designated Open Space as Lot Area) shall apply.

Any #designated open space#, or portion thereof, claimed as required #open space# or used to satisfy the #lot coverage# restrictions for a #development# containing #residences# shall be accessible to and usable by all residents of the #zoning lot#.

In the case of a #large-scale residential development#, any #designated open space#, or portion thereof, that qualifies as #lot area# may be used as common space.

107-225 - Special bulk regulations for developments containing designated open space

LAST AMENDED
2/2/2011

This section shall apply to any tract of land containing #designated open space# that is #developed# as a unit in single ownership and where the area of the #designated open space# claimed as #lot area# for zoning computation does not exceed the area of that portion of the tract of land not located within #designated open space#. Such a tract of land may contain a single #zoning lot# or two or more #zoning lots# which are contiguous or would be contiguous except for their separation by a #street#.

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

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

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Furthermore, the minimum #lot area# and #lot width# regulations, #yards# and spacing between #buildings# regulations shall not apply along portions of #streets# or #lot lines# wholly within such tract of land, provided that:

(a) the maximum #lot coverage# on any #zoning lot# shall not exceed 50 percent of the #lot area#;

(b) the minimum distance between #buildings# on the same or adjacent #zoning lots# across a common #side lot line# is not less than 10 feet; and

(c) the minimum distance between #buildings# on adjacent #zoning lots# across a common #rear lot line# shall not be less than 40 feet.

107-23 - Waterfront Esplanade

LAST AMENDED
12/5/2024

When a #zoning lot# containing a portion of the #waterfront esplanade#, as shown on the District Plan (Map 3 in Appendix A) is #developed#, the location and design of the #waterfront esplanade# shall be certified by the City Planning Commission and such #waterfront esplanade# shall conform to the guidelines and standards established by the Department of City Planning in consultation with the Department of Transportation and the Department of Parks and Recreation.

The #waterfront esplanade# shall be built and maintained by the owner of a #zoning lot# on which the esplanade is shown on the District Plan, except where such #zoning lot# has been #developed# prior to September 11, 1975. Where such #waterfront esplanade# is not accessible to the public, the Commission may require the owner of the #zoning lot# to provide public access to such a #waterfront

esplanade# from a public right-of-way through the #zoning lot#.

The #waterfront esplanade# shall be either built at the same time that the #zoning lot# is #developed# or the Commission may allow the owner to comply with Section 107-24 (Special Regulations for Arterials or Railroad Rights of Way).

The owner of a #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-24 - Special Regulations for Arterials or Railroad Rights of Way

LAST AMENDED
11/2/2023

Along the following #streets# designated as #arterials# or along a designated railroad, special regulations relating to restriction of access and setback of #buildings# apply as set forth in this Section.

Arterials

Hylan Boulevard

Woodrow Road

Amboy Road

Frontage roads for Richmond Parkway

Huguenot Avenue

Page Avenue

Arthur Kill Road

Service roads for West Shore Expressway

Richmond Avenue

Railroads

The Staten Island Rapid Transit right-of-way.

In accordance with the primary function of an #arterial# to accommodate vehicular through traffic, access is restricted to #arterials# pursuant to paragraph (a) of Section 107-241 (Special provisions for arterials).In addition, along portions of #arterials# as indicated on Maps 2.1 through 2.4 (Arterial Setback Plan) in Appendix A of this Chapter, the #building# setback provisions of paragraph (b) of Section 107-241 apply.

107-241 - Special provisions for arterials

LAST AMENDED
12/5/2024

Along those #streets# designated as #arterials#, the following regulations shall apply:

(a) Access restrictions

Curb cuts are not permitted along an #arterial# #street# on #zoning lots# with frontage on an improved non-#arterial# #street#. For #zoning lots# with frontage only on an improved #arterial# #street#, one curb cut is permitted along such #arterial# #street#. For purposes of this Section, adjoining #zoning lots# in the same ownership or control on November 2, 2023, shall be treated as a single #zoning lot#. For any #zoning lot# which includes an #area plan# approved by the City Planning Commission, no curb cut shall be allowed except where a curb cut is designated on such #area plan#. Such access restrictions with regard to curb cuts shall not apply to #schools#, hospitals and related facilities, police stations, or fire stations.

For a #zoning lot# with no less than 100 feet of frontage on an #arterial# #street#, the Commissioner of Buildings may approve curb cuts that exceed the access restrictions listed above where the Commissioner of Transportation submits a letter certifying that such additional curb cuts are necessary to avoid adverse effects on the traffic operations and safety of the #arterial#, or that such curb cuts will not adversely affect traffic operations and safety on the #arterial# including, but not limited to, all curb cut locations on an #arterial# #street# by either implementing a traffic pattern serving right-turn only movements or the implementation of traffic signalization, or other reasons acceptable to the Commissioner of Transportation.

(b) #Building# setback

In all districts excluding #Commercial Districts#, along portions of the #arterials#, as indicated on the District Plan (Maps 2.1 through 2.4 in Appendix A of this Chapter), a 20 foot #building# setback shall be provided for the full length of the #front lot line# #abutting# such #arterial#. The front #building# setback area shall be unobstructed from its lowest level to the sky except as permitted by this Section. Where a front #building# setback area at least 35 feet in depth is provided, such setback area may be used for required #accessory# off-street parking or loading facilities. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided and required off-street parking and loading facilities are permitted within such setback. Within the required front #building# setback, there shall be provided one tree of three-inch #caliper# or more, pre-existing or newly planted, for each 400 square feet of such front open area, unless waived pursuant to the provisions of paragraph (c) of Section 107-483 (Planting and screening for parking areas). The trees shall be selected in accordance with the provisions of Section 107-32 (Tree Requirements).

107-242 - Building setbacks along railroad rights-of-way

LAST AMENDED
11/2/2023

For all #developments# on #zoning lots# immediately adjacent to the Staten Island Rapid Transit right-of-way, a #building# setback of at least 20 feet in depth, unobstructed from its lowest level to the sky, except as permitted herein, shall be provided along the #lot line# immediately adjacent to the right-of-way of such railroad. Such #building# setback shall be measured perpendicular to such #lot line#, as indicated on the District Map. Within such #building# setback area, unless the area is within a #street# or is waived according to the planting waiver provisions of paragraph (c) of Section 107-483 (Planting and screening for parking areas), there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such open area. Tree species shall be selected in accordance with Section 107-32 (Tree Requirements).

107-30 - NATURAL FEATURE REGULATIONS

LAST AMENDED

Any #development#, #enlargement# resulting in changes to #lot coverage#, or #site alteration# shall comply with the provisions of this Section, inclusive.

All #zoning lots# shall comply with the provisions of Sections 107-31 (General Regulations for Natural Features), inclusive, and 107-32 (Tree Requirements).

In addition, regulations within areas of #designated open space# are set forth in Section 107-311 (Areas within designated open space).

Any #plan review site# shall also comply with the provisions of Section 107-312 (Regulations within plan review sites).

Any application to the Department of Buildings for a #site alteration#, #development#, or #enlargement# shall include a survey map in accordance with the requirements set forth in Section 107-03 (Requirements for Certification, Authorization or Special Permit Application).

A site plan for such application shall also include the location of any #area of no disturbance#, proposed paving, and shall identify those trees proposed to be removed and proposed to be preserved.

107-31 - General Regulations for Natural Features

LAST AMENDED
11/2/2023

Except for any existing natural feature which is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no #site alteration# may take place except as provided in this Section, inclusive.

No modification of topography shall take place within eight feet of a tree that is counted toward minimum #tree credits# pursuant to the provisions of Section 107-32 (Tree Requirements).

Within any #zoning lot# which is not a #plan review site#, tree removal shall be permitted in areas that do not contain #designated open space#, provided that such #zoning lot# complies with the provisions of Section 107-32.

107-311 - Areas within designated open space

LAST AMENDED
11/2/2023

Within #designated open space# on a #zoning lot#, any #site alteration# shall be permitted only by authorization of the City Planning Commission pursuant to Section 107-65 (Authorization for Modifications of Natural Features).

107-312 - Regulations within plan review sites

LAST AMENDED
12/5/2024

On any portion of a #plan review site# not within #designated open space#, #development#, #enlargement#, or #site alteration# shall be permitted only in accordance with the provisions of this Section or by authorization of the City Planning Commission pursuant to the provisions of Section 107-65 (Authorization for Modifications of Natural Features) or by certification of the Chairperson of the City Planning Commission pursuant to the provisions of Section 107-51 (Certification of Certain Plan Review Sites).

The ground elevation of land existing on November 2, 2023, may be modified by up to two feet of cut or fill, provided that such modification shall not result in the destruction of trees of six-inch #caliper# or more, unless authorized pursuant to other provisions of this Chapter. Modification of topography to a greater extent and removal of trees of six-inch #caliper# or more shall only be permitted:

(a) within 20 feet of an existing #building's# foundations or in an area designated for utilities;

(b) in order to meet the legal mapped grades of a #street#, the existing topography of that portion of the #zoning lot# abutting such #street# may be modified to create a slope on the #zoning lot# of not less than one foot vertical to each two feet horizontal, provided the slope is landscaped to prevent erosion;

(c) within an existing #group parking facility#, or within existing landscaping required pursuant to Section 107-483 (Planting and screening for parking areas), which does not result in the removal of parking spaces or travel lanes;

(d) where such modification of topography takes place more than 20 feet from the boundary of an area of #designated open space#, a #side lot line#, or a #rear lot line#; or

(e) where such tree interferes with another tree of six-inch #caliper# or more, and such tree to be preserved belongs to a species pursuant to the provisions of Section 107-32 (Tree Requirements).

If an existing tree of six-inch #caliper# or more is removed without prior approval from the Department of Buildings or the City Planning Commission and does not meet the provisions of this Section, any permit issued by the Department of Buildings for a #site alteration#, #enlargement#, #development#, or any #use# on the #zoning lot# shall not be granted a letter of completion, certificate of occupancy, or similar sign-off until such tree is replanted, or proposed to be replaced, as applicable, in accordance with Section 107-32. A violation for tree removal without prior permission or approval shall be recorded against such site.

107-32 - Tree Requirements

LAST AMENDED
12/5/2024

For all #zoning lots#, newly planted trees shall be planted no closer than eight feet from any other tree and be of a species selected from the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation), or its successor.

(a) Planting in #Residence Districts# or on a #zoning lot# containing a #group parking facility# with fewer than 10 parking spaces

In connection with any #development#, #site alteration#, or #enlargement# in a #Residence District#, or on any #zoning lot# that contains a #group parking facility# with fewer than 10 parking spaces, that are not fully enclosed, newly planted trees of at least one-inch #caliper# and less than six-inch #caliper#, or pre-existing trees of at least six-inch #caliper#, shall be provided on the #zoning lot# at the rate of one #tree credit# for each 1,000 square feet of #lot area# or portion thereof.

A newly planted tree of between one and two-inch #caliper# shall have 0.5 #tree credits#, and a newly planted tree greater than two-inch #caliper# but less than six-inch #caliper# shall have one #tree credit#. Newly planted trees appearing on a site plan in an approved application may be counted toward #tree credits# on site plans for future applications if they have not yet grown to a six-inch or greater #caliper#, provided that they remain in good health and continue to comply with the standards set forth in this Section.

Any existing tree of at least six-inch #caliper# which is preserved and has no new paving, #development#, #enlargement#, or modification of topography within eight feet of such tree, shall have one #tree credit# for the first six inches of #caliper# and an additional #tree credit#

for each additional three inches of #caliper#.

(b) Planting for parking areas

Any #development# or #enlargement# on a #zoning lot# that contains a #group parking facility# with 10 or more parking spaces that are not fully enclosed shall be subject to the tree planting and screening requirements of Section 107-483.

107-33 - Substitution of Other Plant Materials

LAST AMENDED
11/2/2023

For any #development#, #site alteration# or #enlargement# which is required to provide trees in accordance with the provisions of paragraph (a) of Section 107-32, the City Planning Commission may allow the substitution of other plant material for such required trees, provided a detailed landscaping plan is filed with the Commission for approval and certification. A copy of such approved landscaping plan shall be filed with the Department of Buildings by the Commission.

107-34 - Preservation of Natural Features

LAST AMENDED
11/2/2023

For any #development# or #enlargement#, the Chairperson of the City Planning Commission may modify the applicable regulations governing the location of required parking spaces, driveways and curb cuts where the Chairperson certifies to the Commissioner of Buildings that such modifications

are necessary so as to avoid the destruction of existing topography and trees of six-inch caliper or more.

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.

107-50 - CERTIFICATIONS

LAST AMENDED
12/5/2024

Administrative certifications from the City Planning Commission are required, as set forth in various sections of this Chapter, in any one of the following circumstances:

(a) when certain #plan review sites# are subdivided, as set forth in Section 107-08 (Future Subdivision of Certain Plan Review Sites);

(b) when certain #plan review sites# meet the requirements set forth in Section 107-51 (Certification of Certain Plan Review Sites) and do not require an authorization pursuant to Section 107-60, inclusive;

(c) when a #zoning lot# contains #designated open space#, as set forth in Section 107-22 (Designated Open Space);

(d) where required #yards# or equivalents are to be modified as set forth in Section 107-465 (Modifications of special yard regulations for certain zoning lots);

(e) where plant material is substituted for required trees as set forth in Section 107-33 (Substitution of Other Plant Materials); or

(f) when a #zoning lot# contains a portion of the proposed #waterfront esplanade#, as set forth in Section 107-23 (Waterfront Esplanade).

(g) Any #development# or #enlargement# may modify applicable regulations governing the location of required parking spaces, driveways and curb cuts, as set forth in Section 107-34 (Preservation of Natural Features).

107-51 - Certification of Certain Plan Review Sites

LAST AMENDED
11/2/2023

On a #plan review site#, for any #enlargement# or #site alteration# which does not comply with the provisions of Section 107-31 (General Regulations for Natural Features), the Chairperson of the City Planning Commission shall certify that:

(a) such #plan review site# does not:

(1) contain any of the district plan elements as set forth in Section 107-20 (DISTRICT PLAN ELEMENTS), inclusive;

(2) contain an #area of no land alteration#;

(3) exceed the rate of two #tree credits# per 1,000 square feet of lot area; and

(4) have a violation for tree removal without prior permission or approval and no trees have been removed since November 2, 2023, unless permitted pursuant to Section 107-312 (Regulations within plan review sites);

(b) new or existing tree planting shall satisfy tree requirements pursuant to Section 107-32 (Tree Regulations); and

(c) the resulting #enlargement# or #site alteration# does not require more than 10 additional accessory off-street parking spaces for a #commercial#, #community facility#, or #manufaturing use#.

Any #enlargement# or #site alteration# on a #plan review site# which does not comply with these conditions, or any #development# on a #plan review site#, shall require an authorization pursuant to Section 107-60 (AUTHORIZATIONS).

107-60 - AUTHORIZATIONS

LAST AMENDED
9/11/1975

107-61 - General Provisions

LAST AMENDED
11/15/2006

On application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-62 to 107-69, inclusive, relating to authorizations.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorizations.

107-62 - Yard, Court and Parking Regulations

LAST AMENDED
12/5/2024

For any #plan review site# or for any #zoning lot# containing #designated open space# or an #area of no land alteration#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46, inclusive, or in the location of parking, driveway or curb cut regulations as set forth in Sections 23-311 (Permitted obstructions in all yards, courts and open areas), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas) and 25-632 (Driveway and curb cut regulations in lower density growth management areas) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of natural features.

As a condition for granting such authorizations, the Commission shall find that the proposed placement of #buildings# and arrangement of #open spaces# will not have adverse effects upon light, air and privacy on adjacent #zoning lots# and will preserve natural features in #areas of no disturbance#.

107-63 - Minimum Distance Between Buildings

LAST AMENDED
12/5/2024

For any #development# containing #residences#, the City Planning Commission may authorize the location of #buildings#, on a single #zoning lot# without regard for spacing between #buildings# regulations, provided that the resultant spacing will not be reduced beyond an amount considered

appropriate by the Commission and in no case by more than 15 percent of that required by Section 23-371 (Distance between buildings).

107-64 - Future Subdivision of Certain Plan Review Sites

LAST AMENDED
11/2/2023

For any #plan review site# that does not comply with Section 107-08 (Future Subdivision of Certain Plan Review Sites), the City Planning Commission may authorize a future subdivision into two or more #zoning lots#, provided that the Commission finds that:

(a) to the greatest extent possible, all individual trees of six-inch #caliper# or more, the existing topography, and all land located within a #designated open space#, are preserved under future #development# options;

(b) such subdivision complies with the goals described in paragraph (c) of Section 107-00 (GENERAL PURPOSES); and

(c) where vehicular access and egress are located on an #arterial#, the location of such vehicular access and egress permits better site planning.

Any subdivision that is proposed to take place within the Special District after November 2, 2023, shall be filed with the City Planning Commission. A site plan and #area plan# shall indicate the distribution of #bulk# for the individual #zoning lots# submitted to the Commission. Such approved subdivision shall then be recorded in the land records and indexed against all #zoning lots#.

For the purpose of applying the provisions of this Section, a subdivision includes reconfiguration of a #zoning lot# in a manner that would change its area or any dimension of such #zoning lot#.

107-65 - Authorization for Modifications of Natural Features

LAST AMENDED
12/5/2024

For any #development#, #enlargement#, or #site alteration# on #plan review sites# or within #designated open space#, the City Planning Commission may authorize modifications of the natural topography existing on November 2, 2023, beyond the amount specified in Section 107-31 (General Regulations for Natural Features), inclusive, or modification of tree regulations pursuant to Section 107-311 (Areas within designated open space) and Section 107-312 (Regulations within plan review sites), in accordance with the provisions of either paragraph (a) or (b) of this Section.

(a) For all #zoning lots#, the Commission may authorize modifications to natural features, provided that the Commission finds that:

(1) the modifications are the minimum necessary to facilitate the project;

(2) such modification of topography is necessary to accommodate any public amenities, as applicable, such as public pedestrian ways, the #waterfront esplanade# or active recreational facilities within a #designated open space# as required under the provisions of this Chapter;

(3) such modification will not cause unnecessary disturbance of the drainage pattern in the area;

(4) such modification will have minimal impact on the existing natural features of the surrounding area and will blend harmoniously with such area; and

(5) areas that contain natural features are preserved within a proposed #area of no disturbance#, especially those areas which are contiguous to #designated open space#, #areas of no land alteration#, or other area containing mostly natural features.

(b) In order to support the development of renewable energy infrastructure, for #waterfront zoning lots# in #Manufacturing Districts# that contain Water-Dependent (WD) #uses#, as set forth in Section 62-211, where the area allocated to such #uses# exceeds 75 percent of the land above water in the #upland lot#, the Commission may authorize modifications to natural features, provided that the Commission finds that:

(1) the WD #use# requires unenclosed operations, not limited to vehicle movement or storage, that would not be feasible without the modification of natural features;

(2) such modification is the minimum necessary to facilitate such #use# on the #zoning lot#;

(3) the WD #use# would provide a substantial environmental benefit; and

(4) such modification would not have an adverse effect on the surrounding area.

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

107-66 - Developments Partly Within Designated Open Space

LAST AMENDED

9/11/1975

107-661 - Modification of permitted obstructions

LAST AMENDED
2/2/2011

For #developments# containing #residences# on #zoning lots# partly within #designated open space#, the City Planning Commission, on application, may modify the requirements of Section 107-45 (Required Open Space for Residences) to permit more than 50 percent of the required #open space#, not within the #designated open space#, to be occupied by driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths, if the Commission finds that such facilities are so arranged and landscaped as to afford an acceptable standard of amenity for the #development# and its surroundings.

107-662 - Modification of required yards of building setbacks

LAST AMENDED
11/2/2023

On application, the City Planning Commission may grant an authorization modifying the #building# setback requirements of Section 107-241 (Special provisions for arterials), provided that the Commission finds that:

(a) the area of that portion of the #zoning lot# which is designated as #designated open space# on the District Plan in Appendix A of this Chapter, is at least equal to the area of the required #building# setback #front yard# or #yards#, or portion thereof, which is waived;

(b) along any #front lot line# abutting an #arterial#, a front setback shall be provided having a depth to be determined by the Commission and which shall be improved in accordance with a landscape plan approved by the Commission; and

(c) #building# placement leaves adequate spaces for the provision of #street# trees.

107-67 - Uses and Bulk Permitted in Certain Areas

LAST AMENDED
11/15/2006

107-671 - In Area SH

LAST AMENDED
12/5/2024

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Area SH, as shown on the District Plan (Map 4 in Appendix A), provided such #developments# 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.

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

(a) such #developments# are part of a superior site plan;

(b) such #residences# are compatible with the character of the surrounding area; and

(c) the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

107-68 - Modification of Group Parking Facility Regulations

LAST AMENDED
11/2/2023

For a permitted #commercial#, #community facility# or #manufacturing# #use# on a #plan review site# or portion of a #plan review site# existing on November 2, 2023, the City Planning Commission may authorize #accessory# off-street parking spaces in a #plan review site# or portion of a #plan review site# existing on November 2, 2023. In order to grant such authorization, the Commission, upon a review of the site plan, shall find that:

(a) vehicular access and egress are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) where vehicular access and egress are located on an #arterial#, such location affords the best means for controlling the flow of traffic generated by such #use# to and from such #arterial#, and does not unduly interfere with pedestrian traffic; and

(c) the design of the parking facility avoids undue conflict between pedestrian and vehicular movements in a manner that results in a better site plan.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition its authorization upon compliance with an approved site and landscaping plan. The Commission may also permit modifications to parking lot landscaping and maneuverability requirements only if such modifications preserve natural features.

107-69 - Residential Uses in Area M

LAST AMENDED
6/6/2024

(a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a disturbance of the soil, for the following:

(1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or

(2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.

(b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial# #uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations:

(c) In authorizing new #residential uses# and #residential# #enlargements#, the Commission shall find that:

(1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;

(2) there are no open #uses# included under Sewage, Storm Water and Waste Infrastructure Use Group IV(B) or other open #uses# listed under Use Group IX(B) or Use Group X within 400 feet of the #zoning lot#;

(3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and

(4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

107-70 - SPECIAL PERMITS

LAST AMENDED
9/11/1975

107-71 - General Provisions

LAST AMENDED
11/2/2023

On application, the City Planning Commission, may grant special permits for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-72 to 107-78, inclusive, relating to special permits.

107-72 - Qualification of Designated Open Space as Lot Area

LAST AMENDED
2/2/2011

For any #development# containing #designated open space#, the City Planning Commission may allow the amount of #designated open space# to be counted as #lot area# for #bulk# computations to exceed the amount permitted under Section 107-224.

As a condition for granting a permit for such modifications, the Commission shall find that:

(a) that for the occupants of the site itself, the ill effects of concentration of #buildings# or #accessory# off-street parking are avoided or overcome by the manner in which the #buildings# are sited and #yards# and other open areas arranged; and

(b) that the concentration of #buildings# or activities will not adversely affect any other #zoning lot# outside the development by restricting access of light and air, impairing privacy or creating traffic congestion.

107-73 - Exceptions to Height Regulations

LAST AMENDED
6/29/1989

For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts) and Section 107-43, provided that the Commission finds that:

(a) such #development# is so located as not to impair the essential character of the surrounding area;

(b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space, will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and

(c) that the #development's# design proposals take full advantage of all special characteristics of the site.

107-74 - Modification of Permitted Use Regulations

LAST AMENDED
2/2/2011

For any #development#, the City Planning Commission may grant special permits to allow #semi-detached# or #attached# #single-family residences# in R2 Districts and #attached# #single-# or #two-family residences# in R3-1 Districts. As a condition for granting such special permits, the Commission shall find that:

(a) only by modifying the #residential building# type, the preservation of trees over six-inch caliper and of existing topography can be assured;

(b) by inclusion of the proposed #residential building# types, better standards of privacy and usable #open space# can be achieved; and

(c) if the #zoning lot# is located in the #designated open space#, the prohibition of #development# on the #designated open space# requires the permitted #development# to be concentrated in the remaining portion of the tract.

107-76 - Boundary Adjustments in Designated Open Space

LAST AMENDED
9/11/1975

The City Planning Commission may grant special permits to allow adjustments in the boundaries of the #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that such adjustment will:

(a) result in a substantial improvement in the quality and usefulness of the #designated open space#; or

(b) permit #development# which better satisfies the purposes of this Chapter and that the new features which will be added to the #designated open space# will be at least equal in quality to those which are displaced from it; and

(c) provide an equivalent area replacement for the area removed from the #designated open space#.

107-77 - Community Facility Buildings or Treatment Plants Permitted in Designated Open Space

LAST AMENDED
6/6/2024

The City Planning Commission may grant special permits for the construction of sewage disposal plants or pumping stations or #community facility uses# listed in Section 78-352 (Bonus for community facility space) in #designated open space# where such #uses# are permitted by the underlying district regulations provided the Commission finds that:

(a) an amount of open area outside the boundary of the #designated open space#, at least equal to the coverage of any #building or other structure# permitted under this Section, shall be added to the #designated open space#, and action shall be taken to change the boundary of the #designated open space# pursuant to Section 107-76 (Boundary Adjustments in Designated Open Space);

(b) such added open area forms a continuous part of the #open space network#, and does not interrupt or foreclose the continuity of a public pedestrian way;

(c) such added open area shall contain natural (aquatic, botanic, geologic or topographic) features that are equal or better in quality to those displaced by the #development#; and

(d) such sewage disposal plants and sewage pumping stations meet the requirements of Section 74-143, inclusive.

The City Planning Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

107-78 - Other Buildings Permitted in Designated Open Space

LAST AMENDED
9/11/1975

On any #zoning lot# located partially within the #designated open space#, the City Planning Commission may grant a special permit to allow a #building# to encroach on the #designated open space# where #development# is not feasible without encroachment on the #designated open space#. As a condition for permitting such construction, the Commission shall find that the #development#, as authorized, will result in the minimum interference with the #designated open space# that must be permitted in order to allow reasonable #development# and #bulk# distribution under the regulations

of the underlying district or as such regulations are modified by the provisions of this Chapter.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

107-90 - SPECIAL ADMINISTRATIVE PROVISIONS FOR RECORDATION

LAST AMENDED
11/2/2023

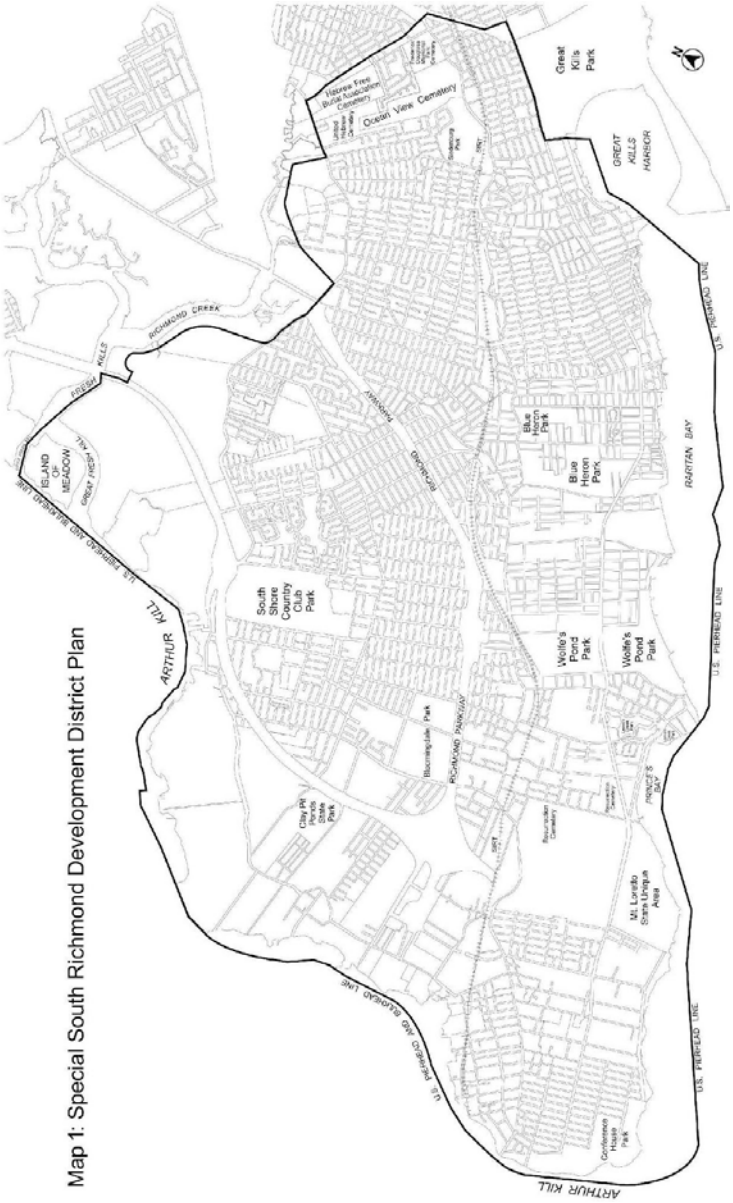
When any #yard# requirement of the applicable district regulations is modified by the City Planning Commission pursuant to Section 107-46 (Yard and Court Regulations), prior to the filing of an application for any permit with the Department of Buildings, there shall be recorded in the Office of the County Clerk, County of Richmond, and indexed against such #zoning lots# to be #developed# as a unit, an instrument describing all conditions and restrictions required by the Commission for the #development# and #use# of such #zoning lots#. Recordation of instruments may be required in connection with any other zoning application hereunder. A certified copy of such instrument shall be submitted to the City Planning Commission upon recordation thereof.

The #Special South Richmond Development District# Plan is incorporated as Appendix A of this Chapter.

Appendix A - Special South Richmond Development District Plan

LAST AMENDED
1/19/2016

Map 1 — District Plan (9/11/75)



Map 2 — Arterial Setback Plan (11/2/23)

Map 2.1 — Arterial Setback Plan (11/2/23)

Map 2.2 — Arterial Setback Plan (11/2/23)

Map 2.3 — Arterial Setback Plan (11/2/23)

Map 2.4 — Arterial Setback Plan (11/2/23)

Map 3 — Open Space Network (11/2/23)

Map 3.1 — Open Space Network (11/2/23)

Map 3.2 — Open Space Network (11/2/23)

Map 3.3 — Open Space Network (11/2/23)

Map 3.4 — Open Space Network (11/2/23)

Map 3.5 — Open Space Network (11/2/23)

Map 3.6 — Open Space Network (11/2/23)

Map 4 — Special Areas LL, M and SH (11/2/23)

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 8 - Special Hunts Point District (HP)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 8 - Special Hunts Point District (HP)

108-00 - GENERAL PURPOSES

LAST AMENDED
7/23/2008

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

(a) to provide a buffer of high-performance industrial and other commercial establishments around the residential area;

(b) to encourage the development of food-related businesses and other compatible businesses;

(c) to create a transition between the Hunts Point Food Market and related businesses and the adjacent neighborhood;

(d) to retain jobs in New York City;

(e) to promote the development of retail businesses in the neighborhood;

(f) to provide an opportunity for the physical improvement of Hunts Point; and

(g) to promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

108-01 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and #enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

The provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) shall apply in the Residential Buffer Subdistrict, and shall not apply in the Food Industry Subdistrict. For any food store subject to the provisions of Article VI, Chapter 3, the parking regulations of Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) shall supersede the provisions of Section 108-20 (MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT).

108-02 - District Plan and Maps

LAST AMENDED
7/23/2008

The District Plan for the #Special Hunts Point District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Hunts Point District#.

These areas shall include the Residential Buffer and the Food Industry Subdistricts.

The District Plan includes the #Special Hunts Point District# Map located in Appendix A to this Chapter.

The map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

108-10 - USE REGULATIONS

LAST AMENDED
7/23/2008

108-11 - Use Modifications in the Special Hunts Point District

LAST AMENDED
6/6/2024

In the #Special Hunts Point District#, #transient hotels# or #motels# listed under Use Group V shall not be permitted within the areas designated on the #Special Hunts Point District# Map in Appendix A. Within such areas, Section 74-153 (In M1 Districts) shall not be applicable.

108-12 - Use Modifications in the Residential Buffer Subdistrict

LAST AMENDED
6/6/2024

(a) In the #Special Hunts Point District#, the #use# regulations of the underlying M1-2 District within the Residential Buffer Subdistrict shall be modified to permit the following #uses#:

From Use Group III

Community Centers

Libraries

Museums

Non-commercial recreational centers

From Use Group VI

All #uses# listed under Food and beverage Retailers, with no limitation as to #floor area# per establishment

Other #uses# listed under Use Group VI with a size limitation, as denoted with an "S" in the Use Group tables set forth in Section 42-16 (Use Group VI Retail and Services), inclusive, up to a size limit of 40,000 square feet of #floor area# per establishment

within 500 feet of the center line of Garrison Avenue.

(b) In the #Special Hunts Point District#, within the Residential Buffer Subdistrict, #uses# listed under Use Groups IV(B), IX or X shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive.

108-13 - Use Modifications in the Food Industry Subdistrict

LAST AMENDED
6/6/2024

In the #Special Hunts Point District#, in the underlying M1-2 District within the Food Industry Subdistrict, #uses# listed under Use Groups IV(B) and IX shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive, except that refrigerating plants listed under Use Group IX, shall be permitted.

108-14 - Enclosure Regulations

LAST AMENDED
6/6/2024

In the #Special Hunts Point District#, all #uses# listed under Use Groups IV, VI, VII, VIII, IX or X and are not permitted as-of-right within C7 Districts, shall be located within completely enclosed #buildings#, except that building materials or contractors' yards listed under Use Group IX(A) may be open or enclosed.

108-15 - Applicability of Article V, Chapter 2 (Non-conforming Uses)

LAST AMENDED
6/6/2024

In the #Special Hunts Point District#, a #non-conforming# #use# may be changed only to a #conforming# #use#.

The following sections pertaining to #non-conforming# #uses# in the #Special Hunts Point District# shall not apply:

Section 52-32 (Land With Minor Improvements)

Section 52-33 (Manufacturing or Related Uses in Residence Districts), inclusive

Section 52-34 (Commercial Uses in Residence Districts)

Section 52-35 (Manufacturing or Related Uses in Commercial Districts)

Section 52-36 (Non-conforming Commercial Uses in Commercial Districts)

Section 52-37 (Non-conforming Commercial Uses in Manufacturing Districts)

Section 52-43 (Residence Districts Except R1 and R2 Districts)

Section 52-44 (Non-conforming Residential Uses in M1 Districts)

Section 52-45 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts)

Section 52-54 (Buildings Designed for Residential Use in Residence Districts)

Section 52-56 (Multiple Dwellings in M1-1D Through M1-5D Districts)

Section 52-62 (Buildings Containing Residences in M1-1D Through M1-5D Districts)

Section 52-72 (Land with Minor Improvements)

Section 52-731 (Advertising signs)

Section 52-732 (Signs on awnings or canopies)

Section 52-74 (Uses Objectionable in Residence Districts)

Section 52-75 (Certain Types of Uses Involving Open Storage or Salvage).

108-20 - MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT

LAST AMENDED
6/6/2024

In the Residential Buffer Subdistrict, parking shall be provided at the rate of one space per 300 square feet of #floor area# for grocery and convenience retailers and specialty food retailers listed under Use Group VI. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces and #accessory# off-street loading berths.

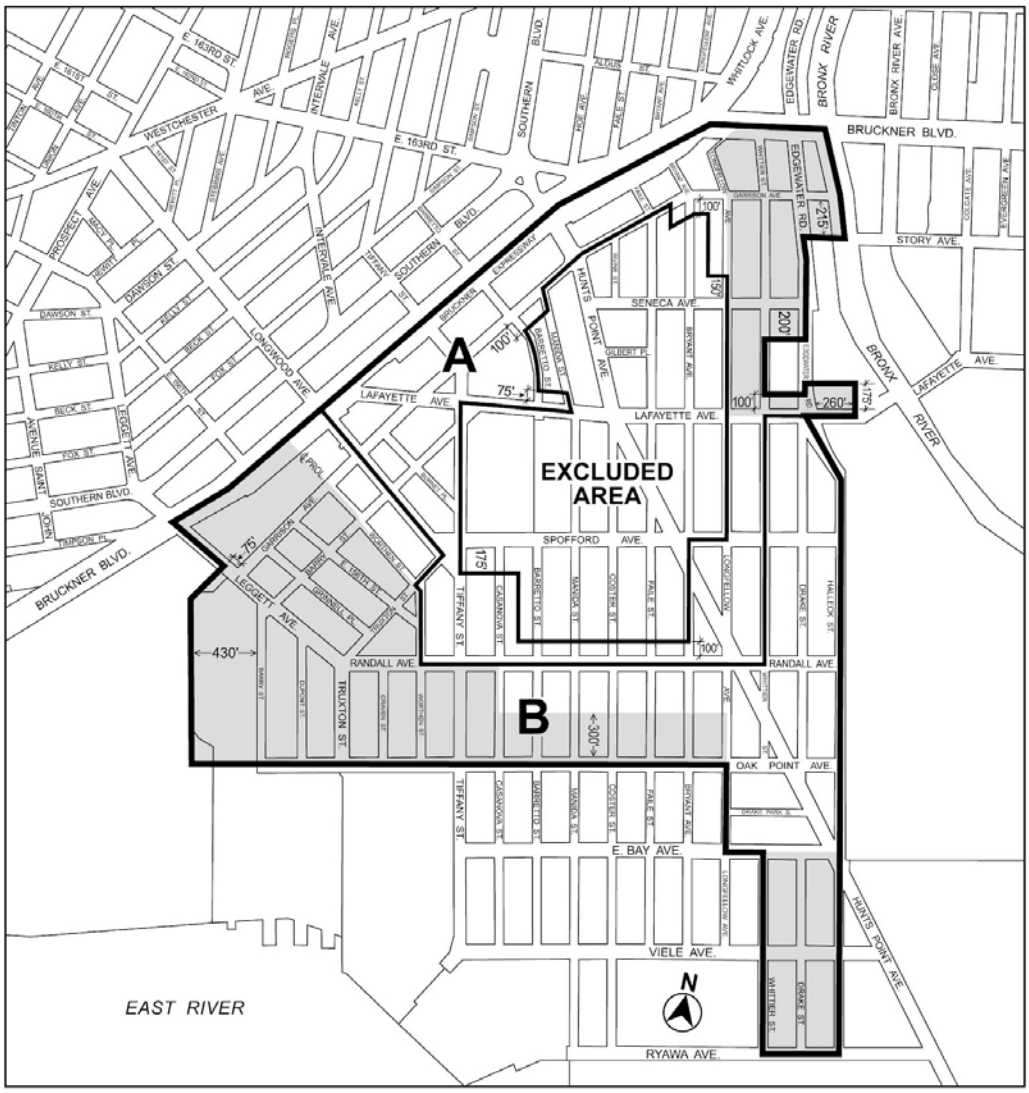
108-30 - MODIFICATION OF STREET TREE REQUIREMENTS

LAST AMENDED
6/6/2024

Notwithstanding the provisions of Section 43-03 (Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Hunts Point District# that include #uses# listed under Use Groups IV(B), IX(B) or X shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed under Use Groups IV(B), IX(B) or X.

Appendix A - Special Hunts Point District

LAST AMENDED
7/23/2008



Special Hunts Point District Boundary

Subdistrict Boundary

Hotels or motels not allowed

A Residential Buffer Subdistrict

B Food Industry Subdistrict

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 9 - Special Little Italy District (LI)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 9 - Special Little Italy District (LI)

109-00 - GENERAL PURPOSES

LAST AMENDED
2/3/1977

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

(a) to preserve and strengthen the historical and cultural character of the community;

(b) to protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain a unique regional shopping area, and thereby strengthen the economic base of the City;

(c) to preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;

(d) to permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area;

(e) to provide amenities, such as public open space, and street trees, to improve the physical environment;

(f) to discourage the demolition of noteworthy buildings which are significant to the character of the area; and

(g) to promote the more desirable use of land in the area and thus to preserve the value of land and buildings, and thereby protect and strengthen the City's tax revenues, consistent with the

foregoing purposes.

109-01 - General Provisions

LAST AMENDED
12/5/2024

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Little Italy District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Little Italy District# are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) and 33-14 (Floor Area Bonus for Arcades) are made inapplicable.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Within the Special District, in accordance with a comprehensive survey of its structures, #buildings# of special significance to the community and City as a whole, have been identified and are listed in Appendix B. Such #buildings# are unique either because they are socially or traditionally significant or because they are important physical influences in the life and image of the community. Such #buildings# shall not be demolished or have their external architectural features altered except as set forth in Section 109-52 (Special Permit Provisions). No demolition permit or alteration permit for alterations which may affect the exterior of such #buildings# shall be issued by the Department of

Buildings for any such #building# except as permitted by the City Planning Commission pursuant to Section 109-52 (Special Permit Provisions) unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

109-02 - District Map

LAST AMENDED
12/5/2024

The District Map for the #Special Little Italy District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Little Italy District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

Area A PRESERVATION AREA (Section 109-10)

Area A1 MULBERRY STREET REGIONAL SPINE (Section 109-20)

Area B HOUSTON STREET CORRIDOR (Section 109-30)

Area C BOWERY, CANAL, KENMARE STREET CORRIDOR (Section 109-40)

The District Map in Appendix A of this Chapter is hereby incorporated as an integral part of the #Special Little Italy District#.

109-03 - Zoning Lots Located in More Than One Area

LAST AMENDED

Whenever a #zoning lot# is divided by the boundaries of an area as created by Section 109-02 (District Map) and as indicated on the District Map in Appendix A, the #zoning lot# shall be subject to the regulations of the area in which the greater portion of its frontage lies except that, in the case of any #zoning lot# having 15 feet or more frontage within Area A1 (Mulberry Street Regional Spine), the regulations of Area A1 shall apply to such #zoning lot#.

109-10 - PRESERVATION AREA (Area A)

LAST AMENDED
2/2/2011

The provisions of this Section 109-10, inclusive, shall apply within Area A (Preservation Area) as shown on the District Map in Appendix A.

109-11 - Special Use Regulations

LAST AMENDED
2/3/1977

109-111 - Special regulations for existing commercial or manufacturing uses

LAST AMENDED
2/3/1977

The continuation, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area A shall be governed by the underlying district #use# regulations.

109-112 - Special use regulations for developments

LAST AMENDED
6/6/2024

For any #building# or portion of a #building# #developed# or #enlarged# within Area A, #uses# listed in the underlying district regulations are permitted except for the following #uses#:

From Use Group IV

> All #uses# listed under Use Group IV(B)

From Use Group VI

> #Uses# under Use Group VI that are subject to a size limitation of 10,000 square feet of #floor area# per establishment in C2 Districts, as set forth in Section 32-16 (Use Group VI – Retail and Services), inclusive, shall not be permitted a size beyond such threshold

From Use Group IX

> All #uses# listed under Use Group IX(C).

109-113 - Streetscape Provisions

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions shall apply. However, along #Tier B street frontages# where the alternate #ground floor level# provisions are able to be applied, in accordance with Section 32-322, the following transparency requirements shall be applied in addition to the provisions of such Section:

#Ground floor level# #street walls# shall be glazed with transparent materials, which may include #show windows#, transom windows, or glazed portions of doors. Such transparent materials shall occupy at least 25 percent of the surface area of such #ground floor level# #street wall#, up to a height of 12 feet above #curb level#, or the height of the ground floor ceiling, whichever is higher. Transparent areas may include storefronts subject to Section 109-50 (SPECIAL REVIEW PROVISIONS), inclusive. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet.

109-12 - Bulk Regulations

LAST AMENDED
2/3/1977

109-121 - Floor area regulations

LAST AMENDED
12/5/2024

Within Area A, the maximum #floor area ratio# for a #zoning lot# shall not exceed the following:

Lot Type	Maximum Permitted #Floor Area Ratio#	Maximum #Floor Area Ratio# for #qualifying affordable housing# or #qualifying senior housing#
#Corner lots#	4.8	5.76
#Interior# or #through lots#	4.1	4.92

109-122 - Height and setback regulations

LAST AMENDED
12/5/2024

The underlying height and setback provisions applicable to an R8B District shall apply to any #building or other structure# on an #interior lot# or #through lot#, and the underlying height and setback provisions applicable to an R7A District shall apply to #corner lots#.

109-13 - Special Front Wall Regulations

LAST AMENDED
12/5/2024

The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply. For the purposes of applying #street wall# location provisions, all #streets# shall be considered as #wide streets#. In the event that a #development# occupies an entire #block# frontage, additional recesses are permitted

provided that there are no front wall recesses within 10 feet of the intersection of two #street lines#. The exterior #building# materials of the front wall shall be predominantly of masonry.

109-14 - Parking Regulations

LAST AMENDED
12/5/2024

No #accessory# off-street parking is permitted for any #development# or #enlargement# in Area A, except as set forth herein.

The City Planning Commission may allow #accessory# off-street parking facilities for any #development# or #enlargement# on a #zoning lot# pursuant to the applicable authorization or special permit in Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core).

109-20 - MULBERRY STREET REGIONAL SPINE (AREA A1)

LAST AMENDED
12/5/2024

The provisions set forth in Section 109-10 (Preservation Area--Area A), inclusive, are applicable within Area A1 (Mulberry Street Regional Spine) as shown on the District Plan (Appendix A), except as modified herein.

109-21 - Use Regulations

LAST AMENDED
6/6/2024

The provisions of Section 109-11 (Special Use Regulations) shall apply, except that all #uses# under Use Group VI that are subject to a size limitation of 10,000 square feet of #floor area# per establishment, shall be further limited to a maximum size of 5,000 square feet of #floor area# per establishment.

109-211 - Streetscape Regulations

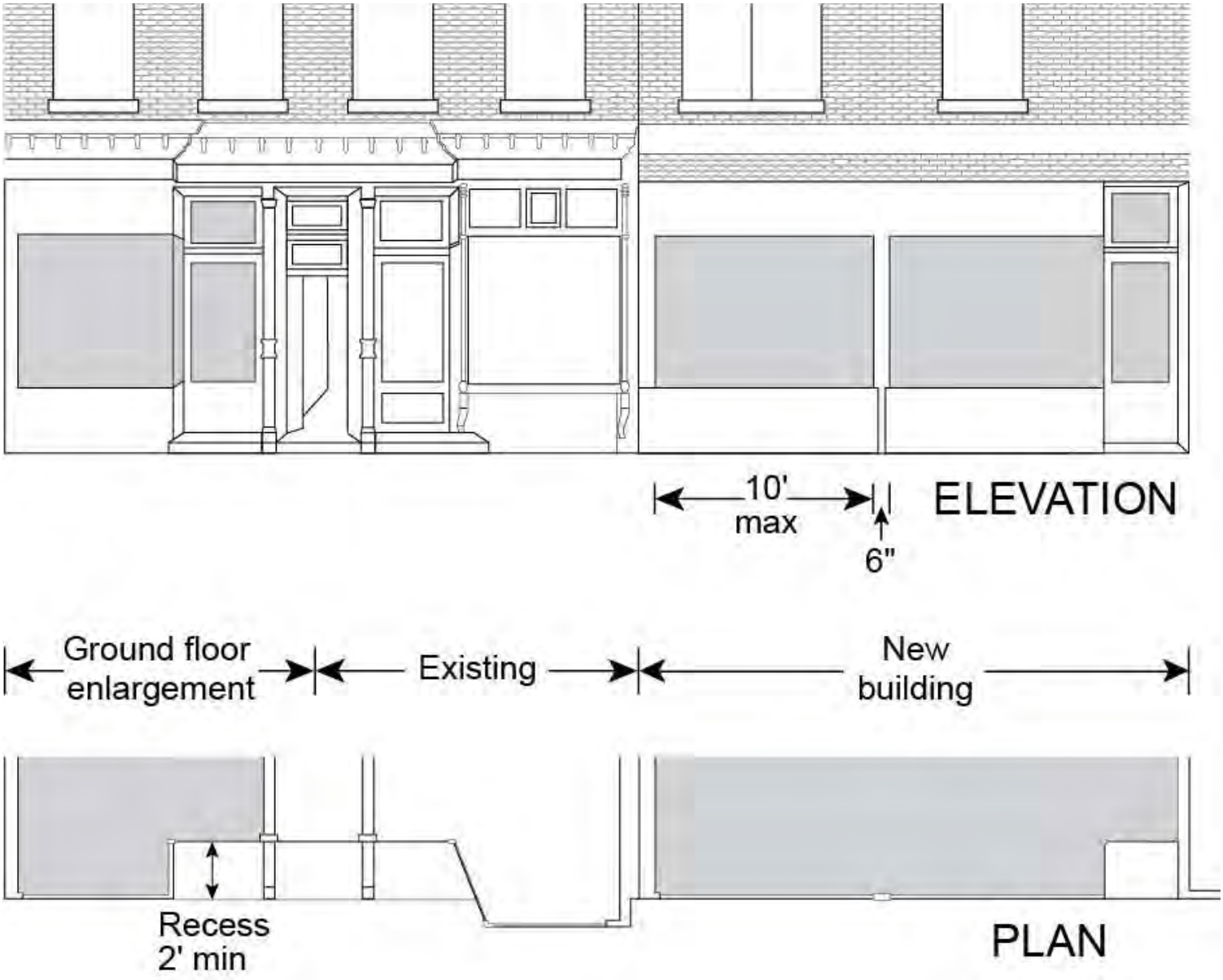
LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated in Area A1 (Mulberry Street Regional Spine) as shown on the District Map in Appendix A of this Chapter shall be considered #Tier C street frontages#.

In addition to the glazing requirements for #Tier C street frontages#, the following shall apply:

(a) the maximum horizontal width of a transparent area shall not exceed 10 feet in width, and shall be separated by a mullion of no less than six inches in width; and

(b) storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#.



Storefront Illustration

109-212 - Sign Regulations

LAST AMENDED

6/6/2024

In addition to the underlying district #sign# regulations, the following regulations shall apply to all #signs#:

(a) #signs# may not occupy more than 25 percent of the total area of the storefront measured from #curb level# to 10 feet above #curb level#;

(b) all permitted #signs# which project from the front #building# wall shall be located not less than 10 feet above #curb level#; and

(c) #signs# may not cover columns, cornices or sills.

109-22 - Bulk Regulations

LAST AMENDED
2/3/1977

109-221 - Floor area regulations

LAST AMENDED
12/5/2024

Within Area A1, the maximum #floor area ratio# on a #zoning lot# shall not exceed the following:

	#Floor Area Ratio#

#Use#	#Corner Lot#	#Through Lot# or #Interior Lot#
#Commercial#	5.1	4.5
#Community facility# or #residential# other than #qualifying affordable housing# or #qualifying senior housing#	4.1	3.5
#Qualifying affordable housing# or #qualifying senior housing#	4.92	4.2

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

109-30 - HOUSTON STREET CORRIDOR (Area B)

LAST AMENDED
2/3/1977

The provisions of this Section are applicable within Area B, as shown on the District Plan (Appendix A).

109-31 - Special Use Regulations

LAST AMENDED
2/3/1977

109-311 - Special regulations for existing commercial or manufacturing uses

LAST AMENDED
2/3/1977

The continuation, #enlargement#, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area B, shall be governed by the underlying district regulations.

109-312 - Special use regulations for new development

LAST AMENDED
6/6/2024

For any #building# or portion of a #building# #developed# or #enlarged# within Area B, #uses# listed in the underlying district regulations are permitted, except for the following #uses#:

From Use Group IV(B)

All #uses#

From Use Group IX

Vehicle storage #uses#.

109-313 - Streetscape provisions

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions shall apply. However, along #Tier B street frontages# where the alternate #ground floor level# provisions are able to be applied, in accordance with Section 32-322, the following transparency requirements shall be applied in addition to the provisions of such Section:

#Ground floor level# #street walls# shall be glazed with transparent materials, which may include #show windows#, transom windows, or glazed portions of doors. Such transparent materials shall occupy at least 25 percent of the surface area of such #ground floor level# #street wall#, up to a height of 12 feet above #curb level#, or the height of the ground floor ceiling, whichever is higher. Transparent areas may include storefronts subject to Section 109-50. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet.

109-32 - Bulk Regulations

LAST AMENDED
12/5/2024

The #bulk# regulations applicable to a C6-3A District shall apply to the Houston Street Corridor (Area B).

109-33 - Special Front Wall Regulations

LAST AMENDED
12/5/2024

The #street wall# location provisions of paragraph (a) of Section 35-631 (Street wall location) shall apply. For the purposes of applying #street wall# location provisions, all streets shall be considered #wide streets#. For all #buildings# within Area B, the exterior materials of the front wall shall be predominantly of masonry.

109-34 - Curb Cuts

LAST AMENDED
12/5/2024

109-341 - Curb cut regulations

LAST AMENDED
12/5/2024

There shall be not more than one curb cut on each #street line# frontage of a #zoning lot#.

109-35 - Noise Attenuation

LAST AMENDED
12/5/2024

For any #residential# or #commercial# #use# in a #development# within Area B:

(a) window wall attenuation of 35 dB(A) for #residential uses# or 30 dB(A) for #commercial# #uses#, shall be provided. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy; and

(b) alternative means of ventilation shall be provided, such as, but not limited to, central air conditioning or the provision of air conditioning sleeves, with such alternative means to conform to the provisions of Sections 27-752 to 27-756 of the Building Code of the City of New York.

109-40 - BOWERY, CANAL, KENMARE STREET CORRIDOR (AREA C)

LAST AMENDED
2/2/2011

The provisions of this Section are applicable within Area C, as shown on the District Plan in Appendix A of this Chapter.

109-41 - Bulk Regulations

LAST AMENDED
2/3/1977

109-411 - Height and setback regulations

LAST AMENDED
12/5/2024

Within Area C, the height and setback provisions of a C4-4A District within 100 feet of a #wide street# shall apply.

109-42 - Additional Requirements

LAST AMENDED
12/5/2024

Any #zoning lots# partially located within 100 feet of the #street line# of Mulberry Street (Area A1) shall comply with the requirements set forth in Section 109-21 (Use Regulations), inclusive.

109-50 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
2/3/1977

The City Planning Commission may allow certain modifications of the provisions of this Chapter as set forth below.

109-51 - Modification of the Provisions of the Special Little Italy District

LAST AMENDED
11/16/1989

109-511 - Modifications by authorization

LAST AMENDED
12/5/2024

Modifications of the provisions of this Chapter may be authorized by the City Planning Commission based upon receipt of an application, except that there shall be no modifications of any provision of Section 109-12, 109-22, 109-32 or 109-41 unless specifically allowed therein, provided that the Commission, after notification to the affected Community Board, certifies to the Commissioner of Buildings that there exists a compelling need for such modification and that such modifications are consonant with the objectives of the #Special Little Italy District#. The Commission may prescribe other appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

Notwithstanding any other provisions of the Resolution, the Commission may, after notification to the affected Community Board, authorize a #non-complying# #inner court# within an existing #building# to be eliminated, and may modify the applicable provisions of this Chapter relating to an #enlargement#, provided that:

(a) the #building# is an existing old law or new law tenement, not higher than seven #stories#;

(b) any additional #floor area# created through such elimination of a #non-complying# #inner court# is not more than 10 percent of the existing #floor area# of the #building#, and the width of such #inner court# is not more than 20 feet;

(c) the renovation of such #building# will result in improved arrangements for adequate access of light and air, and for privacy between #dwelling units#, to the newly created #dwelling units# and to the surrounding developments;

(d) such #enlargement# will not increase the density of population or intensity of #use# to the detriment of the occupants of the #buildings# in the #block# or nearby #blocks#;

(e) the #enlargement# as proposed shall comply with the applicable provisions of Section 23-63, except as otherwise modified by the Commission; and

(f) the Commission is in receipt of a report from the Department of Buildings and the Fire Department concerning said #building#.

The City Planning Commission may prescribe other additional conditions and safeguards to enhance the character of the surrounding area.

109-52 - Special Permit Provisions

LAST AMENDED
2/3/1977

109-521 - Modification of accessory off-street parking facilities

LAST AMENDED
12/5/2024

The City Planning Commission may, by special permit, modify #accessory# off-street parking facilities for the #residential# portion of any #development# on a #zoning lot# as set forth in Section 109-14 or Section 109-341.

109-522 - Special provisions for the preservation of certain existing buildings

LAST AMENDED
2/2/2011

#Buildings# listed in Appendix B of this Chapter, shall not be demolished or have their external architectural features altered, except as set forth in this Section.

The City Planning Commission, by special permit, may allow:

(a) in such #buildings#, for a change of a conforming #use# to another conforming #use#, the applicable underlying district, or #Special Little Italy District#, #bulk# regulations shall not apply to such change of #use#; or

(b) the alteration of such #buildings#, provided that such alteration and treatment of the facade relates harmoniously to the character and materials of the original facade and of adjoining #buildings#; and

(c) the demolition of such #buildings#, other than unsafe #buildings#, provided that the Commission finds that the existing #building# is not suitable for rehabilitation.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other conforming Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of #use#. #Enlargements# of such #buildings# shall be subject to all applicable district regulations. The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #uses# proposed on the site prior to any construction are in conformance with the purposes of the Special District.

109-523 - Applications for special permit

LAST AMENDED
12/5/2024

An application to the City Planning Commission for the grant of a special permit respecting provisions of Sections 109-14 and 109-341 of this Chapter, shall include: a site plan showing the location and proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such #development# or #enlargement# and an indication of the routes that will provide vehicular access to a #manufacturing#, #commercial# or #community facility# establishment; and such other information as may be required by the Commission.

An application to the Commission for the grant of a special permit respecting provisions of Section 109-522, shall include floor plans of all major floors; all major elevations; a site plan depicting all structures on the site, and all structures and major features within 100 feet of the site; and such other information as may be required by the Commission.

109-525 - Relationship to public improvement projects

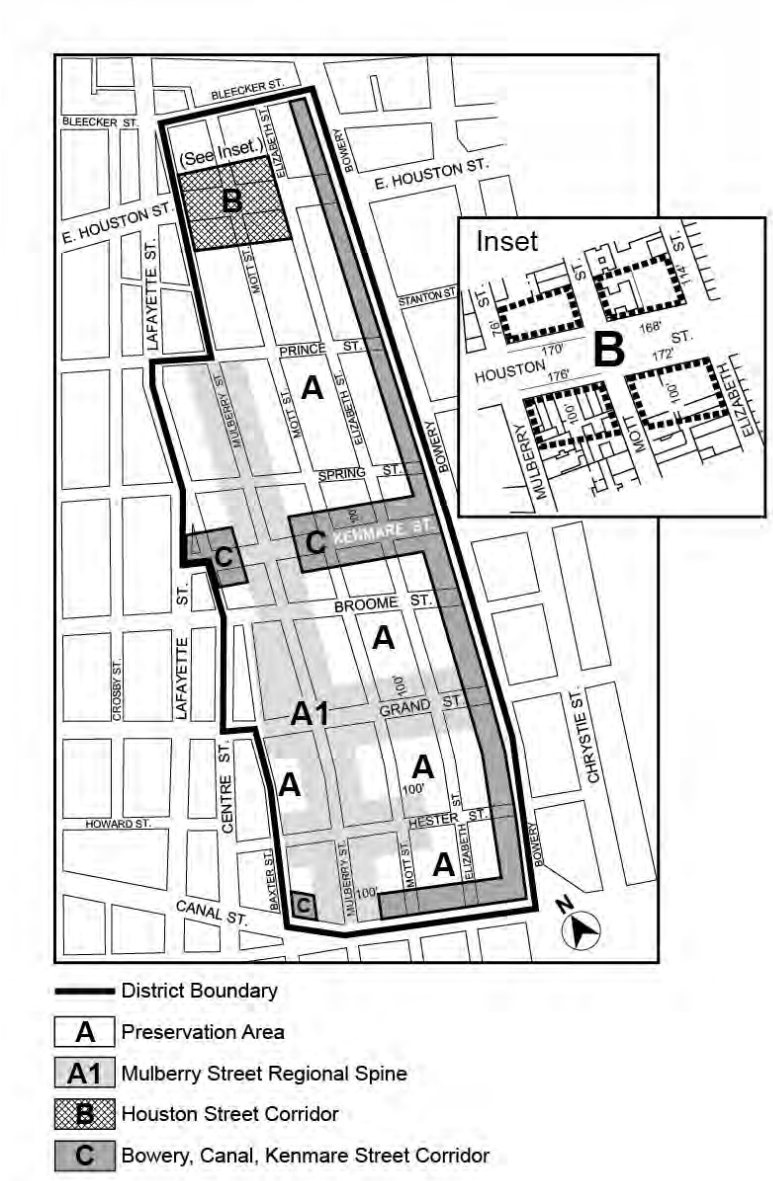
LAST AMENDED
2/3/1977

In all cases, the City Planning Commission shall deny an application for a special permit whenever the #development# or #enlargement# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities) which is approved by the Board of Estimate or City Planning Commission, or Site Selection Board, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

Appendix A - Special Little Italy District Map

LAST AMENDED

11/16/1989



APPENDIX B - Buildings of Special Significance

LAST AMENDED
2/3/1977

#Buildings# of special significance to be preserved in accordance with the provisions of Section 109-522 are as follows:

Block Number	Lot Number	Address
206	1	113 Baxter Street
470	12	363 Broome Street
471	41	375 Broome Street
470	64	124—126 Bowery
472	31	240 Centre Street

492	21	209 Elizabeth Street
507	17-21	260—268 Elizabeth Street
471	28	174 Grand Street
471	58	190 Grand Street
471	57	192 Grand Street
238	6	128—130 Mott Street
508	6	256—258 Mott Street
508	9	262—272 Mott Street
509	34	277 Mott Street
481	23	201—205 Mulberry Street

509	1	266 Mulberry Street
492	44	11 Spring Street
480	21	34—36 Spring Street

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article XI - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 9/21/2026

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Special Tribeca Mixed Use District (TMU)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Special Tribeca Mixed Use District (TMU)

111-00 - GENERAL PURPOSES

LAST AMENDED
10/13/2010

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

(a) to retain adequate wage, job-producing, stable industries within the Tribeca neighborhood;

(b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;

(c) to provide housing opportunity of a type and at a density appropriate to this mixed use zone;

(d) to ensure the provision of safe and sanitary housing units in converted buildings; and

(e) to promote the most desirable use of land and building development in accordance with the Plan for Lower Manhattan as adopted by the City Planning Commission.

111-01 - Definitions

LAST AMENDED
8/27/1998

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Special Tribeca Mixed Use District

(repeated from Section 12-10)

The "Special Tribeca Mixed Use District" is a Special Purpose District designated by the letters "TMU" in which special regulations set forth in Article XI, Chapter 1, apply. The #Special Tribeca Mixed Use District# and its regulations supplement or supersede those of the districts on which it is superimposed.

111-02 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations, #accessory# #uses#, open and enclosed and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

111-03 - District Map

LAST AMENDED
10/13/2010

The District Map for the #Special Tribeca Mixed Use District#, in Appendix A, identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Tribeca Mixed Use District#. These areas are as follows:

Area A1 - General Mixed Use Area

Area A2 - Limited Mixed Use Area

Area A3 - General Mixed Use Area

Area A4 - General Mixed Use Area

Area A5 - General Mixed Use Area

Area A6 - General Mixed Use Area

Area A7 - General Mixed Use Area

111-10 - SPECIAL USE REGULATIONS

LAST AMENDED
4/9/1981

111-11 - Residential Use Modification

LAST AMENDED
12/5/2024

A #home occupation# may occupy a #loft dwelling#, or a #dwelling unit# converted pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings), as an #accessory# #use# pursuant to Section 15-13 (Special Home Occupation Provision), except that:

(a) businesses operated as #home occupations# may have up to three persons not residing in the #dwelling unit# or #rooming unit# may be employed; and

(b) a #home occupation# may include any permitted #commercial# or #manufacturing# #use#.

111-13 - Use Regulations

LAST AMENDED
6/6/2024

(a) Areas A1 and A3

(1) #Uses# permitted in a C6 District are applicable in Areas A1 and A3, except that #uses# listed under Use Group IX(A) shall be permitted to the applicability of a C8 District.

(2) In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, #uses# listed under Use Group VI or #uses# listed under Use Group VIII shall be limited to 20,000 square feet of #floor area# on a

#zoning lot#, including retail #cellar# space allotted to such #uses#, except as otherwise provided in Section 111-32 (Special Permit for Certain Large Commercial Establishments).

(3) In addition, in #buildings# not fronting on the #streets#, listed in paragraph (a)(2) of this Section, #uses# listed under Use Groups VI or VIII shall be limited to 10,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allocated to such #uses#, except as otherwise provided in Section 111-32.

(b) Areas A4, A5, A6 and A7

(1) #Uses# permitted in a C6 District are applicable in Areas A4, A5, A6 and A7, except that:

(i) automotive repair and maintenance and dry cleaning and laundry services listed under Use Group VI shall be permitted to the applicability of a C8 District; and

(ii) #uses# listed under Use Groups IX(A) and IX(C) shall be permitted to the applicability of a C8 District.

(2) For establishments with frontage on #wide streets#, #uses# listed under Use Group VI shall be limited to 10,000 square feet of #floor area#. For establishments that front only upon a #narrow street#, such #uses# shall be limited to 5,000 square feet of #floor area#. For the purposes of this Section, #floor area# shall include retail #cellar# space allocated to such #uses#.

(c) Eating or drinking establishments, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and a capacity of more than 200 persons, as listed under Use Group VI, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-162 (Eating or drinking establishments) or the City Planning Commission as provided in Section

74-161 (Retail and service uses), as applicable.

(d) Environmental conditions for Area A2

All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with OER's authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy.

111-20 - SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

LAST AMENDED
12/5/2024

111-21 - Bulk Regulations for Area A1

LAST AMENDED
12/5/2024

The regulations applicable to a C6-2A District shall apply to #developments# and #enlargements#, except that the maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0. However, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 6.0.

111-22 - Bulk Regulations for Area A2

LAST AMENDED
12/5/2024

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

(a) Maximum #floor area ratio#

In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions). No other #floor area# bonuses shall be permitted in Area A2.

(b) Height and setback regulations

The underlying height and setback regulations applicable to a C6-3A District shall apply.

(c) Curb cuts

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

111-23 - Bulk Regulations for Area A3

LAST AMENDED
12/5/2024

The regulations applicable to a C6-3A District shall apply to #developments# and #enlargements#.

111-24 - Bulk Regulations for Areas A4, A5. A6 and A7

LAST AMENDED
12/5/2024

Except as set forth in this Section, the #bulk# regulations of the underlying district shall apply.

(a) The maximum #residential# #floor area ratio# for #zoning lots# containing standard #residences#, and that permitted for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing# shall be as set forth in the following table:

Area	Maximum #Floor Area Ratio# for Standard #Residences#	Maximum #Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing#
A4	6.5	7.8
A5	5.5	6.6
A6	6.0	7.2
A7	5.0	6.0

(b) The underlying height and setback regulations shall apply except that in Area A4, the maximum #building# height shall be 145 feet or, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, 175 feet.

111-30 - SPECIAL PERMITS

LAST AMENDED
10/13/2010

111-31 - Special Permit for Certain Large Commercial Establishments

LAST AMENDED
6/6/2024

The City Planning Commission may permit the total #floor area# of large #commercial# establishments to exceed the underlying #floor area# requirements set forth in Section 111-13, paragraphs (a)(3) and (b)(4), including the #floor area# requirements for #cellar# space, provided the Commission finds that:

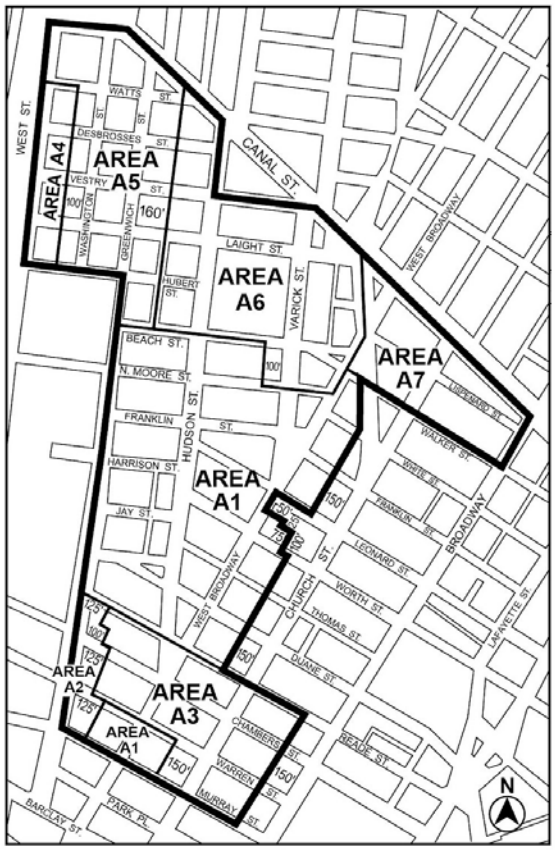
(a) such #development#, #enlargement#, #extension# or change of #use# is so located as not to impair the essential character or the future use of, or development of, the surrounding area; and

(b) the #streets# providing access to the facility will be adequate to handle the vehicular and pedestrian traffic generated by such #use#.

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

Appendix A - Special Tribeca Mixed Use District Map

LAST AMENDED
10/13/2010



Special Tribeca Mixed Use District

Area Boundary

Area A1: General Mixed Use Area

Area A2: Limited Mixed Use Area

Area A3: General Mixed Use Area

Area A4: General Mixed Use Area

Area A5: General Mixed Use Area

Area A6: General Mixed Use Area

Area A7: General Mixed Use Area

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Special City Island District (CD)

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Chapter 2 - Special City Island District (CD)

112-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

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

(a) to promote and strengthen the unique character of the Special City Island District for nautical and waterfront activities by limiting permitted uses to those which complement and enhance the existing character of the Special District;

(b) to maintain the existing low-rise residential and commercial character of the district by regulating the height of buildings;

(c) to maintain and protect the environmental quality and "village" character of City Island Avenue by imposing special controls on building setbacks and signs; and

(d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

112-01 - Definitions

LAST AMENDED
6/6/2024

For the purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301, or within this Section.

Development

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section 12-10 (DEFINITIONS).

112-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purposes of the #Special City Island District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special City Island District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying zoning districts remain in force. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

112-04 - Requirements for Application

LAST AMENDED
1/20/1977

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter shall include a site plan showing the location and #use# of all #buildings# on the #zoning lot# and such other information as may be required by the Commission.

112-05 - Relationship to Public Improvement Projects

LAST AMENDED
1/20/1977

In all cases, the City Planning Commission shall deny a special permit application whenever the #development# will interfere with a public improvement project (including housing, highways, public #building# or facilities redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which has been approved by the Board of Estimate, City Planning Commission or Site Selection Board as determined from the calendar of each agency issued prior to the date of the public hearing on the application for a special permit.

112-06 - District Plan

LAST AMENDED
2/2/2011

The District Plan for the #Special City Island District# identifies those areas within the Special District in which there are special height restrictions. The District Plan is set forth in Appendix A and is made an integral part hereof.

112-07 - Special Use Regulations

LAST AMENDED
2/2/2011

Within the Special District, and notwithstanding the provisions of Article V, Chapter 2, where #commercial# or #manufacturing uses# are permitted by the underlying district regulations, such #commercial# or #manufacturing uses# shall be limited to those #uses# set forth in this Section. This Section shall apply to a new #use# in a #development# and to a change of #use# in an existing #building# to another #use# listed in the same or another Use Group.

112-071 - Uses permitted in C1 and C2 Districts

LAST AMENDED
6/6/2024

Within C1 and C2 Districts, the underlying #use# provisions shall apply, except that:

(a) #uses# listed under Use Group IV(B) shall not be permitted; and

(b) #uses# listed under Use Group X with a size limitation, as denoted with an "S" in the Use Group table set forth in Section 32-20 (Use Group X – Production Uses), inclusive, shall not exceed 10,000 square feet of #floor area# per establishment.

112-072 - Uses permitted in M1 Districts

LAST AMENDED

6/6/2024

Within M1 Districts, #uses# listed under Use Groups IV(B), IX and X shall be limited to those permitted within M1 Districts in #Special Mixed Use Districts#, as set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive.

112-073 - Streetscape regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

(a) #ground floor level# #street# frontages along City Island Avenue, between Bay Street and Carroll Street shall be considered #Tier C street frontages#, and

(b) remaining #ground floor level# #street# frontages along City Island Avenue shall be considered #Tier B street frontages#. However, in lieu of the parking wrap and enclosure provisions of Section 32-32, inclusive, the provisions for #Tier A street frontages# set forth in Section 32-312 (Ground floor level parking restrictions) may be applied.

112-074 - Sign regulations

LAST AMENDED
6/6/2024

In addition to meeting the #sign# regulations of the applicable underlying zoning district, all #signs# within the Special District shall meet the following restrictions:

(a) #signs# attached to the #street wall# of a #building# shall have a vertical dimension of not more than three feet and shall have a horizontal dimension of not more than 75 percent of the #street# frontage; and

(b) outdoor #signs# may be illuminated by indirect means only.

112-10 - SPECIAL BULK REGULATIONS

LAST AMENDED
9/9/2004

112-11 - Special Height and Setback Regulations

LAST AMENDED
12/5/2024

The underlying height and setback regulations shall apply, except that no #building or other structure# shall exceed a height limit of 35 feet, and the height shall be measured from the #base plane#. Such height and setback regulations may be modified only by authorization or special permit of the City Planning Commission, as applicable, pursuant to Sections 112-12 or 112-13.

112-12 - Authorization for Modification of Height and Setback Regulations

LAST AMENDED
12/5/2024

The City Planning Commission may authorize, within Area B, as shown on the District Plan Map in Appendix A, modifications of the underlying height and setback regulations, provided the Commission finds that:

(a) the distribution of the #bulk# of the #building# on the #zoning lot# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water;

(b) the modification of the height of the #building# permits better site planning and distribution of #open space#; and

(c) the height of the #building# does not exceed 35 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #zoning lot# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

112-13 - Special Permit for Modification of Height and Setback Regulations

LAST AMENDED
12/5/2024

The City Planning Commission may permit, within Area A, as shown on the District Plan Map in Appendix A, modifications of the underlying height and setback regulations, provided the Commission finds that:

(a) the distribution of the #bulk# of the #building# on the #zoning lot# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water;

(b) the modification of the height of the #building# permits better site planning and distribution of #open space#; and

(c) the height of the #building# does not exceed 50 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #zoning lot# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

112-20 - SPECIAL PARKING REGULATIONS

LAST AMENDED
12/5/2024

112-21 - Accessory Parking for Commercial Uses

LAST AMENDED
12/5/2024

For any #commercial# or mixed use #development# except for eating or drinking establishments, one off-street #accessory# parking space shall be provided for every 300 square feet of #commercial# #floor area#. The provisions of Section 73-45 (Modification of Off-site Parking Provisions) are hereby made inapplicable.

112-22 - Accessory Parking and Floor Area Requirements for Eating or Drinking Establishments

LAST AMENDED
12/5/2024

After July 10, 1985, for any #development#, #extension# or change of #use# involving an eating or drinking establishment listed under Use Group VI that, in the aggregate, results in an increase of more than 150 square feet of #floor area#, one off-street #accessory# parking space shall be provided for each 150 square feet of the total of the existing and new #floor area#.

After July 10, 1985, any reduction in the number of existing off-street #accessory# parking spaces, either on-site or off-site that lowers the ratio of off-street #accessory# parking space per #floor area# to less than one space per 150 square feet of #floor area# is prohibited.

New off-site #accessory# parking for eating or drinking establishments in C1 or C2 Districts may be located only in C1 or C2 Districts.

For the purposes of this Section, #floor area# shall also include #cellar# space, except for a room or rooms in the #cellar# used exclusively for storage, and outdoor table service areas used for eating or drinking establishments. The outdoor table service area shall be delineated and shown on the plans filed with the application for a building or work permit and used to determine the minimum requirement for #accessory# off-street parking. Such outdoor table service area shall be separated from the #accessory# off-street parking by a fence, wall, railing or planted screening.

For eating or drinking establishments, the provisions of Sections 36-23 or 44-232 (Waiver of Requirements for Spaces Below Minimum Number) or Section 52-41 (General Provisions), with respect only to #enlargements# or #extensions# to provide off-street parking spaces, and Section 73-45 (Modification of Off-site Parking Provisions) are hereby made inapplicable. For eating or drinking establishments with frontage on City Island Avenue, if less than 15 #accessory# off-street parking

spaces are required, all such parking spaces shall be waived.

112-23 - Reservoir Space Requirements for Eating or Drinking Establishments

LAST AMENDED
12/5/2024

All #developments#, #extensions# or changes of #use# involving an eating or drinking establishment listed under Use Group VI with attendant-operated parking services shall provide adequate on-site reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 10 percent of the total number of spaces, but in no event shall such reservoir space be required for more than 10 automobiles. Reservoir space shall be delineated by painted stripes or lines pursuant to the standards of the Department of Buildings.

Within one year of March 6, 1986, all existing eating or drinking establishments with attendant-operated parking services shall provide adequate reservoir space pursuant to this Section and shall file a site plan and documented evidence of compliance with the appropriate enforcement agency, either the Department of Buildings or Department of Ports and Terminals.

112-24 - Screening and Tree Planting Requirements for all Parking Lots With 10 or More Spaces

LAST AMENDED
12/5/2024

All new or #enlarged# parking lots with 10 or more spaces shall comply with the screening requirement provisions of this Section.

#Accessory# parking spaces that adjoin #zoning lots# with #residential uses# shall be screened by an opaque wall or fence extending not less than six feet but not higher than eight feet above finished grade, or alternatively, by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

#Accessory# parking spaces that adjoin #zoning lots# with non-#residential uses# shall be screened by an opaque wall or fence extending at least four feet high but not higher than six feet above finished grade, or alternatively by a planting strip at least five feet wide and densely planted with evergreen shrubs at least two and one-half feet high at time of planting. Open chain link fences shall be permitted only within such planting strip, and such fences shall extend at least four feet but not more than six feet above finished grade.

#Accessory# parking spaces that front upon a #street# shall be screened in accordance with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping).

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-62 (Permitted Signs).

112-25 - Location of Parking Spaces Along City Island Avenue

LAST AMENDED
12/5/2024

In districts not otherwise governed by the streetscape regulations of Section 112-073, no parking shall be permitted between the #street line# of City Island Avenue and the #street wall# of any #building# or its prolongation facing City Island Avenue. However, this provision shall not apply to #waterfront

zoning lots#.

112-30 - ADDITIONAL SPECIAL DISTRICT REGULATIONS

LAST AMENDED
12/5/2024

112-31 - Location of Zoning District Boundary Lines

LAST AMENDED
12/5/2024

Zoning district boundary lines shall coincide with the #shoreline# lawfully existing on November 13, 1981, or any natural or lawful alteration thereof.

112-32 - Naturally or Lawfully Altered Shorelines and Development Rights on Piers

LAST AMENDED
12/5/2024

A zoning district boundary line which intersects the #shoreline# lawfully existing on November 13, 1981, shall be prolongated, in a straight line, to such naturally or lawfully altered #shoreline#. Lawfully approved piers or other lawfully approved structural extensions of the #shoreline#, as may be so altered, shall not generate development rights; however, #uses# #accessory# to the principal upland permitted #use#, except for off-street parking, shall be permitted.

112-33 - Special Requirements for Waterfront Access

LAST AMENDED
12/5/2024

Except in R1 and R2 Districts, for #developments# containing #residences# on #waterfront zoning lots# of 65,000 square feet or more, a publicly accessible waterfront sitting area shall be provided. Such sitting area shall abut the #shoreline#, have a minimum area of 2,500 square feet, a minimum depth of 50 feet measured from the #shoreline# and contain at least one linear foot of seating for every 100 square feet of public access area. Entrances of #buildings# may not front upon such sitting area.

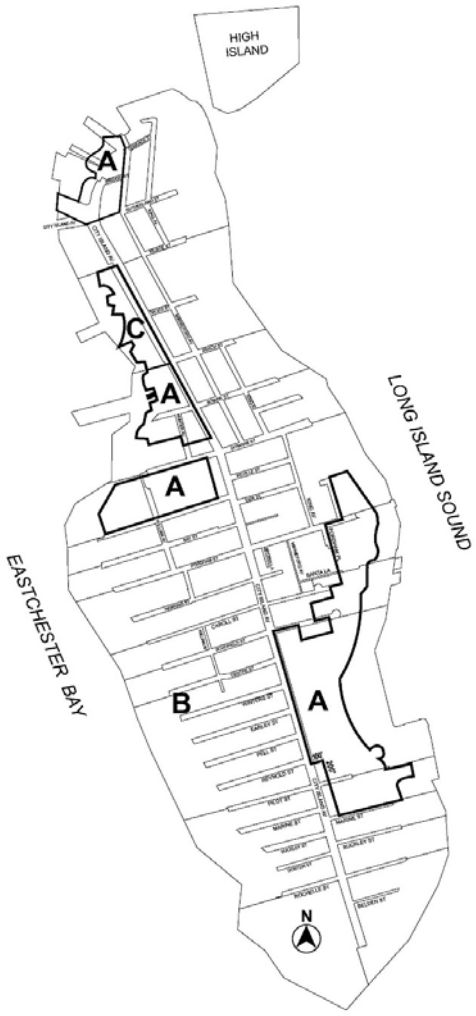
Such sitting area shall be accessible by means of either a direct connection to a public sidewalk or a public way through the #zoning lot# directly connecting the sitting area with a public sidewalk. Such public way shall be comprised of a planting strip of at least four feet in width containing one tree of at least three-inch caliper for every 25 linear feet of length of such way, and a paved sidewalk of at least six feet in width or, for #developments# with #private roads#, sidewalks provided in accordance with the requirements for #private roads#, as set forth in Article II, Chapter 6.

Such public access areas shall comply with the provisions of Sections 62-74 (Requirements for Recordation), 62-70 (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), 62-651 (Guardrails, gates and other protective barriers), 62-652 (Seating) and 62-654 (Signage).

The Chairperson of the City Planning Commission shall certify to the Department of Buildings or Department of Business Services, as applicable, that a site plan has been submitted showing compliance with the provisions of this Section.

Appendix A - Special City Island District - Height Areas

LAST AMENDED



Height Areas

A	35 ft./3 Story Limit or 50 ft./5 Story Limit by Special Permit
B	35 ft./3 Story Limit
C	Existing Regulations

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Special Ocean Parkway District (OP)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 3 - Special Ocean Parkway District (OP)

113-00 - GENERAL PURPOSES

LAST AMENDED
1/20/1977

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

(a) to promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway;

(b) to maintain the existing scale and character of the community by limiting the bulk of permitted community facilities;

(c) to protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and

(d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

113-01 - General Provisions

LAST AMENDED
12/5/2024

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

For the purpose of applying the provisions set forth in #Mandatory Inclusionary Housing areas# within the #Special Ocean Parkway District# are shown on the maps in APPENDIX F of this Resolution.

The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A of this Chapter. In addition to the requirements of Sections 113-10 through 113-40, inclusive, the special regulations set forth in Sections 113-50 through 113-523, inclusive, shall apply to the Subdistrict.

113-10 - SPECIAL BULK REGULATIONS

LAST AMENDED
1/20/1977

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

113-11 - Special Bulk Regulations for Community Facilities

LAST AMENDED

2/2/2011

In #Residence Districts# and #Commercial Districts# with #residential equivalents#, all #community facility buildings#, and portions of #buildings# containing #community facility uses#, shall be subject to the applicable underlying district #bulk# regulations of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), except as provided below:

(a) in R2X Districts, the #residential# #bulk# regulations of an R3-1 District shall apply to #community facility buildings#;

(b) in R6 or R7 Districts with a letter suffix, the applicable #bulk# regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts) shall apply;

(c) in the Subdistrict, the #bulk# regulations of Article II, Chapter 3 shall apply, except as set forth in Section 113-52 (Special Bulk Regulations); and

(d) in R6 or R7 Districts without a letter suffix, the #community facility# #bulk# regulations of Article II, Chapter 4, may be made applicable by certification of the City Planning Commission, pursuant to Section 113-41 (Certification for Community Facility Uses on Certain Corner Lots).

113-12 - Special Front Yard Regulations

LAST AMENDED

For all #zoning lots# with frontage along Ocean Parkway, there shall be a 30 foot #front yard#. No obstructions including porches either open or enclosed, canopies or stairs are permitted within the #front yard#. Any driveway within such #front yard# shall be perpendicular to the #street line# or, in the case where the #street wall# is not parallel with the #street line#, the driveway shall be perpendicular to the #street wall#.

Balconies pursuant to Section 23-62 may, by a depth of not more than six feet, penetrate #front yards#, except along Ocean Parkway.

113-13 - Special Bulk Regulations for Lots Adjacent to Park Circle-Machate Circle

LAST AMENDED

In R8A Districts, for #zoning lots# fronting on Park Circle-Machate Circle, the provisions of Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts) shall be modified to allow for #street walls# within 125 feet of a #wide street# to rise without setback to a maximum base height of 115 feet and allow for a minimum required setback of 10 feet above such base height, provided that the maximum #building# height shall not exceed: 115 feet within 100 feet of Ocean Parkway or within 30 feet of an R7A District; 125 feet between 100 and 150 feet of Ocean Parkway, within 20 feet of Coney Island Avenue, or between 30 and 50 feet from an R7A District; and 140 feet on any other portion of the #zoning lot#. For the purposes of this paragraph, distances shall be measured perpendicular to the #street line# or district boundary, as applicable.

113-20 - SPECIAL PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED

1/20/1977

113-21 - Special Parking Regulations

LAST AMENDED
2/2/2011

For all #developments# having frontage on Ocean Parkway, all required or permitted #accessory# off-street parking spaces shall be #completely enclosed#.

113-22 - Special Off-street Loading Regulations

LAST AMENDED
2/2/2011

(a) For any #building# containing a #school# for children below grade 7, off-street loading facilities shall be provided in accordance with the requirements of this Section. Such off-street loading facilities shall be so situated and arranged to provide head-in and head-out movement of vehicles on two separate #streets#, and shall have a minimum dimension of 12 feet. All such off-street loading facilities shall be screened from adjacent #zoning lots# by a four foot buffer of shrubbery that is at least four feet high at the time of planting.

(b) For other #schools# with no children below grade 7, an off-street loading facility shall be provided with a minimum dimension of 12 by 18 feet.

113-30 - TREE PLANTING REQUIREMENTS

LAST AMENDED
12/5/2024

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# on #zoning lots# having frontage on Ocean Parkway, shall provide #street# trees in accordance with the provisions of Section 23-611 (Street tree planting).

113-40 - CERTIFICATIONS AND AUTHORIZATIONS FOR COMMUNITY FACILITIES

LAST AMENDED
12/19/1996

113-41 - Certification for Community Facility Uses on Certain Corner Lots

LAST AMENDED
2/2/2011

Within the #Special Ocean Parkway District#, the City Planning Commission may allow, by certification, #community facility developments# or #enlargements# or changes of #use# containing #community facility uses#, to exceed the #bulk# regulations of Section 113-11 (Special Bulk Regulations for Community Facilities) when located on #corner lots#, one #lot line# of which is the #street line# of a #wide street#, provided that:

(a) the #community facility building# will comply with the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); and

(b) the scale of the proposed #community facility building# is appropriate to the scale of the surrounding #development#.

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

113-42 - Authorization for Enlargements of Community Facility Buildings

LAST AMENDED
2/2/2011

Within the #Special Ocean Parkway District#, the City Planning Commission may authorize #enlargements# that exceed the #bulk# limitations of Section 113-11 (Special Bulk Regulations for Community Facilities), provided:

(a) the existing #building# is a #community facility building# #developed# prior to December 19, 1996;

(b) the existing #community facility building# is located partially or wholly on a #corner lot#, one #lot line# of which is the #street line# of a #wide street#;

(c) the #enlarged# #community facility building# will comply with the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); and

(d) the scale of the proposed #community facility building# is appropriate to the scale of the surrounding area.

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

113-50 - THE SUBDISTRICT

LAST AMENDED
8/3/1993

113-501 - General purposes

LAST AMENDED
12/5/2024

In order to preserve and enhance the character of the neighborhood, the Subdistrict within the Special Ocean Parkway District is established which encourages large single- or two-family detached and semi-detached residences, as well as multiple dwellings in appropriate locations.

113-51 - Special Use Regulations

LAST AMENDED
12/5/2024

Within the Subdistrict, the underlying #use# regulations applicable to an R4-1 District shall apply, except that for #qualifying residential sites# the regulations applicable to an R5 District shall apply.

113-52 - Special Bulk Regulations

LAST AMENDED

For #residential buildings#, or the portion of #building# containing #residences#, the underlying #bulk# regulations applicable to an R4-1 District shall apply, except as set forth in this Section, inclusive.

For #community facility# #buildings#, or the portion of #buildings# allocated to #community facility uses#, the #bulk# regulations of Article II, Chapter 3 shall apply, except as modified by the provisions of this Section, inclusive.

113-521 - Maximum permitted floor area ratio

LAST AMENDED
12/5/2024

The maximum permitted #floor area ratio# shall be 1.50, except that for #qualifying residential sites# the maximum permitted #floor area ratio# shall be 2.00.

113-522 - Yard regulations

LAST AMENDED
12/5/2024

For permitted #residential uses#, the provisions of Section 23-311 (Permitted obstructions in all yards, courts and open areas) shall apply with the following modifications:

(a) open #accessory# off-street parking spaces shall not be located within a #front yard# unless such spaces are located in a permitted #side lot ribbon#;

(b) three-foot overhangs in a required #front yard# in R4 or R5 Districts shall not be permitted.

In addition, the rear yard requirements in paragraph (a)(1) of Section 23-342 (Rear yard requirements) shall apply to all #buildings#.

113-523 - Height and setback regulations

LAST AMENDED
12/5/2024

For #buildings# subject to the height and setback regulations of Section 23-421 (Basic pitched-roof envelopes for certain districts), the following modification shall apply: each perimeter wall of the #building or other structure# may have one or more apex points directly above it on the 35 foot high plane.

Appendix A - Special Ocean Parkway District

LAST AMENDED
9/25/2025

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Special Bay Ridge District (BR)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 4 - Special Bay Ridge District (BR)

114-00 - GENERAL PURPOSES

LAST AMENDED
3/23/2005

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

(a) to preserve, protect and maintain the existing scale and character of the residential and commercial community;

(b) to encourage design of residential, commercial and community facility development which is in character with the neighborhood and surrounding community; and

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

114-01 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general provisions and intent of this Resolution and the general purposes of the #Special Bay Ridge District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. The

provisions of this Chapter shall apply to all #buildings#.

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

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

114-02 - Applicability of Certain Provisions

LAST AMENDED
12/5/2024

Within the #Special Bay Ridge District#, the definition of #qualifying residential site# shall be modified to exclude #zoning lots# existing on December 5, 2024, with a #lot area# that exceeds five acres.

In addition, no #backyard ancillary dwelling units# shall be permitted within the portion of the #Special Bay Ridge District# west of Ridge Boulevard or south of Marine Avenue.

114-10 - SPECIAL BULK REGULATIONS

LAST AMENDED
3/23/2005

In the #Special Bay Ridge District#, the maximum #floor area ratio# and height and setback regulations shall apply as modified in this Section, inclusive.

114-11 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

In C8-2 Districts, for any #zoning lot#, the maximum #floor area ratio# for any #community facility use# shall not exceed 3.0.

In R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of Article II, Chapter 4, shall apply to #community facility# #buildings#, except that the maximum #floor area ratio# shall not exceed 1.65. For a #building# that is used partly for #community facility# #use# and partly for #residential use#, the #bulk# regulations of Article II, Chapter 3, shall apply to all portions of such #building#, except that where:

(a) 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

(b) such #building# has received an authorization pursuant to Section 24-06 (Modification of Bulk Regulations in Certain Districts);

the #bulk# regulations of Article II, Chapter 4, shall apply to the #community facility# portion of such #building#, provided that the maximum #floor area ratio# for the #community facility use# shall not exceed 1.65.

114-12 - Special Height and Setback Regulations

LAST AMENDED
3/23/2005

114-121 - Special rooftop regulations

LAST AMENDED
12/5/2024

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

114-122 - Maximum building height and setback

LAST AMENDED
12/5/2024

In the #Special Bay Ridge District#, the height and setback and maximum #building# height regulations of the underlying districts have been modified as follows:

(a) In C8-2 Districts

In C8-2 Districts, the maximum height of a #building or other structure# shall be 70 feet. Any portion of a #building or other structure# that exceeds a height of 60 feet shall be set back with a depth of at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) For #community facilities# in #Residence Districts#

In R3A, R3X, R3-2, R4A, R4-1, R4B and R5B Districts, the maximum height of a #community facility# #building# shall not exceed 32 feet.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Sections 24-51 or 33-42 (Permitted Obstructions), as applicable.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Special Downtown Jamaica District (DJ)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 5 - Special Downtown Jamaica District (DJ)

115-00 - GENERAL PURPOSES

LAST AMENDED
10/29/2025

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

(a) to strengthen Downtown Jamaica and its nearby major corridors by promoting the establishment of mixed-use, transit-oriented growth hubs;

(b) to enhance neighborhood economic diversity by broadening the range of housing choices at varied incomes;

(c) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(d) to encourage designs of new buildings that support the neighborhood's character;

(e) to establish walkable retail corridors in the neighborhood;

(f) to support industrial growth in manufacturing districts that are appropriate near certain residential districts; and

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

115-01 - General Provisions

LAST AMENDED
10/29/2025

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Downtown Jamaica District#, the regulations of this Chapter shall apply within the #Special Downtown Jamaica District#. The regulations of all other chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

115-02 - Definitions

LAST AMENDED
10/29/2025

For the purposes of this Chapter, matters in italics are defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions), and 66-11 (Definitions), except where explicitly stated otherwise in individual provisions in this Chapter.

115-03 - District Plan and Maps

LAST AMENDED
10/29/2025

The regulations of this Chapter implement the #Special Downtown Jamaica District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1 Special Downtown Jamaica District

Map 2 Streetscape Regulations

Map 3 Sidewalk Widening

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

115-04 - Subdistricts

LAST AMENDED
10/29/2025

To carry out the provisions of this Chapter, the Core Subdistrict is established. The location and boundaries of this Subdistrict is shown on Map 1 (Special Downtown Jamaica District) in the Appendix to this Chapter.

115-05 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
10/29/2025

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory Inclusionary Housing areas# within the #Special Downtown Jamaica District# are shown on the maps in APPENDIX F of this Resolution.

115-06 - Applicability of Article XII, Chapter 3

LAST AMENDED
10/29/2025

In the #Special Downtown Jamaica District#, M1 Districts are paired with a #Residence District#. In paired districts, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

Notwithstanding the provisions of Section 123-10 (GENERAL PROVISIONS), in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

115-10 - SPECIAL USE REGULATIONS

LAST AMENDED
10/29/2025

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying district shall apply except as modified in this Section, inclusive.

115-11 - Modification to Permitted Uses

LAST AMENDED
10/29/2025

The underlying #use# regulations shall be modified as follows:

(a) in M1 Districts paired with a #Residence District#, #uses# listed under Use Group VI with a size limitation, as denoted with an "S" in the Use Group tables set forth in Section 42-16 (Use Group VI – Retail and Services), shall be permitted without size limitation;

(b) in M2 Districts, no associated size limitations shall apply to grocery and convenience retailers and specialty food retailers, as listed under Use Group VI;

(c) in C4, C6, M1 Districts paired with a #Residence District# and all #Manufacturing Districts#, #public parking garages#, as listed in Use Group IX, with a capacity of 150 spaces or less, shall be permitted as-of-right; and

(d) in M1 and M2 Districts, #uses# listed under Use Groups IV(B), IX and X, along with #uses# in Use Group VI that are listed in paragraph (c) of Section 42-163 (Use Group VI – uses subject to additional conditions) shall be located within a #completely enclosed building#.

115-12 - Location of Uses

LAST AMENDED
10/29/2025

In C4 and C6 Districts, the provisions of paragraph (d) of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that eating or drinking establishments listed under Use Group VI shall be permitted on a #story# above #dwelling units#.

115-13 - Streetscape Regulations

LAST AMENDED
10/29/2025

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 (Streetscape Regulations) in Appendix A of this Chapter shall be considered #Tier C street frontages#, and all other frontages in applicable #Commercial Districts# or in M1 Districts paired with a #Residence District# shall be considered #Tier B street frontages#.

However, for the portion of a #zoning lot# fronting along 164th Street between Jamaica Avenue and Archer Avenue, or fronting along 92nd Road between 164th Street and 165th Street, the streetscape provisions of this Section and of Section 32-30 (STREETSCAPE REGULATIONS) need not apply.

115-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
10/29/2025

The underlying #bulk# provisions shall apply except as modified in this Section, inclusive.

For the purposes of applying the provisions of this Section, the #residential equivalent# for a C6-3 District shall be an R9-1 District in the Core Subdistrict.

115-21 - Floor Area Ratio

LAST AMENDED
10/29/2025

The underlying #floor area# regulations shall be modified as follows:

(a) the maximum #floor area ratio# permitted for #commercial# #uses# shall be 8.0 in C6-3 Districts and 12.0 in C6-4 Districts;

(b) in all Districts, the maximum #floor area ratio# permitted for #residential uses# shall be as set forth pursuant to the underlying district regulations, except that #sky exposure plane buildings# shall not be permitted;

(c) the maximum #floor area ratios# may only be exceeded where:

(1) a #floor area# bonus for #mass transit station# improvements is granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements); or

(2) a #floor area# bonus for a #public plaza# is granted by the City Planning Commission in accordance with the provisions of Section 115-52 (Authorization for a Public Plaza); and

(d) for #zoning lots# with a #lot area# of at least 20,000 square feet, up to 150,000 square feet of floor space within a public #school# constructed in whole or in part pursuant to a written

agreement with the New York City School Construction Authority and subject to the jurisdiction of the Department of Education shall be exempt from the definition of #floor area#.

115-22 - Modification of Rear Yard Regulations

LAST AMENDED
10/29/2025

#Rear yard# requirements shall not apply to non-#residential uses# along such portion of a #lot line# that coincides with a boundary of a railroad right-of-way.

115-23 - Height and Setback Regulations

LAST AMENDED
10/29/2025

The underlying height and setback regulations shall apply except as modified by the provisions of this Section, inclusive.

All heights shall be measured from the #base plane#.

115-231 - Permitted obstructions

LAST AMENDED

12/5/2024

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Jamaica District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

115-232 - Street wall location

LAST AMENDED
10/29/2025

In #Residence Districts#, #Commercial Districts# and M1 Districts paired with a #Residence District#, the underlying #street wall# location provisions shall be modified as follows:

(a) along Jamaica Avenue, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply;

(b) along all other #zoning lot# frontages, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply. However, for the portion of a #zoning lot# fronting along 164th Street between Jamaica Avenue and Archer Avenue, or fronting along 92nd Road between 164th Street and 165th Street, such #street wall# location provisions need not apply;

(c) for all Districts, such #street walls# need only extend to a minimum base height of 40 feet; and

(d) along the following #street# frontages, for #developments# with #building# widths exceeding 100 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the #second story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#:

(1) Hillside Avenue, between the Van Wyck Expressway and Parsons Boulevard;

(2) Archer Avenue, between the Van Wyck Expressway and Parsons Boulevard;

(3) Sutphin Boulevard, between Hillside Avenue and Liberty Avenue; and

(4) 150th Street, between Hillside Avenue and Liberty Avenue.

115-233 - Maximum building height

LAST AMENDED
10/29/2025

The underlying height and setback provisions shall be modified as follows:

In #Residence# and #Commercial Districts#, all #buildings# shall follow the applicable height and setback regulations for #residences# set forth in Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, in accordance with the applicable #residential equivalent#, except that in C6 Districts without a letter suffix, the height and setback provisions of paragraph (b) of Section 123-652 (Special base and building heights) may be applied for the applicable #residential equivalent# in lieu of the provisions of Section 23-434 (Height and setback modifications for eligible sites).

115-30 - MANDATORY IMPROVEMENTS

LAST AMENDED
9/10/2007

115-31 - Sidewalk Widenings

LAST AMENDED
10/29/2025

The provisions of this Section shall apply to all #developments# fronting upon locations requiring sidewalk widenings as shown on Map 3 (Sidewalk Widening) in Appendix A of this Chapter. A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot# having a depth of two feet or five feet, as set forth on Map 3. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk to less than such minimum required total sidewalk depth.

115-40 - SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
10/29/2025

The underlying off-street parking and loading provisions shall apply except as modified in this Section, inclusive.

115-41 - Parking and Loading Regulations

LAST AMENDED
10/29/2025

The underlying parking and loading provisions shall be modified as follows:

(a) permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#; and

(b) along #Tier C street frontages#, as shown on Map 2 in the Appendix to this Chapter, all curb cuts accessing off-street parking or loading spaces shall be subject to the provisions for R8 Districts set forth in Section 25-631 (Location and width of curb cuts in certain districts).

115-50 - SPECIAL APPROVALS

LAST AMENDED
10/29/2025

115-51 - Special Permit to Modify Use or Bulk Regulations

LAST AMENDED
10/29/2025

For any #zoning lot# within the #Special Downtown Jamaica District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

(a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

(b) #use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;

(c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;

(d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and

(e) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

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

115-52 - Authorization for a Public Plaza

LAST AMENDED
10/29/2025

In #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, or in M1 Districts paired with an R9 or R10 District, for #zoning lots# with a #lot area# of at least 25,000 square feet, the City Planning Commission may authorize an increase in the maximum #floor area ratio# where a #public plaza# is provided on the #zoning lot# in accordance with the provisions of Section 37-70 (PUBLIC PLAZAS), inclusive.

In conjunction with such #floor area# bonus, the Commission may authorize modifications to the applicable #bulk# regulations of this Resolution, or to the regulations governing #public plazas# in

Section 37-70, inclusive.

In order to grant such authorization, the Commission shall determine that the conditions and limitations of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions and limitations

The following conditions and limitations shall apply:

(1) for the purposes of determining the bonus ratio to follow:

(i) for #Commercial Districts# with a #residential equivalent# of an R9 District, or M1 Districts paired with an R9 District, the underlying bonus ratio for a C6-3 District shall apply; and

(ii) for #Commercial Districts# with a #residential equivalent# of an R10 District, or M1 Districts paired with an R10 District, the underlying bonus ratio for a C6-4 District shall apply.

The #floor area# bonus resulting from applying such ratio shall not exceed 20 percent of the maximum #floor area ratio# otherwise permitted by the applicable district regulations;

(2) modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height otherwise permitted by the applicable district regulations; and

(3) modifications to the regulations governing #public plazas# shall be limited to:

(i) the basic design criteria set forth in Section 37-71, inclusive, other than the area dimensions provisions of Section 37-712;

(ii) the access and circulation provisions set forth in Section 37-72, inclusive, other than regulations for hours of access, set forth in Section 37-727; and

(iii) the types and standards for amenities, set forth in Section 37-74, inclusive.

(b) Findings

The Commission shall find that:

(1) the public benefit derived from the #public plaza# merits the amount of additional #floor area# being granted pursuant to this Section;

(2) the #public plaza# will be well-integrated with the overall pedestrian circulation network and contribute to an enhanced streetscape;

(3) any modification to #bulk# regulations are the minimum extent necessary to reasonably accommodate the #public plaza# and the additional #floor area# granted pursuant to this Section and will not unduly obstruct access to light and air to surrounding #streets# and properties; and

(4) any modification to #public plaza# regulations are the minimum extent necessary, and will better align such #public plaza# regulations with unique site configurations or with the mixed-use character of the neighborhood.

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

115-53 - Authorization for Sites Containing Schools

LAST AMENDED
10/29/2025

For zoning lots containing #schools#, the City Planning Commission may authorize the modification of any #bulk# regulation, other than #floor area ratio#, provided that the conditions in paragraph (a) and the findings in paragraph (b) are met.

(a) Conditions

Where maximum height limitations apply, modifications to maximum #building# height limits shall not exceed 30 feet.

(b) Findings

The Commission shall find that:

(1) such #bulk# modifications are the minimum extent necessary to reasonably accommodate the #school# and other #buildings# on the #zoning lot#;

(2) the proposed modification does not impair the essential character of the surrounding area; and

(3) the proposed modification will not unduly obstruct access of light and air to surrounding #streets# or properties.

Appendix A - Special Downtown Jamaica District Maps

LAST AMENDED
10/29/2025

(10/29/25)

Map 1 — Special Downtown Jamaica District

(10/29/25)

Map 2 — Streetscape Regulations

(10/29/25)

Map 3 — Sidewalk Widening

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Stapleton Waterfront District (SW)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 6 - Special Stapleton Waterfront District (SW)

116-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

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

(a) encourage design of development that is in character with the neighborhood and surrounding community;

(b) maintain and reestablish physical and visual public access to and along the waterfront;

(c) strengthen the traditional town center of Stapleton by allowing the development of residential and commercial uses;

(d) encourage the creation of a lively and attractive environment that will provide daily amenities and services for the use and enjoyment of the working population and the new residents;

(e) take maximum advantage of the beauty of the New York Harbor waterfront, thereby best serving the business community, the residential population and providing regional recreation; and

(f) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect City tax revenues.

116-01 - Definitions

LAST AMENDED
6/6/2024

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions), or in this Section.

Esplanade

The "Esplanade" is a park extending along portions of the waterfront edges of the #Special Stapleton Waterfront District#. The #Esplanade# is shown in the District Plan, Map 1 (Special Stapleton Waterfront District, Subareas and Public Spaces), in Appendix A of this Chapter.

Mandatory front building wall

A "mandatory front building wall" is the front wall of a #building# that generally coincides with a #mandatory front building wall line#, as provided in Section 116-232 (Street wall location).

Mandatory front building wall line

"Mandatory front building wall lines" are imaginary lines extending through Subarea B of the #Special Stapleton Waterfront District# which are shown on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, and with which #building# walls must generally coincide, as provided in Section 116-232.

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the #Special Stapleton Waterfront District# as shown in the District Plan, Map 1, in Appendix A of this Chapter.

Shore public walkway

A "shore public walkway" is a linear public access area along the shore or water edges of a #platform# on a #waterfront zoning lot#.

Upland connection

An "upland connection" is a pedestrian way which provides a public access route from the #Esplanade# or a #shore public walkway# to a public sidewalk within a public #street#. Required #upland connections# are shown in the District Plan, Map 5 (Upland Connections and Visual Corridors), in Appendix A of this Chapter

Visual corridor

A "visual corridor" is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#. Required #visual corridors# are shown in the District Plan, Map 5 and Map 6 (Location of Visual Corridor in Subarea E) in Appendix A of this Chapter.

116-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

Within the #Special Stapleton Waterfront District#, the regulations of the underlying R6, C2-2, C4-2A and M2-1 Districts shall apply, as modified in this Chapter.

116-03 - District Plan

LAST AMENDED
7/20/2017

The District Plan for the #Special Stapleton Waterfront District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Stapleton Waterfront District#.

These areas shall include Subareas A, B1, B2, B3, B4, B5, C, D and E, the #Esplanade# and two designated public open spaces: #Pier Place# and the #Cove#. In addition, Subareas B and E shall include #upland connections# and Subarea E shall include a #shore public walkway#.

The District Plan includes the following maps in Appendix A of this Chapter.

Map 1 Special Stapleton Waterfront District, Subareas and Public Spaces

Map 2 Ground Floor Use and Frontage Requirements

Map 3 Mandatory Front Building Wall Lines

Map 4 Restricted Curb Cut and Off-Street Loading Locations

Map 5 Upland Connections and Visual Corridors

Map 6 Location of Visual Corridor in Subarea E

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

116-04 - Subareas

LAST AMENDED
7/20/2017

In order to carry out the purposes and provisions of this Chapter, the following subareas are established within the #Special Stapleton Waterfront District#: Subarea A, Subarea B, comprised of Subareas B1, B2, B3, B4 and B5, Subareas C, D and E, the #Esplanade#, #Pier Place# and the #Cove#. In each of these subareas, special regulations apply that may not apply in other subareas.

116-05 - Applicability

LAST AMENDED
5/12/2021

In Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#, the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply. In lieu thereof, the special #use#, #bulk#, #accessory# off-street parking, public access and urban design regulations of Sections 116-10 through 116-50 shall apply.

In Subarea D, the provisions of Article VI, Chapter 2 shall apply pursuant to the underlying M2-1 District regulations.

In Subarea E, the underlying provisions of Article VI, Chapter 2 shall apply, except as modified in Section 116-60 (SPECIAL REGULATIONS IN SUBAREA E), inclusive. In addition, the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), shall not apply. In lieu thereof, the provisions of Section 116-623 (Height and setback regulations), shall apply.

#Lower density growth management area# regulations shall not apply in the #Special Stapleton Waterfront District#.

116-10 - SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

LAST AMENDED
6/6/2024

In Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#, the underlying #use# regulations shall be modified by the provisions of this Section, inclusive.

116-11 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply except that:

(a) #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Ground Floor Use and Frontage Requirements) in Appendix A of this Chapter shall be considered #Tier C street frontages#; and

(b) remaining #ground floor level# #street# frontages shall be considered #Tier B street frontages#. However, in lieu of the parking wrap and enclosure provisions of Section 32-32, inclusive, the provisions for #Tier A street frontages# set forth in Section 32-312 (Ground floor level parking restrictions) may be applied. Notwithstanding the above, in Subarea B5, parking may be located between the #street wall# of the #building# and the Front Street #street line#.

116-12 - Location of Uses

LAST AMENDED
6/6/2024

In addition, the provisions of paragraph (d) of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that eating or drinking establishments listed under Use Group VI shall be permitted on a #story# above #dwelling units#.

116-13 - Special Sign Regulations

LAST AMENDED
6/6/2024

The #sign# regulations of the underlying C4-2 District in Section 32-60 (Sign Regulations) shall be modified as follows: #flashing signs# shall not be permitted in Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

116-20 - SPECIAL BULK REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

LAST AMENDED
7/20/2017

The special #bulk# regulations of Section 116-20, inclusive, shall apply to Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

116-21 - Residential Bulk Regulations in C4-2A Districts

LAST AMENDED
10/25/2006

The provisions of Sections 34-112 and 35-23 (Residential Bulk Regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) are modified as follows:

> The applicable #bulk# regulations for #residential uses# in C4-2A Districts shall be those for R6B Districts.

116-22 - Maximum Floor Area Ratio

LAST AMENDED
12/5/2024

The maximum #floor area ratio# for all #uses# shall be 2.0. However, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 2.40.

Additionally, for #zoning lots# in Subareas A and B1, up to a total of 100,000 square feet of floor space, within a public #school#, constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the Department of Education, shall be exempt from the definition of #floor area#. #Zoning lots# within Subarea A and B1 that are contiguous or would be contiguous but for their separation by a #street#, may be considered one #zoning lot# for the purpose of applying these special #floor area# regulations.

116-221 - Special floor area regulations for mixed buildings

LAST AMENDED
5/12/2021

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

(a) requirements for #accessory# off-street parking spaces;

(b) #accessory# off-street loading berths;

(c) limitations on #floor area# occupied by certain #uses#; and

(d) satisfying requirements for #FRESH food stores# as defined in Article VI, Chapter 3, and the special #floor area# regulations of that Chapter.

116-23 - Special Height and Setback Regulations

LAST AMENDED
10/25/2006

The special height and setback regulations set forth in this Section shall apply.

116-231 - Special rooftop regulations

LAST AMENDED
12/5/2024

The provisions of Section 35-61 (Permitted Obstructions) shall apply to all #buildings or other structures# in Subareas A, B and C.

116-232 - Street wall location

LAST AMENDED
12/5/2024

Within Subareas A and B, the underlying #street wall# location regulations shall be modified as follows:

(a) Subareas A and B1

The #street wall# location provisions of paragraph (c) of Section 35-631 (Street wall location) shall apply, irrespective of #lot area# of the #zoning lot#, and extend up to base heights as specified in Section 116-233 (Height and setback) or the height of the #building#, whichever is less.

(b) Subareas B2 through B5

(1) The #street wall# location provisions of paragraph (a) Section 35-631 shall apply to all #street# frontages designated as type 1 mandatory front building line on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter.

(2) The #street wall# location provisions of paragraph (b) Section 35-631 shall apply to all #street# frontages designated as type 2 mandatory front building line on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter.

All #mandatory front building walls# shall extend up to base heights as specified in Section 116-233 or the height of the #building#, whichever is less.

116-233 - Height and setback

LAST AMENDED
12/5/2024

Within Subareas A, B and C, the underlying height and setback regulations shall be modified as follows:

(a) Subareas A and B1

(1) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings# in Subareas A and B1. The maximum #building# height set forth in the table shall only be permitted in locations where the maximum #street wall# width of a #building# above the transition height, or, where applicable, the maximum base height, does not exceed 100 feet. At least 60 feet of separation shall exist between any portions of #buildings# located above such

maximum transition height, or maximum base height, as applicable.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the Subarea, and shall be provided in accordance with paragraph (a)(2) of this Section.

Maximum Base Heights and Maximum #Building# Heights for Subareas A and B1

Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Transition Height (in feet)	Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)
40	65	85	125

(2) Required setbacks

At a height not lower than the minimum base height, or higher than the maximum base height specified for the Subarea in the table in paragraph (a)(1) of this Section, a setback shall be provided in accordance with the provisions of Section 23-433 (Standard setback regulations).

(b) Subarea B2

Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 65 feet.

(c) Subareas B3 through B5 and Subarea C

In Subareas B3 through B5 and Subarea C the height and setback regulations applicable to an R6B District set forth in Section 23-43, inclusive, shall apply. For the purposes of applying the setback regulations of Section 23-433, all surrounding #streets# shall be considered #wide streets#.

116-30 - SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS FOR SUBAREAS A, B AND C

LAST AMENDED
7/20/2017

In Subareas A, B and C, the parking and loading regulations of the underlying C4-2A District shall apply, except as modified in this Section.

116-31 - Modification of Waiver of Requirements

LAST AMENDED
12/5/2024

Waivers of parking requirements for #commercial# or #community facility# #uses# shall only apply to #zoning lots# existing both on October 25, 2006, and on the date of application for a building permit.

116-32 - Location and Width of Curb Cuts

LAST AMENDED
6/6/2024

Curb cuts are prohibited in the locations shown on Map 4 (Restricted Curb Cut and Off-Street Loading Locations) in Appendix A of this Chapter.

In Subarea C, for #zoning lots# with access only to Front Street, only one curb cut shall be permitted along Front Street.

In Subareas A, B and C, the maximum width of curb cuts shall not exceed 25 feet, including splays.

116-33 - Screening and Tree Planting Requirements for Parking Facilities

LAST AMENDED
6/6/2024

The provisions of this Section shall apply to any new or #enlarged# open off-street parking facility with ten spaces or more, except where the provisions of Section 37-90 (PARKING LOTS), inclusive, apply.

(a) Screening

Such off-street parking facilities shall be screened, in accordance with the provisions of this Section, from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, and from any designated open space accessible to the public situated on the same #zoning lot#, including the #Esplanade#.

Such screening shall consist of a strip at least four feet wide, densely planted with 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.

#Accessory# parking spaces that front upon a #street# shall be screened by a strip at least four feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one-half feet and not more than four feet.

In addition, a wall or barrier or uniformly-painted fence of fire-resistant material at least four feet high but not more than eight feet above finished grade may be provided. Such wall, barrier or fence must be 100 percent opaque up to a height of four feet above the finished grade of the parking facility and not more than 35 percent opaque above four feet. No chain link fences shall be permitted. All permitted fences shall be located behind landscaped areas when viewed from the #street#.

Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-60, inclusive, or 62-654.

(b) Tree planting requirements

Trees, pre-existing or newly-planted, shall be provided at the rate of one tree for every eight open parking spaces within the off-street parking facility and may be located on the perimeter of the parking facility or in planting islands within the parking area. For parking facilities with more than 25 open parking spaces, at least 30 percent of trees provided to meet this requirement shall be located in planting islands within the parking area. Trees shall be planted in accordance with the requirements of the Department of Parks and Recreation.

116-40 - UPLAND CONNECTIONS AND VISUAL CORRIDORS

LAST AMENDED
7/20/2017

116-41 - Upland Connections

LAST AMENDED
7/20/2017

In the locations shown on Map 5 (Upland Connections and Visual Corridors) in Appendix A of this Chapter, #upland connections# shall be provided. An #upland connection# traversing a #zoning lot# in Subareas A, B and C shall consist of a single circulation path bordered continuously along both sides by buffer zones.

(a) Required dimensions

The minimum width of the #upland connection# shall be 30 feet. When an #upland connection#, or a portion thereof, abuts a private driveway, no buffer zone is required.

(b) Buffer zone

The buffer zone is a landscaped area running along the edge of the #upland connection# that bounds the boundary of the non-public portions of the #zoning lot#; each buffer zone shall have a minimum width of seven feet. The buffer zone shall be improved entirely as planting area, except at locations:

(1) occupied by permitted obstructions; or

(2) where there is ground floor #commercial use# frontage on the #upland connection#, in which case that portion of the buffer zone may be paved.

(c) Permitted obstructions

The provisions of Section 62-611 (Permitted obstructions) shall apply to #upland connections# within Subarea B, the #Esplanade#, #Pier Place# and the #Cove#. The permitted obstructions listed in paragraph (b)(2) of Section 62-611 are further subject to the tree and planting requirements of Section 62-655. Water-Dependent (WD) #uses# referenced in paragraph (a)(6) of Section 62-611 shall be as listed in Section 62-211.

116-42 - Visual Corridors

LAST AMENDED
2/2/2011

#Visual corridors# shall be provided in the locations shown on Map 5 in Appendix A of this Chapter. Such #visual corridors# shall be subject to the requirements of Section 116-512 (Design requirements for visual corridors).

116-50 - SPECIAL URBAN DESIGN REQUIREMENTS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

LAST AMENDED
7/20/2017

The special urban design requirements of Section 116-50, inclusive, shall apply to all #developments# and #enlargements# within Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

116-51 - Design Requirements for Upland Connections and Visual Corridors

LAST AMENDED
4/30/2008

116-511 - Design requirements for upland connections

LAST AMENDED
4/22/2009

(a) Circulation and access

(1) Where an #upland connection# abuts a private driveway, a circulation path with a minimum clear width of six feet shall be provided along both sides of the driveway. The remaining area shall be planted pursuant to the provisions of paragraph (c) of this Section.

(2) All other #upland connections# through #zoning lots# shall have a circulation path with a minimum clear width of 16 feet.

(b) Seating

A minimum of 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#.

(c) Planting

Where an #upland connection# abuts a private driveway, a single row of shade trees shall be planted adjoining a required circulation path in accordance with the standards of Section 62-655 (Planting and trees). Within all #upland connections#, any unpaved area shall be planting area.

116-512 - Design requirements for visual corridors

LAST AMENDED
7/20/2017

The requirements of this Section shall apply to all #visual corridors# within Subarea B, the #Esplanade#, #Pier Place# and the #Cove#. When a #visual corridor# coincides with an #upland connection#, the provisions of Section 116-511 (Design requirements for upland connections) shall also apply.

No #building or other structure# shall be erected within the width of a #visual corridor#, except as provided in this Section. #Visual corridors# shall be the width 1f the #street# but shall not be less than 50 feet wide.

Permitted obstructions within #visual corridors# shall be limited to:

(a) boats, ships or other vessels, and #floating structures# permitted as-of-right by paragraph (a) of Section 62-25 (Uses on Floating Structures);

(b) any moving or parked vehicles or street furniture, including, but not limited to, benches, seats, kiosks, carts and open display booths, lighting fixtures, flagpoles, trash receptacles, drinking fountains and public telephones;

(c) guardrails and fences, provided they comply with the design standards of Section 62-651 (Guardrails, gates and other protective barriers), except that fences may be eight feet high;

(d) sculpture;

(e) planting areas, provided that no shade trees are planted within a 15 foot wide area along both sides of the center line of the #visual corridor#; and

(f) those obstructions permitted in #rear yards# as listed in Section 23-311 (Permitted obstructions in all yards, courts and open areas) and 23-312 (Additional permitted obstructions generally permitted in all yards), except walls exceeding four feet in height shall not be permitted.

116-52 - Waterfront Public Access Signage

LAST AMENDED7/20/2017

The New York City Waterfront Symbol Plaque shall be used to direct the public to waterfront public access areas including the #Esplanade# and #upland connections# within Subarea B, #Pier Place# and the #Cove#, and to identify the entry points of these areas. Such signage shall be provided in accordance with requirements of Section 62-654.

116-60 - SPECIAL REGULATIONS IN SUBAREA E

LAST AMENDED
7/20/2017

The special #use#, #bulk#, #visual corridor# and #waterfront public access area# requirements of Section 116-60, inclusive, shall apply to Subarea E.

116-61 - Special Use Regulations

LAST AMENDED
6/6/2024

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except that the provisions of Section 62-29 (Special Use Regulations for Medium- and High-Density Districts) shall be modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial# #floor area# is located above a #dwelling unit#.

116-62 - Special Bulk Regulations

LAST AMENDED
7/20/2017

The #bulk# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified in Section 116-62, inclusive.

116-621 - Floor area

LAST AMENDED
12/5/2024

The #floor area# regulations of Article VI, Chapter 2, shall not apply. In lieu thereof, the underlying #floor area# regulations shall apply, except that the provisions of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts), as applicable to #Mandatory Inclusionary Housing areas#, shall be modified as follows in R6 Districts:

(a) for #zoning lots#, or portions thereof, within 100 feet of a #wide street#, the maximum #floor area ratio# shall be 3.6; and

(b) for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#, the maximum #floor area ratio# shall be 2.42.

116-622 - Required yards

LAST AMENDED
7/20/2017

The special #yard# provisions of 62-332 (Rear yards and waterfront yards) shall apply, except the 40 foot minimum depth requirement for a #waterfront yard# may be reduced by up to five feet, to a minimum depth of 35 feet, along those portions of the landward edge of the stabilized shore, bulkhead or natural #shoreline# where the depth of the landward portions of the #zoning lot# is less than 150 feet, as measured perpendicular and landward from such edge.

116-623 - Height and setback regulations

LAST AMENDED
12/5/2024

The provisions of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except as modified in this Section.

(a) Required setback along a #shore public walkway#

The provisions of paragraph (b)(2) or (c)(1) of Section 62-343 (Height and setback regulations in other medium- and high-density districts) shall be modified for #buildings# located on portions of a #zoning lot# where the distance between the edge of the stabilized shore and a landward #zoning# #lot line# is less than 150 feet. The depth of a required setback from the boundary of a #shore public walkway# may be reduced to five feet, provided that at least 40 percent of the width of each #story# required to be set back above the minimum base height is set back no less than 10 feet from the boundary of the #shore public walkway#.

(b) Measurement of height

The provisions of paragraph (b) of Section 62-34 shall apply, except for the purpose of this Section, #base plane# shall refer to an elevation of 16.8 feet above Richmond Datum.

(c) Permitted obstructions

The provisions of paragraph (c) of Section 62-34 shall apply, except that the penthouse provisions shall be superseded by paragraph (e) of this Section.

(d) Maximum base height

The maximum base height provisions of paragraph (a) of Section 62-343 shall apply, except a #building or other structure#, or a portion thereof, located within an #initial setback distance#, shall rise to a height of at least 25 feet or two #stories#, whichever is less, and may not exceed a maximum base height of 55 feet or five #stories#, whichever is less.

(e) Maximum #building# height and tower size

The maximum #residential# tower size provisions of paragraph (d) of Section 62-343 shall not apply. For the purposes of this paragraph (e), any portion of a #building# that exceeds a height of 55 feet or five #stories#, whichever is less, shall be considered a tower. #Buildings# with

tower portions fronting on Edgewater Street shall not exceed a height of 120 feet above the #base plane#, and the height of any other #building# with tower portions shall not exceed a height of 110 feet above the #base plane. Each #story# within a tower portion of a #building# shall not exceed a gross area of 10,000 square feet up to a height of 90 feet or nine #stories#, whichever is less, and each #story# above a height of 90 feet, shall not exceed 90 percent of the gross area of that #story# directly below 90 feet. All #stories# within the tower portions of #buildings# shall be bounded on all sides by open areas on the #zoning lot#. For #zoning lots# with three or more #buildings#, no more than two #buildings# shall contain towers.

(f) #Street wall# articulation facing #shore public walkways#

The provisions of paragraph (d)(1) of Section 62-343 shall apply. In addition, for portions of #buildings# fronting on a #shore public walkway# with an #aggregate width of street wall# greater than 200 feet, such #street walls# shall provide a recess at least five feet deep and 55 feet wide, unobstructed from the lowest level of the #building# to the sky. In no event shall a #street wall# extend along a #shore public walkway# for a distance greater than 130 feet without providing such a recess. Furthermore, above the height of the second #story#, such #street walls# shall provide at least one additional recess with a minimum depth of five feet and a minimum width or, where applicable, an aggregate width, of at least 40 feet.

116-624 - Ground floor regulations

LAST AMENDED
12/5/2024

The underlying #ground floor level# streetscape provisions of Section 62-351 (Ground floor streetscape) shall not apply. In lieu thereof, the following provisions shall apply:

(a) Lobbies

A #residential# lobby, extending along at least 30 percent of the #aggregate width of street walls# shall be provided, but need not be wider than 35 feet. Transparent glazing materials shall occupy at least 40 percent of the surface area of the #street wall# of the lobby, measured between a height of two and 10 feet above the level of the adjoining grade.

A lobby to a #commercial# or #community facility use# shall have a minimum width of 20 feet. Transparent glazing materials shall occupy at least 50 percent of the surface area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining grade and a height 12 feet above the level of the first finished floor.

In the event of a conflict between the provisions of this paragraph (h)(1) and the construction standards of the Federal government or Appendix G of the New York City Building Code, the requirements of this paragraph shall not apply.

(b) Parking garage wall treatment

For any level within a #building# where #accessory# off-street parking is provided, such parking shall be screened from the #street line# or #waterfront public access area# with a #street wall# that is at least 50 percent opaque. Each one-foot square portion of such #street wall# shall comply individually with this requirement. Such required wall treatment may be interrupted by vehicular or pedestrian entrances. In addition to the wall treatment, the screening requirements of Section 62-655 (Planting and trees) shall apply.

For #buildings# with #street walls# that are more than 50 feet in width and located within 50 feet of a #waterfront public access area# or #street#, at least 70 percent of the width of such #street walls# shall contain #floor area# at the first #story# located completely above the #base plane#.

116-63 - Requirements for Visual Corridors and Waterfront Public Access Areas

LAST AMENDED
7/20/2017

116-631 - Visual corridors

LAST AMENDED
7/20/2017

The provisions of Section 62-51 (Applicability of Visual Corridor Requirements) shall apply, except as modified in this Section. The minimum width of the required #visual corridor# shall be 60 feet. The location of such #visual corridor# shall be as shown on Maps 5 and 6 in Appendix A of this Chapter. Such #visual corridor# shall be located such that the northern boundary of the #visual corridor# shall intersect with the easterly #street line# of Edgewater Street at a point 22 feet south of the following intersection: the easterly prolongation of the northerly #street line# of Lynhurst Avenue and the easterly #street line# of Edgewater Street. Such #visual corridor# shall extend to the pierhead line at an angle of 89.35 degrees, as measured between the northern boundary of such #visual corridor# and the portion of the easterly #street line# of Edgewater Street north of such #visual corridor#.

116-632 - Waterfront Public Access Area

LAST AMENDED
7/20/2017

The provisions of Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall apply, except that no #supplemental public access area#, as set forth in Section 62-57 (Requirements for Supplemental Public Access Areas), shall be required. However, a #shore public walkway# and an #upland connection# must be provided as modified in this Section and shown on Maps 1, 5 and 6 in Appendix A of this Chapter.

(a) #Shore public walkway#

The provisions of paragraph (a)(3) of Section 62-53 (Requirements for Shore Public Walkways) shall apply, except that the minimum width of a #shore public walkway# on shallow portions of a #zoning lot# set forth on such Section shall be modified to be no less than 35 feet.

If there is an existing #building or other structure# to remain on the #zoning lot#, the entire area between such existing #building# and the shoreline shall be entirely occupied by the #shore public walkway#, with a required circulation path of at least eight feet.

(b) #Upland connections#

The requirement for a “transition area” within a Type 2 #upland connection# in paragraph (b)(2) of Section 62561 (Types of upland connections) shall not apply. In addition, the minimum width requirement of 10 feet for the #upland connection# abutting such turnaround shall be modified to five feet, provided that the entire area of the vehicular turnaround is paved with the same paving material as the #upland connection#.

116-633 - Phased development of Waterfront Public Access Area

LAST AMENDED

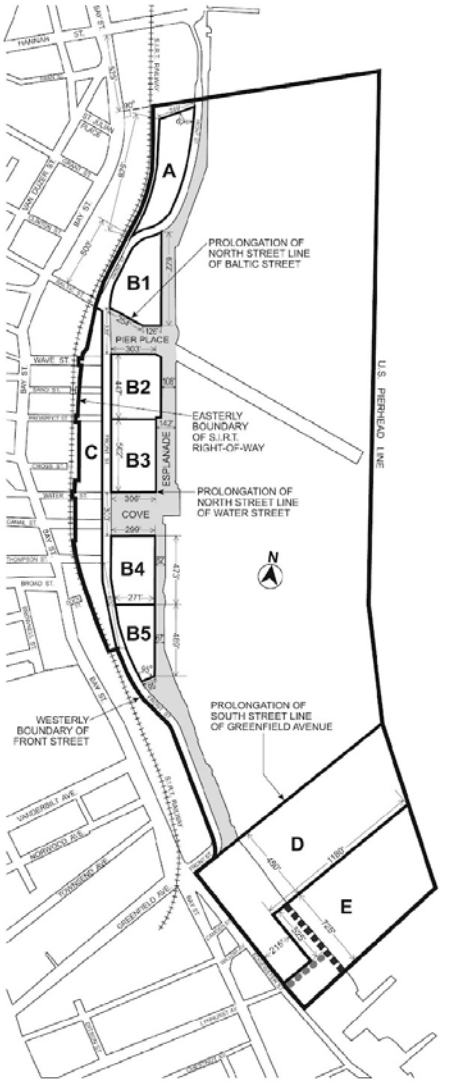
7/20/2017

For the purposes of applying for an authorization for phased #development# of a #waterfront public access area# in paragraph (c)(1) of Section 62-822 (Modification of waterfront public access area and visual corridor requirements), the #lot area# shall be the portion of the #zoning lot# above water.

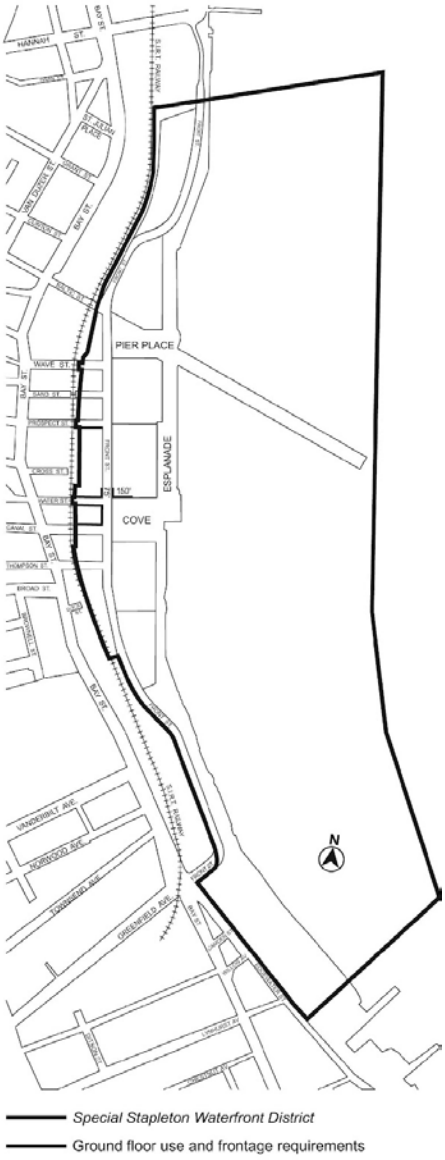
Appendix A - Stapleton Waterfront District Plan

LAST AMENDED
10/25/2006

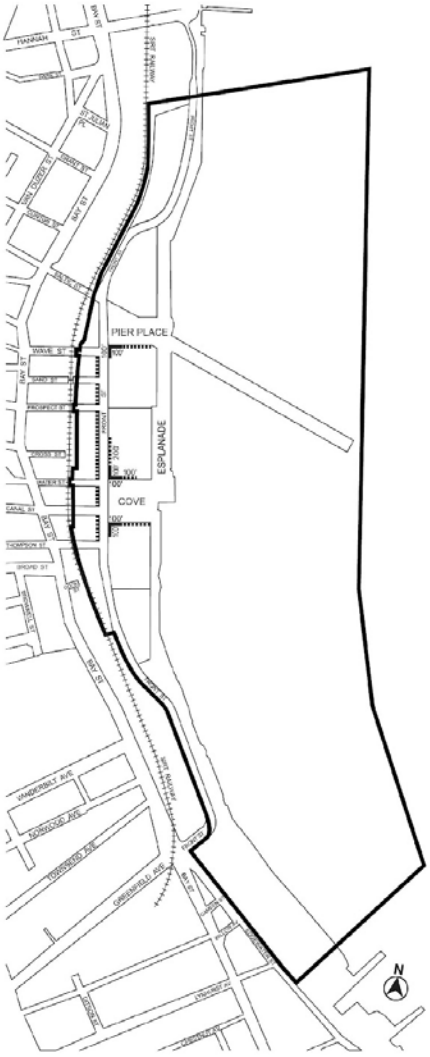
Map 1. Special Stapleton Waterfront District, Subareas and Public Spaces


A
B1
B2
B3
B4
B5
C
D
E
PROLONGATION OF NORTH STREET LINE OF BALTIC STREET
EASTERLY BOUNDARY OF S.I.R.T. RIGHT-OF-WAY
PROLONGATION OF NORTH STREET LINE OF WATER STREET
PROLONGATION OF SOUTH STREET LINE OF GREENFIELD AVENUE
WESTERLY BOUNDARY OF FRONT STREET
U.S. PIERHEAD LINE
PIER PLACE
COVE
ESPLANADE
N
Special Stapleton Waterfront District
District Subareas
Public Open Space
Shore Public Walkway
Upland Connection

Map 2. Ground Floor Use and Frontage Requirements



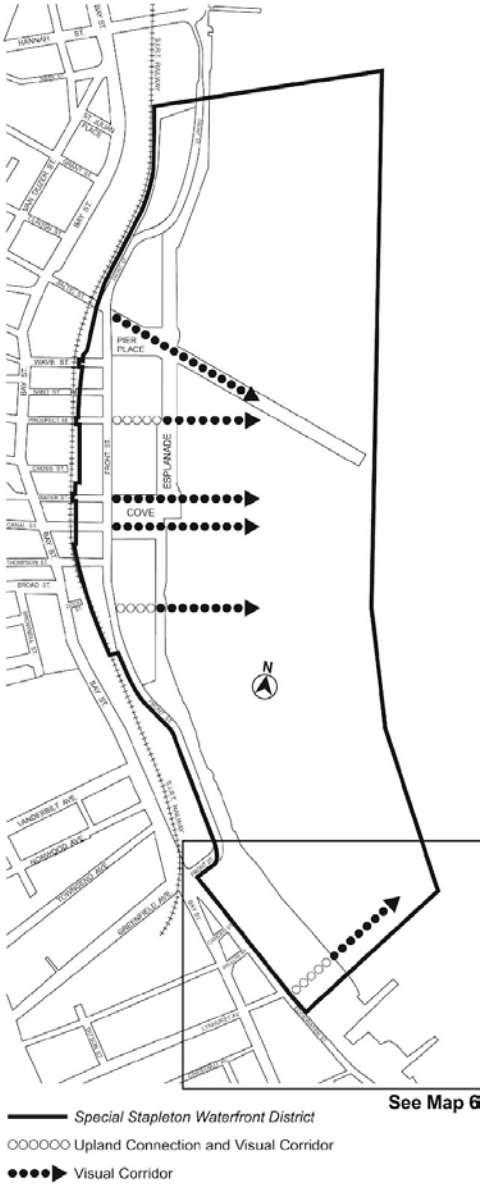
Map 3. Mandatory Front Building Wall Lines



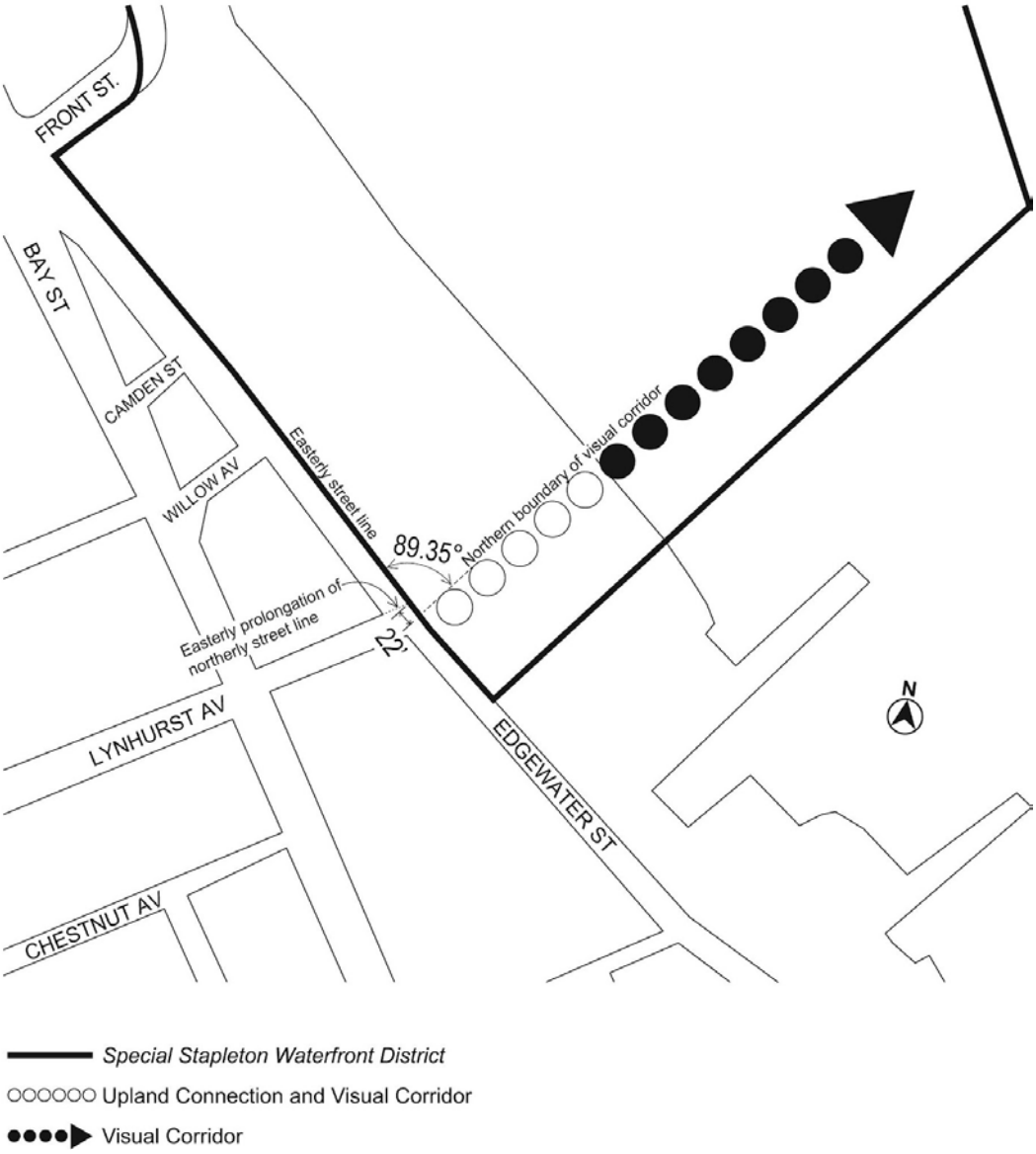
Map 4. Restricted Curb Cut and Off-Street Loading Locations



Map 5. Upland Connections and Visual Corridors



Map 6. Location of Visual Corridor in Subarea E



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Special Long Island City Mixed Use District (LIC)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 7 - Special Long Island City Mixed Use District (LIC)

117-00 - GENERAL PURPOSES

LAST AMENDED
11/12/2025

The "Special Long Island City Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Long Island City community. These general goals include, among others, the following specific purposes:

(a) to support the continuing growth of a mixed residential, commercial and industrial neighborhoods by permitting expansion and development of residential, commercial, community facility and light manufacturing uses where adequate environmental standards are assured;

(b) to encourage the development of moderate to high density commercial uses within a compact transit-oriented area;

(c) to establish and maintain walkable retail corridors in the neighborhood;

(d) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;

(e) to promote the opportunity for people to work in the vicinity of their residences;

(f) to maintain and establish physical and visual public access to and along the waterfront;

(g) to retain jobs within New York City;

(h) to provide an opportunity for the improvement of Long Island City; and

(i) to promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

117-01 - Definitions

LAST AMENDED
11/12/2025

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section 12-10 (DEFINITIONS), Section 32-301 (Definitions) and Section 66-11 (Definitions). Additional defined terms specific to certain Subdistricts are set forth in Sections 117-361 and 117-503.

Mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a “mixed use development” shall be any #building# or #development# used partly for #residential use# and partly for #community facility#, #commercial# or #manufacturing# #use#.

117-02 - General Provisions

LAST AMENDED
11/12/2025

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

(a) Notwithstanding the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), when a #building# that existed on October 25, 1995, within the Hunters Point or Court Square Subdistricts, is damaged or demolished by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to the #bulk# permitted by this Chapter, whichever is greater.

(b) For #mixed use buildings#, #dwelling units# shall be located on a #story# or #stories# above the highest #story# occupied, in whole or in part, by a #commercial# or #manufacturing# #use#. #Commercial# or #manufacturing# #uses# may, however, be located on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that:

(1) no access exists between such #uses# at any level containing #dwelling units#; and

(2) the environmental requirements set forth in Section 32-423 shall be met where #commercial# or #manufacturing# #uses# are located above any #story# containing #dwelling units#.

(c) Regulations relating to #accessory# parking facilities, #public parking lots# and #public parking garages# are set forth in Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area), and such provisions are further modified by Sections 117-26 (Off-street Parking and Loading Regulations) and 117-54 (Off-street Parking and Loading Regulations).

(d) In the granting of special permits or authorizations within the #Special Long Island City Mixed Use District#, the City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding uses.

(e) Where references are made to #block# numbers within this Chapter, such numbers are to be found on the maps appended to this Chapter.

117-03 - District Plan and Maps

LAST AMENDED
11/12/2025

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B, C, D and E:

Appendix A Special Long Island City Mixed Use District and Subdistricts Plan Map

Appendix B Queens Plaza West Subdistrict Plan Maps

Map 1 - Subdistrict Plan Map and Streetscape Regulations

Appendix C Northern Hunters Point Waterfront Subdistrict Plan Maps

Map 1 - Subdistrict Plan Map and Designated Subareas

Map 2 - Streetscape Regulations Designation

Map 3 - Waterfront Access Plan Parcels Designation

Map 4 - Public Access Elements

Map 5 - Visual Corridors Designation

Appendix D Court Square Subdistrict Plan Map and Description of Improvements

Appendix E Queens Plaza Subdistrict Plan Maps:

Map 1 - Designated Districts within the Queens Plaza Subdistrict

Map 2 - Ground Floor Use and Frontage

Map 3 - Sidewalk Widening and Street Wall Location.

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply

117-04 - Subdistricts

LAST AMENDED
11/12/2025

In order to carry out the purposes and provisions of this Chapter, six subdistricts are established within the #Special Long Island City Mixed Use District#, as follows:

Court Square Subdistrict, as set forth in Section 117-40, inclusive;

Dutch Kills Subdistrict, as set forth in Section 117-60, inclusive;

Hunters Point Subdistrict, as set forth in Section 117-10, inclusive;

Northern Hunters Point Waterfront Subdistrict, as set forth in Section 117-30, inclusive;

Queens Plaza Subdistrict, as set forth in Section 117-50, inclusive; and

Queens Plaza West Subdistrict, as set forth in Section 117-20, inclusive.

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Long Island City Mixed Use District#. The subdistricts are outlined on Map 1 in Appendix A of this Chapter.

117-05 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
11/12/2025

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory Inclusionary Housing areas# within the #Special Long Island City Mixed Use District# are shown on the maps in APPENDIX F of this Resolution.

117-06 - Applicability of Article XII, Chapter 3

LAST AMENDED
11/12/2025

In the #Special Long Island City Mixed Use District#, M1 Districts are paired with a #Residence District#. In paired districts, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter. For the purposes of applying the provisions of this Chapter, such provisions shall be considered the underlying district regulations.

Notwithstanding the provisions of Section 123-10 (GENERAL PROVISIONS), in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

117-10 - HUNTERS POINT SUBDISTRICT

LAST AMENDED
11/12/2025

In the #Special Long Island City Mixed Use District#, the special regulations of Section 117-10, shall apply within the Hunters Point Subdistrict.

117-11 - General Provisions

LAST AMENDED
11/12/2025

The #use#, #bulk# and parking regulations of the underlying districts shall apply, except as modified by the provisions of Section 117-10 (HUNTERS POINT SUBDISTRICT), inclusive.

117-12 - Modification of Use Group VI

LAST AMENDED
11/12/2025

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

In the districts indicated, #uses# listed under Food and Beverage Retailers in Use Group VI shall be permitted without a size limitation.

117-13 - Street Wall Location Modifications

LAST AMENDED
11/12/2025

R6B M1-4/R6A M1-4/R7A M1-5/R8A M1-4/R6B M1-5/R7X

(a) In the districts indicated, the #street wall# location provisions of paragraph (a) Section 23-431 shall apply.

(b) In C1 and C2 Districts

For C1 or C2 Districts, the #street wall# location provisions of paragraph (a) Section 35-631 shall apply.

117-20 - QUEENS PLAZA WEST SUBDISTRICT

LAST AMENDED

11/12/2025

In the #Special Long Island City Mixed Use District#, the special regulations of Section 117-20, inclusive, shall apply in the Queens Plaza West Subdistrict.

117-201 - General provisions

LAST AMENDED
11/12/2025

In the Queens Plaza West Subdistrict, the #use#, #bulk#, and parking regulations of the underlying districts shall apply, except as modified by the provisions of Section 117-20 (QUEENS PLAZA WEST SUBDISTRICT), inclusive.

117-202 - Queens Plaza West Subdistrict plan

LAST AMENDED
11/12/2025

The regulations of Section 117-20, inclusive, are designed to implement the Queens Plaza West subdistrict plan as set forth in Appendix B to this Chapter.

117-21 - Special Use Regulations

LAST AMENDED
11/12/2025

The #use# regulations of the underlying districts shall apply, except as modified by the provisions of this Section, inclusive.

117-211 - Retail and service establishments

LAST AMENDED
11/12/2025

The underlying M1 District #use# regulations shall be modified such that #uses# listed under Use Group VI with a size limitation, as denoted with an "S" in the Use Group tables set forth in Section 42-16 (Use Group VI – Retail and Services), inclusive, shall be permitted without a size limitation.

117-212 - Streetscape regulations

LAST AMENDED
11/12/2025

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

(a) #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 1 (Subdistrict Plan Map and Streetscape Regulations) in Appendix B of this Chapter, shall be considered #Tier C street frontages#;

(b) all other frontages in applicable #Commercial Districts# or in M1 Districts paired with a #Residence District# shall be considered #Tier B street frontages#; and

(c) in #Manufacturing Districts#, Type 1 and Type 2 #street# frontages designated below shall be subject to the alternate provisions for #Tier B street frontages# set forth in Section 32-322 (Alternate ground floor level regulations for certain frontages). In addition, where a #zoning lot# has frontage along a Type 1 #street# and a frontage along another #street#, no curb cuts accessing off-street parking spaces or loading spaces shall be permitted on such Type 1 #street# frontage.

For the purposes of this paragraph, Type 1 #street# frontages shall include: Vernon Boulevard; 11th Street; 21st Street; 23rd Street; and Queens Plaza South.

For the purposes of this paragraph, Type 2 #street# frontages shall include: 43rd Avenue; and 44th Avenue.

117-213 - Sign regulations

LAST AMENDED
11/12/2025

In M1 Districts without a letter suffix paired with an R9 or R10 District, the #sign# regulations applicable to the Queens Plaza Subdistrict set forth in Section 117-513 may be applied.

117-22 - Special Floor Area Regulations

LAST AMENDED
11/12/2025

The #floor area# regulations of the underlying districts shall apply, except as modified by the provisions of this Section, inclusive.

117-221 - Special floor area regulations in certain paired districts

LAST AMENDED
11/12/2025

In M1 Districts paired with an R9 or R10 District, the following maximum #floor area ratios# shall apply:

MAXIMUM FLOOR AREA RATIO FOR ALL USES

	#Residential# #Floor Area Ratio# for Standard #Residences#	#Residential Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing#	#Community Facility# #Floor Area Ratio#	#Commercial# or #Manufacturing# Area Ratio#
M1-6/ R9	8.0	9.6	10.0	15.0
M1-6/ R10	10.0	12.0	12.0	12.0

Such maximum #floor area# may be increased where a #public plaza# is provided pursuant to 117-223.

117-222 - Special floor area provisions for zoning lots containing schools

LAST AMENDED

For #zoning lots# with a #lot area# of at least 20,000 square feet, up to 150,000 square feet of floor space within a public #school# constructed in whole or in part pursuant to a written agreement with the New York City School Construction Authority and subject to the jurisdiction of the Department of Education shall be exempt from the definition of #floor area#.

117-223 - Authorization for a public plaza

LAST AMENDED
11/12/2025

In M1 Districts paired with an R9 or R10 District, for #zoning lots# with a #lot area# of at least 25,000 square feet, the City Planning Commission may authorize an increase in the maximum #floor area ratio# where a #public plaza# is provided on the #zoning lot# in accordance with the provisions of Section 37-70 (PUBLIC PLAZAS), inclusive.

In conjunction with such #floor area# bonus, the Commission may authorize modifications to the applicable #bulk# regulations of this Resolution, or to the regulations governing #public plazas# in Section 37-70, inclusive.

In order to grant such authorization, the Commission shall determine that the conditions and limitations of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions and limitations

The following conditions and limitations shall apply:

(1) for the purposes of determining the bonus ratio to follow:

(i) for M1 Districts paired with an R9 District, the underlying bonus ratio for a C6-3 District shall apply; and

(ii) for M1 Districts paired with an R10 District, the underlying bonus ratio for a C6- 4 District shall apply; and

the #floor area# bonus resulting from applying such ratio shall not exceed 20 percent of the maximum #floor area ratio# otherwise permitted by the applicable district regulations;

(2) modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height otherwise permitted by the applicable district regulations; and

(3) modifications to the regulations governing #public plazas# shall be limited to:

(i) the basic design criteria set forth in Section 37-71, inclusive, other than the area dimensions provisions of Section 37-712;

(ii) the access and circulation provisions set forth in Section 37-72, inclusive, other than hours of access set forth in Section 37-727; and

(iii) the types and standards for amenities set forth in Section 37-74, inclusive.

(b) Findings

The Commission shall find that:

(1) the public benefit derived from the #public plaza# merits the amount of additional #floor area# being granted pursuant to this Section;

(2) the #public plaza# will be well-integrated with the overall pedestrian circulation network and will contribute to an enhanced streetscape;

(3) any modification to #bulk# regulations are the minimum extent necessary to reasonably accommodate the #public plaza# and the additional #floor area# granted pursuant to this Section and will not unduly obstruct access to light and air to surrounding #streets# and properties; and

(4) any modification to #public plaza# regulations are the minimum extent necessary, and will better align such #public plaza# regulations with unique site configurations or with the mixed-use character of the neighborhood.

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

117-224 - Special floor area provisions for off-street parking

LAST AMENDED
11/12/2025

Floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level# shall be exempt from the definition of #floor area#

117-23 - Special Yard Regulations

LAST AMENDED
11/12/2025

The #yard# regulations of the underlying districts shall apply, except that in all M1 Districts paired with a #Residence District#, the #yard# regulations applicable to an M1 District with an A suffix shall apply to portions of #buildings# allocated to #manufacturing#, #commercial#, or #community facility# #uses#.

117-24 - Special Height and Setback Regulations

LAST AMENDED
11/12/2025

The height and setback regulations of the underlying districts shall apply, except as modified by the provisions this Section, inclusive.

117-241 - Street wall location

LAST AMENDED
11/12/2025

In M1 Districts paired with a #Residence District#, the #street wall# location provisions of paragraph (a) of Section 123-651 shall apply, except that:

(a) along the portion of Vernon Boulevard south of 45th Avenue, the #street line# shall be considered a line, parallel to the Vernon Boulevard #street line#, located at a depth of five feet

within the #zoning lot#; and

(b) along the following #street# frontages, for #developments# where the #street wall# width exceeds 150 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the #second story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#:

(1) 46th Avenue;

(2) 45th Road; and

(3) 44th Drive.

117-242 - Height and setback

LAST AMENDED
11/12/2025

In M1 Districts paired with an R9 or R10 District, the following height and setback modifications shall apply:

(a) the maximum base height for both districts shall be 155 feet;

(b) for #zoning lots# located north of Queens Plaza North, the maximum height limit for #residential buildings# or #residential# portions of #buildings#:

(1) within 100 feet of 21st Street shall be 350 feet; and

(2) beyond 100 feet of 21st Street shall be 750 feet; and

(c) in other locations, no maximum height limit shall apply.

117-25 - Modifications to Bulk Regulations

LAST AMENDED
11/12/2025

117-251 - Authorization for sites containing schools

LAST AMENDED
11/12/2025

For #zoning lots# containing #schools#, the City Planning Commission may authorize the modification of any #bulk# regulation, other than #floor area ratio#, provided that the conditions in paragraph (a) and the findings in paragraph (b) are met.

(a) Conditions

Where maximum height limitations apply, modifications to maximum #building# height limits shall not exceed 30 feet.

(b) Findings

The Commission shall find that:

(1) such #bulk# modifications are the minimum extent necessary to reasonably accommodate the #school# and #buildings or other structures# on the #zoning lot#;

(2) the proposed modification does not impair the essential character of the surrounding area; and

(3) the proposed modification will not unduly obstruct access to light and air to surrounding #streets# or properties.

117-26 - Off-street Parking and Loading Regulations

LAST AMENDED
11/12/2025

In M1 Districts without a letter suffix paired with an R9 or R10 District, the off-street parking provisions of Article I, Chapter 6, shall be modified as follows:

(a) the prohibition of curb cuts accessing entrances and exits to #accessory# off-street parking facilities and #public parking garages# on certain #streets#, as set forth in paragraphs (b) and (c) of Section 16-23 (Curb Cut Restrictions), shall also apply to 23rd Street; and

(b) the provisions of paragraph (c) of Section 16-12 (Permitted Parking for Non-residential Uses) shall be modified as follows: the maximum number of #accessory# off-street parking spaces permitted for a #development# or #enlargement# shall not exceed one space per 2,000 square feet of #floor area# or 250 spaces, whichever is less.

117-30 - NORTHERN HUNTERS POINT WATERFRONT SUBDISTRICT

LAST AMENDED
11/12/2025

In the #Special Long Island City Mixed Use District#, the special regulations of Section 117-30, inclusive, shall apply in the Northern Hunters Point Waterfront Subdistrict.

117-301 - General provisions

LAST AMENDED
11/12/2025

In the Northern Hunters Point Waterfront Subdistrict, the #use#, #bulk#, and parking regulations of the underlying districts shall apply, except as modified by the provisions of Section 117-30 (NORTHERN HUNTERS POINT WATERFRONT SUBDISTRICT), inclusive.

117-302 - Northern Hunters Point Waterfront Subdistrict Plan

LAST AMENDED
11/12/2025

The regulations of Section 117-30, inclusive, are designed to implement the Northern Hunters Point Waterfront Subdistrict Plan as set forth in Appendix C to this Chapter.

117-303 - Applicability of Article VI, Chapter 2

LAST AMENDED
11/12/2025

In the Northern Hunters Point Waterfront Subdistrict, all #zoning lots# in M1 Districts paired with a #Residence District# without a letter suffix shall be considered #waterfront zoning lots# for the purposes of applying the height and setback regulations of Section 62-343 (Height and setback regulations in other medium- and high-density districts), as modified by the provisions of Section 117-34 (Special Height and Setback Regulations), inclusive. Such height and setback provisions, along with other applicable #bulk# regulations, may be modified by special permit of the City Planning Commission on such #waterfront zoning lots# pursuant to Section 62-837 (Bulk modifications on waterfront blocks).

In addition, all #zoning lots# under common ownership that are contiguous or would be contiguous but for a #street# established after November 12, 2025, shall be considered #waterfront zoning lots# for the purposes of applying the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, as modified by Section 117-36 (Northern Hunters Point Waterfront Access Plan), inclusive.

117-304 - Applicability of Article VII, Chapter 7

LAST AMENDED

11/12/2025

In the Northern Hunters Point Waterfront Subdistrict, for #zoning lots# divided by district boundaries, the #floor area# resulting from the calculation of adjusted maximum #floor area ratio# pursuant to Section 77-22 (Floor Area Ratio) may be located anywhere on the #zoning lot# and the limitations on the amount of #floor area ratio# permitted on any portion of the #zoning lot# set forth in Section 77-22 shall not apply.

117-31 - Special Use Regulations

LAST AMENDED
11/12/2025

The #use# regulations of the underlying districts shall apply, except as modified by the provisions of this Section, inclusive.

117-311 - Retail and service establishments

LAST AMENDED
11/12/2025

The underlying M1 District #use# regulations shall be modified such that #uses# listed under Use Group VI with a size limitation, as denoted with an “S” in the Use Group tables set forth in Section 42-16 (Use Group VI – Retail and Services), shall be permitted without a size limitation.

117-312 - Streetscape regulations

LAST AMENDED
11/12/2025

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

(a) #ground floor level# #street frontage# locations as designated on Map 2 (Streetscape Regulations) in Appendix C to this Chapter, shall be considered #Tier C street frontages#. In certain locations an asterisk designates the intersection of two #street# frontages where #Tier C street frontage# regulations need only apply to a 50 foot increment of #ground floor level# #street wall# along each #street# frontage of the designated intersection. Where a flexible zone is denoted, only one such 50 foot increment need be provided and may be located anywhere along any of the designated frontages; and

(b) all other frontages in applicable #Commercial Districts# or in M1 Districts paired with a #Residence District# shall be considered #Tier B street frontages#.

117-32 - Special Floor Area Regulations

LAST AMENDED
11/12/2025

The #floor area# regulations of the underlying districts shall apply, except as modified by the provisions of this Section, inclusive.

For the purpose of applying the special #floor area ratio# provisions of this Subdistrict, six Subareas are designated. The locations of these subareas are shown on Map 1 (Subdistrict Plan Map and Designated Subareas) in Appendix C to this Chapter. Outside of a Subarea, the underlying #floor area# regulations shall apply.

117-321 - Maximum floor area ratio

LAST AMENDED
11/12/2025

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing#, or #residential uses# in Subareas A through F is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES

Subarea	#Residential# #Floor Area Ratio# for Standard #Residences#	#Residential# #Floor Area Ratio# for #Qualifying Affordable Housing# or #Qualifying Senior Housing#	#Community Facility# #Floor Area Ratio#	#Commercial# or #Manufacturing# #Floor Area Ratio#
A	8.42	10.10	10.0	8.0
B	6.00	7.20	7.2	6.5
C1	6.45	7.74	7.2	4.0
C2	6.50	7.80	7.2	4.0
D	7.02	8.42	8.0	8.0
E	6.00	7.20	4.0	6.5
F	5.00	6.00	4.0	4.0

117-322 - Floor area bonus for active recreation space

LAST AMENDED
11/12/2025

In R9 Districts and in M1 Districts paired with an R9 District, for #zoning lots# with a minimum #lot area# of 40,000 square feet or more, for each square foot of publicly accessible, supplemental open area provided in accordance with Section 117-365 (Requirements for supplemental open spaces and amenities), inclusive, the maximum #floor area# permitted on the #zoning lot# may be increased by six square feet, provided that the resulting bonus #floor area ratio# shall not exceed 0.6.

117-323 - Special floor area provisions for zoning lots containing schools

LAST AMENDED
11/12/2025

For #zoning lots# with a #lot area# of at least 20,000 square feet, up to 150,000 square feet of floor space within a public #school# constructed in whole or in part pursuant to a written agreement with the New York City School Construction Authority and subject to the jurisdiction of the Department of Education shall be exempt from the definition of #floor area#.

117-324 - Special floor area provisions for off-street parking

LAST AMENDED
11/12/2025

Floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level# shall be exempt from the definition of #floor area#.

117-325 - Certification for transfer of floor area

LAST AMENDED
11/12/2025

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of #floor area# between two or more #zoning lots# under single fee ownership or alternate ownership arrangement that are contiguous, or would be contiguous but for their separation by a #street#. Such certification for a transfer of #floor area# shall be subject to the conditions of paragraph (a) and application requirements of paragraph (b) of this Section.

For the purposes of this Section, the "granting site" shall mean the #zoning lot# that transfers #floor area# pursuant to this Section, and a "receiving site" shall mean a #zoning lot# that receives additional #floor area# pursuant to this Section.

(a) Conditions

The maximum amount of #floor area# that may be transferred from the granting site shall be the maximum #floor area ratio# permitted pursuant to the applicable provisions of Section 117-32, inclusive, less the total #floor area# of all existing #buildings#. Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred.

(b) Application requirements

An application filed with the Chairperson for certification pursuant to this Section shall be

made jointly by the owners of the granting site and the receiving site. Such application shall include site plans and zoning calculations for the granting site and receiving site showing the additional #floor area# associated with the transfer.

Additionally, at the time of certification, the owners of the granting site and of the receiving site shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the granting site and the receiving site shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be submitted to the Chairperson. Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by #block# and lot numbers, the granting site and the receiving site that are a party to such transfer.

The Chairperson shall certify to the Department of Buildings that #development# or #enlargement# is in compliance with the provisions of this Section only after the transfer instrument and notice of restrictions required by this paragraph have been executed and recorded with proof of recordation provided to the Chairperson. Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development#.

A separate application shall be filed for each transfer of #floor area# to any receiving site pursuant to this Section.

117-33 - Special Yard Regulations

LAST AMENDED
11/12/2025

The underlying #yard# regulations of Section 62-33 (Special Yard and Lot Regulations on Waterfront Blocks), inclusive, shall apply. In addition, where a #waterfront yard# is not required pursuant to Section 62-33, #yards# meeting the dimensional requirements of Section 62-332 (Rear yards and waterfront yards) shall be provided in connection with any #development#, in accordance with the provisions of paragraph (f) of Section 62-912 (Elements of a Waterfront Access Plan).

117-34 - Special Height and Setback Regulations

LAST AMENDED
11/12/2025

In #Manufacturing Districts#, the underlying height and setback regulations shall apply.

In M1 Districts paired with a #Residence District# with a letter suffix, the provisions of Section 123-65 (Special Height and Setback Regulations in Special Mixed Use Districts With R6 Through R12 District Designations), inclusive, shall apply, except as modified by the provisions of this Section, inclusive.

In other districts, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive.

117-341 - Street wall location

LAST AMENDED
11/12/2025

In #Residence Districts#, and M1 Districts paired with #Residence Districts#, the #street wall# location provisions of paragraph (a) of Section 123-651 (Street wall location for all buildings) shall apply, except that:

(a) along the portion of Vernon Boulevard south of 44th Drive, the #street line# shall be considered a line, parallel to the Vernon Boulevard #street line#, located at a depth of five feet within the #zoning lot#;

(b) along the southerly #street line# of 45th Avenue, beyond 100 feet of Vernon Boulevard, a sidewalk widening, with a depth of five feet, as measured perpendicular to the #street line#, shall be provided in accordance with Department of Transportation standards, and shall be accessible to the public. The southerly edge of such sidewalk widening shall be considered the #street line# for the purposes of applying the #street wall# location provisions;

(c) no minimum percentage of #street wall# need be located within a set distance of the #street line#:

(1) along #shore public walkways#;

(2) along the portion of Vernon Boulevard north of 44th Avenue and south of 43rd Road; and

(3) along the portion of 5th Street that is within 150 feet of its intersection with 44th Drive, as measured from both the northerly and southerly #street lines# of 44th Drive;

(4) along the northerly portion of 44th Drive that is within 250 feet of its intersection with 5th Street;

(5) along the southerly portion of 44th Drive that is east of 5th Street and west of Vernon Boulevard; and

(6) along the northerly portion of 45th Avenue that is within 250 feet of its intersection with Vernon Boulevard; and

(d) such #street walls# shall extend to a minimum base of at least 40 feet, or the height of the #building#, whichever is less.

117-342 - Base heights, minimum setbacks and articulation

LAST AMENDED
11/12/2025

In #Residence Districts# and in M1 Districts paired with #Residence Districts#, the maximum base heights, required minimum setback and required #street wall# articulation shall be as follows:

(a) The maximum base height before a required setback shall be:

(1) 85 feet in the following locations:

(i) along the #shore public walkways# located along Anable Basin; and

(ii) along the portion of 44th Avenue that is beyond 100 feet of both Vernon Boulevard and 5th Street;

(2) 125 feet in the following locations:

(i) within 100 feet of the #street line# along the portion of Vernon Boulevard that is located north of 45th Avenue;

(ii) within 100 feet of the #street line# along the portion of 44th Drive that is beyond 100 feet from the easterly #street line# of 5th Street; and

(iii) along the remaining northerly portion of 44th Avenue; and

(3) 105 feet along all other #streets#, or portions thereof.

(b) At a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided in accordance with the provisions of Section 23-433 (Standard setback regulations), except that:

(1) along a #shore public walkway#, a setback of 30 feet shall be required, as measured from the upland boundary of the #shore public walkway#;

(2) no setback need be provided along the #visual corridor# located at the prolongation of 45th Avenue;

(3) for the purposes of applying such setback regulations, the following may be considered #wide streets#:

(i) portions of #streets# adjoining #public parks#;

(ii) #upland connections# or #visual corridors# at the prolongation of #streets# on #blocks# surrounding Anable Basin;

(iii) other #upland connections# or #visual corridors# along the northerly side of Anable Basin; and

(iv) along the portion of 5th Street south of Anable Basin that adjoins a #waterfront block#.

Dormers provided in accordance with paragraph (b) of Section 23-413 (Permitted obstructions in certain districts) shall be permitted within any setback area, provided that the depth of encroachment of a dormer facing the #shore public walkway# shall not exceed 15 feet.

(c) #Street wall# articulation shall be provided as follows:

(1) For #developments# where the #street wall# width facing #shore public walkways# along Anable Basin exceeds 150 feet, a minimum of 20 percent of the surface area of such #street walls#, as measured above the level of adjoining grade, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#.

(2) Along the following frontages, for #developments# where the #street wall# width exceeds 150 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the #second story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#:

(i) 46th Avenue;

(ii) the southerly side of 45th Avenue;

(iii) 44th Drive and the #upland connection# or #visual corridor# at the prolongation of 44th Drive; and

(iv) the portion of 44th Avenue located east of 5th Street.

(d) After the required setback, the following shall apply:

(1) in M1 Districts paired with a #Residence District# with a letter suffix, after the required setback, the maximum height limits set forth in paragraph (a) of Section 123-652 (Special base and building heights) shall apply; and

(2) in #Residence Districts# without a letter suffix, and in M1 Districts paired with #Residence Districts# without a letter suffix, after the required setback, a #building# may rise to the maximum transition height, in accordance with Section 117-343 (Transition heights), and may provide towers in accordance with Section 117-344 (Towers).

117-343 - Transition heights

LAST AMENDED
11/12/2025

In #Residence Districts# without a letter suffix, and in M1 Districts paired with #Residence Districts# without a letter suffix, after the required setback provided in accordance with paragraph (b) of Section 117-342 (Base heights, minimum setbacks and articulation), a #building# may rise to a maximum transition height of 350 feet, provided that:

(a) within 100 feet of the easterly #street line# of 5th Street, north of Anable Basin, the footprint of a #building#, or portion thereof, within the transition heights shall be limited to that of a tower provided above such transition height in accordance with Section 117-344 (Towers);

(b) along any single #street# frontage, the #aggregate width of street walls# above the required setback and below the maximum transition height shall not exceed 300 feet, and the maximum #street wall# width of any individual, contiguous #street wall#, shall not exceed 200 feet; and

(c) south of Anable Basin, portions of #buildings# utilizing transition heights shall only be permitted in the following locations:

(1) within 150 feet of 5th Street; and

(2) east of an #upland connection# or #visual corridor#, where applicable.

117-344 - Towers

LAST AMENDED
11/12/2025

In #Residence Districts# without a letter suffix, and in M1 Districts paired with #Residence Districts# without a letter suffix, any portion of a #building# that exceeds the maximum transition height shall be subject to the following tower regulations:

(a) For #residential# #stories#, each tower footprint shall not exceed a gross area of 10,000 square feet, exclusive of the square footage contained in any permitted dormers.

(b) The provisions for maximum width of towers facing a #shoreline# set forth in paragraph (d)(1) of Section 62-343 (Height and setback regulations in other medium- and high-density districts) shall apply, except that:

(1) beyond 200 feet east of 5th Street, north of Anable Basin, such maximum widths need not apply;

(2) for towers that face a single #shoreline#, the following modifications shall apply:

(i) where such #shoreline# is the northerly portion of Anable Basin, the maximum width of such tower face may be increased to 115 feet;

(ii) where no setbacks are required pursuant to Section 117-342 (Base heights, minimum setbacks and articulation), the maximum width of such tower may be increased to 130 feet; and

(iii) where such #shoreline# extends between the prolongation of 44th Road and 44th Drive, the maximum width of such tower may be increased to 130 feet.

For the purposes of this Section, wherever a tower faces a #shoreline# but there is a separate #building# located between such tower face and the #shoreline#, such tower face shall not be considered to be facing the #shoreline# along that frontage.

(c) The minimum distance between any two towers on the same or an adjoining #zoning lot# shall be as follows:

(1) for towers facing the northerly or southerly #shoreline# of Anable Basin east of 5th Street, or the prolongation thereof, there shall be a minimum of 100 feet between any two towers; and

(2) in other locations, the regulations governing underlying distance between #buildings# shall apply, except that the maximum length of overlap between any two tower faces that are located within 100 feet of another tower face on the same or an adjacent #zoning lot#, as measured perpendicular to each tower face, shall not exceed:

(i) 100 feet, at or below a height of 500 feet; or

(ii) 75 feet, for portions of towers that exceed a height of 500 feet.

(d) Tower heights shall be subject to the following limitations:

(1) in M1 Districts paired with R8 Districts, tower heights and locations shall be limited in the following locations:

(i) where located north of Anable Basin, the maximum tower height south of 44th Drive shall not exceed 500 feet; and

(ii) where located south of Anable Basin, towers shall only be permitted within 100 feet of 5th Street, and the maximum tower height shall not exceed 500 feet;

(2) in all other locations, no maximum height limits shall apply to towers. However, for towers that exceed a height of 500 feet, the gross area of any #story# within the highest 15 percent of the #building# shall not exceed 90 percent of the gross area of that #story# located directly below the highest 15 percent of the #building#;

(3) there shall be at least 50 feet in height difference between any two immediately adjacent towers on the same or an adjacent #zoning lot#. For #zoning lots# separated by Anable Basin, this provision shall apply only to immediately adjacent towers on the same upland portion of the Basin; and

(4) the penthouse allowances set forth in paragraph (c)(1) of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall not apply.

117-35 - Modification to Bulk Regulations

LAST AMENDED
11/12/2025

117-351 - Authorization for sites containing schools

LAST AMENDED
11/12/2025

For #zoning lots# containing #schools#, the City Planning Commission may authorize the modification of any #bulk# regulation, other than #floor area ratio#, provided that the conditions in paragraph (a) and the findings in paragraph (b) are met.

(a) Conditions

Where maximum height limitations apply, modifications to maximum #building# height limits

shall not exceed 30 feet.

(b) Findings

The Commission shall find that:

(1) such #bulk# modifications are the minimum extent necessary to reasonably accommodate the #school# and #buildings or other structures# on the #zoning lot#;

(2) the proposed modification does not impair the essential character of the surrounding area; and

(3) the proposed modification will not unduly obstruct access to light and air to surrounding #streets# or properties.

117-36 - Northern Hunters Point Waterfront Access Plan

LAST AMENDED
11/12/2025

The boundaries of the area comprising the Northern Hunters Point Waterfront Access Plan and the location of certain features mandated or permitted by the Plan are shown in Maps 3 through 5 through located in Appendix C to this Chapter. The plan area has been divided into parcels consisting of tax #blocks# and lots and other lands existing on November 12, 2025, as follows:

Parcel 1: Block 477, Lots 13, 15, 20

Parcel 2: Block 477, Lot 24

Parcel 3: Block 488, Lot 114

Parcel 4: Block 488, Lot 1, 2, 3

Parcel 5: Block 488, Lots 11, 15, 35

Block 489, Lots 1, 23, 46

Parcel 6: Beginning at the intersection of 44th Drive and 5th Street extending westerly to the U.S. Pierhead and Bulkhead line #abutting# Parcel 5 on the northern edge and Parcel 7 on the southern edge

Parcel 7: Block 25, Lot 15

Parcel 8: Block 25, Lots 1, 9, 10, 11

Block 26, Lot 10

Parcel 9: Block 26, Lots 1, 2, 3, 4

Parcel 10: Block 26, Lots 17 and 21

117-361 - Definitions

LAST AMENDED
11/12/2025

Definitions specifically applicable to the Northern Hunters Point Waterfront Access Plan are set forth in this Section. Other defined terms are set forth in Section 117-01 and Section 12-10. In addition, for the purposes of Section 117-36, inclusive, the definition of #development# shall be as set forth in

Section 62-11 (Definitions).

Active recreation space

For the purposes of this Chapter, “active recreation space” shall mean a designated area outdoors designed and equipped for recreational activities that involve physical movement, exercise, sports or play. These spaces accommodate a wide range of dynamic uses and may include, but are not limited to:

(a) sports courts, such as tennis, basketball, volleyball, pickleball or ping pong courts;

(b) athletic fields, such as baseball, football, soccer, cricket, rugby or lacrosse fields;

(c) water-based recreation, such as splash parks, sprinkler parks or swimming pools;

(d) water access and interaction space, such as boat and kayak launches or urban beaches;

(e) adventure and skill-based activities, such as skate parks, climbing walls or obstacle courses;

(f) social and leisure games, such as bocce, shuffleboard, mini golf or horseshoe pits;

(g) fitness facilities, such as outdoor gyms or yoga areas, exercise circuits or jogging tracks;

(h) play spaces, such as playgrounds, tot lots or adventure playgrounds; or

(i) community and cultural spaces, such as open-air amphitheaters, performance stages or gathering lawns.

117-362 - Area-wide modifications

LAST AMENDED
11/12/2025

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall be modified in the area comprising the Northern Hunters Point Waterfront Access Plan by the provisions of this Section.

(a) All waterfront public access areas

(1) Gates

The provisions of paragraph (d) of Section 62-651 (Guardrails, gates and other protective barriers) shall not apply.

(2) Fences and walls

The provisions of paragraph (c) of Section 62-651 shall apply, except that fences around the perimeter of areas designated as #active recreation space# may exceed 36 inches in height.

(3) Kiosks and boathouses

Section 62-611 (Permitted obstructions) shall be modified to permit the following in all areas:

(i) kiosks and boathouses which comply with the special design guidelines of Section 117-364 (Special design standards); and

(ii) storage areas and structures, which are #accessory# to water-dependent #uses# and have an area of 150 square feet or less.

(4) Permitted obstructions

The location requirements of paragraph (c) of Section 62-611 shall not apply to tot-lots and playgrounds.

(b) Shore public walkways

The circulation and access provisions of paragraph (a) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be modified as follows:

(1) Location of circulation paths

The required primary circulation path within a #shore public walkway# shall be provided within 10 feet of the #shoreline# for at least 15 percent of the length of such shoreline, and the remainder of the path may be located anywhere within the #shore public walkway# or #supplemental public access area#. Where secondary circulation paths are provided, such paths may count as a part of the required circulation path for satisfying the locational requirement of being within 10 feet of the #shoreline# for at least 20 percent of the length of such #shoreline# and may utilize the permitted paving materials pursuant to paragraphs (a)(1) and (a)(2) of Section 62-656.

(2) Level of circulation paths

At least 70 percent of a required primary circulation path shall be located at a level not less than six feet above the shoreline.

(3) Width of secondary circulation paths

Secondary paths, where provided, shall have a minimum clear width of at least 4 feet, 6 inches.

(4) Connection between circulation paths

Stairs and ramps shall be permitted to connect primary and secondary paths.

(c) #Supplemental public access areas#

(1) Configuration requirements

The area of a #supplemental public access area# may utilize width to depth ratios other than the minimum width to depth ratio requirements of paragraph (a)(1) of Section 62-571 (Location and area requirements for supplemental public access areas) for not more than 20 percent of such area.

(2) Lawns

The provisions of paragraph (c)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be modified so that a lawn shall only be required where a #supplemental public access area# is greater than 15,000 square feet. In addition, a lawn may be substituted for an #active recreation space# of equivalent size.

(d) Screening

Wherever a screening buffer is required to be provided, the minimum width of such buffer shall be four feet.

In addition to the waiver allowances of paragraph (c)(2)(iii) of Section 62-62, no screening buffer shall be required along the upland boundary, or portion thereof, which is adjacent to an unenclosed seating area #accessory# to a #use# listed in Use Group VI. Where a screening buffer is waived, design features shall be utilized to demarcate the #shore public walkway# or #supplemental public access area# from the non-publicly accessible area, which may include, but shall not be limited to, railings, fences, planting boxes, and distinct paving materials.

117-363 - Special public access and visual corridor provisions by parcel

LAST AMENDED
11/12/2025

The provisions of Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified at the designated locations along with #visual corridors# as shown on Map 4 (Public Access Elements Designation) and Map 5 (Visual Corridors Designation) of Appendix C to the Chapter:

(a) Parcel 1

An #upland connection# and #visual corridor# shall be located between Vernon Boulevard and the #shore public walkway# within the designated flexible location zone on Parcel 1. The #upland connection# shall intersect Vernon Boulevard at its intersection with Queens Plaza South.

(b) Parcel 2

No #upland connection# shall be required within Parcel 2. However, a direct connection shall be provided between the #shore public walkway# and the public access area at the prolongation of 43rd Avenue.

In addition, where a #development# not otherwise exempt from #waterfront public access area# requirements is comprised exclusively of new publicly accessible open areas provided along the #shoreline#, only the provisions applicable to a #shore public walkway# set forth in Sections 62-50 and 62-60, inclusive, as modified by Section 117-362, shall apply in conjunction with such #development#.

(c) Parcel 3

(1) #Upland connections# and #visual corridors#

#Upland connections# and #visual corridors# shall be provided through Parcel 3 between Vernon Boulevard and the #shore public walkway#:

(i) at the prolongation of 43rd Road; and

(ii) in the flexible zone that begins 200 feet south of the prolongation of 43rd Road and ends at the southern boundary of Parcel 3.

(2) #Supplemental public access area#

The #supplemental public access area# shall #abut# the #shore public walkway# continuously along its longest side, and shall also #abut# the southern boundary of required #upland connection# as described in paragraph (c)(1) of this Section where it

meets the #shore public walkway#. The #upland connection# may cut across the #supplemental public access area#, provided that any resulting #supplemental public access area# shall measure at least 5,000 square feet.

As an alternative, a required #supplemental public access area# of at least 5,000 square feet may #abut# the entire length of the prolongation of 43rd Avenue provided that it also #abuts# both the #shore public walkway# and Vernon Boulevard.

In addition, where a #development# not otherwise exempt from #waterfront public access area# requirements is comprised exclusively of new publicly accessible open areas provided along the #shoreline#, only the provisions applicable to a #shore public walkways# set forth in Sections 62-50 and 62-60, inclusive, as modified by Section 117-362, shall apply in conjunction with such #development#.

(d) Parcel 4

A Type 1 #upland connection# pursuant to paragraph (a)(1) of Section 62-561 (Types of upland connections) and a #visual corridor# coincident with such #upland connection# shall be provided through Parcel 4 at the prolongation of 44th Avenue to the #shore public walkway#.

However, the provisions of Sections 62-50 and Section 62-60, inclusive, as modified by Section 117-36, inclusive, relating to required #waterfront public access areas# and #visual corridors#, shall be inapplicable if public access and #visual corridors# are provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as such may be modified pursuant to the terms of the declaration and in accordance with Section 62-12 (Applicability to Developments in the Waterfront Area).

(e) Parcel 5

(1) #Supplemental public access area#

The requirements of Section 62-57 (Requirements for Supplemental Public Access Areas) shall not apply to #supplemental public access areas# on Parcel 5.

(2) #Shore public walkway#

The #shore public walkway# on Parcel 5 shall have a seaward edge that is contiguous with the seaward edge of the #waterfront yard# established pursuant to Section 62-332 (Rear yards and waterfront yards), and shall extend to the western boundary of 5th Street.

(f) Parcel 6

A Type 1 #upland connection# pursuant to paragraph (a)(1) of Section 62-561 and a #visual corridor# coincident with such #upland connection# shall be provided through Parcel 6 at prolongation of 44th Drive between 5th Street and the #shore public walkway#. However, the reduction provisions of paragraph (a)(1) of Section 62-561 shall not apply to #upland connections# in Parcel 6.

(g) Parcel 7

(1) #Upland connection#

A Type 1 #upland connection# pursuant to paragraph (a)(1) of Section 62-561 shall be provided through Parcel 7 and shall be located on the southerly prolongation of 5th

Street.

(2) #Visual corridors#

#Visual corridors# shall be provided in the following locations:

(i) coincident with the #upland connection# required pursuant to paragraph (g)(1) of this Section;

(ii) within the flexible zone at the westerly prolongation of 45th Avenue to the #shore public walkway#; and

(iii) along the boundary between Parcel 7 and Parcel 8 with a width of not less than 25 feet on each Parcel.

(3) #Supplemental public access area#

The #supplemental public access area# shall #abut# the #shore public walkway# continuously along its longest side and shall be located in the area designated on Map 4 (Public Access Elements Designation) and Map 5 (Visual Corridors Designation) of Appendix C to this Chapter.

(h) Parcel 8

(1) #Upland connection# and #visual corridor#

A Type 1 #upland connection# pursuant to paragraph (a)(1) of Section 62-561 shall be provided through Parcel 8 on the westerly prolongation of 45th Road, at the #abutting#

boundary of Parcel 8 and Parcel 9. Such #upland connection# shall have a width of not less than 30 feet on each Parcel. Where portions of the #abutting# #upland connection# located outside of either Parcel will not be constructed concurrently, the applicant shall follow the provisions of paragraph (b) of Section 117-366 (Special review provisions).

A #visual corridor# coincident with such #upland connection# shall be provided.

(2) #Supplemental public access area#

The #supplemental public access area# shall #abut# the #shore public walkway#, the #upland connection# as described in paragraph (h)(1) of this Section, and Vernon Boulevard. However, the longest side of the #supplemental public access area# need not #abut# the #upland connection#.

(i) Parcel 9

(1) #Shore public walkway#

The underlying requirements for #shore public walkway# apply, except that the reduction provisions of paragraph (a)(3)(i) of Section 62-53 (Requirements for Shore Public Walkways) shall not apply.

(2) #Upland connection# and #visual corridor#

An #upland connection# and #visual corridor# shall be provided in accordance with paragraph (h)(1) of this Section.

(j) Parcel 10

A Type 1 #upland connection# pursuant to paragraph (a)(1) of Section 62-561 and a #visual corridor# coincident with such #upland connection# shall be provided through Parcel 10 within the flexible location zone located 150 feet east of 5th Street from 46th Avenue to the #shore public walkway#.

117-364 - Special design standards

LAST AMENDED
11/12/2025

The design requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified by the provisions of this Section.

(a) Special design standards for seating

(1) Seating depth

The minimum seating depth requirements of paragraph (b) of Section 62-652 shall be modified to 16 inches.

(2) Armrests

At least 50 percent of all required seating shall include armrests.

(3) Design feature seating

Along Anable Basin, planter ledges, seating walls, and seating steps may qualify towards

required seating provided that they constitute no more than 40 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(b) Special design standards for lighting

Along Anable Basin, the lighting requirements of Section 62-653 (Lighting) shall be modified such that an average maintained level of illumination not less than 0.5 horizontal foot candle (lumens per foot) shall be provided throughout all walkable areas, and the average illumination to minimum foot candle uniformity ratio shall be no greater than 6:1 within any #waterfront public access area#.

(c) Special design standards for planting

Reduction in planting requirement

(1) #Shore public walkway# and #supplemental public access areas#

An area equal to at least 35 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted. Such planting area may be reduced to 30 percent if an amenity is provided in accordance with the following tables:

TABLE 1

Amenity	Reduction per feature (in square feet)

Historic interpretation elements	20
Public art pieces	100

TABLE 2

Amenity	Ratio of reduction to size of feature
#Active recreation space#	1.1
Dog runs	1.1
Comfort stations	1.1
Kiosks	1.1

Such planting requirements may be further reduced to 20 percent along Anable Basin.

(2) #Upland connection#

For Type 1 #upland connections#, at least 30 percent of the area of the #upland connection# may be planted in accordance with the provisions set forth in Section 62-655 (Planting and trees).

(d) Special design standards for paving

The maximum area for unit pavers and concrete slabs specified in paragraphs (b)(1) and (b)(3) of Section 62-656 shall not apply.

(e) Special design standards for kiosks and boathouses

The standards of this Section shall be applicable for sites providing greater than 20,000 square feet of #waterfront public access areas#.

(1) Maximum size

Kiosks permitted under this Section shall have an area no greater than 400 square feet. Boathouses permitted under this Section shall have an area no greater than 800 square feet.

(2) Location

A kiosk or boathouse may be located within a #shore public walkway#, provided that any portion of a kiosk or boathouse located within the area comprising an upper level of such #shore public walkway# shall be located below the walking surface of such upper level. Kiosks and boathouses shall not reduce compliance with other requirements, including planting or circulation, except as modified by the provisions of paragraph (c) of this Section.

(3) Minimum design requirements

A minimum of 25 percent of any wall facing a circulation path, as measured from the level of the adjoining circulation path to the roof of the kiosk or boathouse, shall be provided as transparent material.

Blank walls on kiosks and boathouses that exceed five feet in height and 10 feet in width shall be treated with one or more of the following visual mitigation elements:

(i) additional transparency consisting of an additional 25 percent of the wall facing a circulation path, as measured from the level of the adjoining circulation path to the roof of the kiosk or boathouse;

(ii) plantings in planting beds or planter boxes at least two feet in height, at least six feet in width and at least two feet in depth when measured perpendicular to the wall of the kiosk or boathouse;

(iii) fixed benches with or without backs of at least six linear feet; or

(iv) wall treatments in the form of permitted #signs#, graphic or sculptural art or decorative screening. Such wall treatments must be at least six feet in height and have a minimum width of six feet.

(f) Special design modifications for #upland connections#

The Chairperson of the City Planning Commission may modify the design requirements for #upland connections# where the Chairperson certifies to the Commissioner of the Department of Buildings that such a change is the minimum necessary to accommodate subsurface sewer infrastructure. Any application for such change shall include a site plan from a licensed architect or engineer that conveys the extent of the needs and required modifications, as well as a letter from the Department of Environmental Protection describing the needs for such modifications.

117-365 - Requirements for supplemental open spaces and amenities

LAST AMENDED
11/12/2025

For all #zoning lots# utilizing bonus #floor area# set forth in Section 117-322 (Floor area bonus for active recreation space), the supplemental open area provisions of paragraph (a) of this Section and the supplemental amenities of paragraph (b) of this Section shall be met.

(a) Supplemental open area

Any publicly accessible supplemental open area shall be consistent in size with the open area created pursuant to the provisions of Section 117-322, but in no event shall such open area have a size of less than 4,000 square feet. Such open area shall be in addition to any area allocated to a #waterfront public access area#, as applicable, and shall connect directly to either #waterfront public access areas# or adjoining #streets#. Supplemental open areas shall be subject to the design requirements for #supplemental public access areas# set forth in Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, as such provisions are modified by the provisions of Section 117-364 (Special design standards), inclusive. All amenities provided in supplemental open areas shall either match or shall be comparable with amenities in a #waterfront public access area# on the same #zoning lot# with regard to quality, materials, finishes and form. In addition, supplemental open areas shall be subject to the maintenance and operation requirements of Section 62-70, inclusive, and the review procedures of Section 62-80, inclusive.

(b) Supplemental amenities

Supplemental amenities, in the form of #active recreation space# or public restrooms, shall be provided in accordance with the following regulations with regards to the minimum points required for the size of supplemental open area. Such amenities may be provided either in the

supplemental open area or in #waterfront public access areas# on the same #zoning lot#. No amenity included pursuant to this Section may count towards meeting a requirement of a #waterfront public access area#.

(1) Minimum points required

The minimum required amount of points on a #zoning lot# shall be equivalent to one point per every additional 2,000 square feet of supplemental open space, except that the maximum points of amenity for any #zoning lot# need not exceed ten. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one point.

(2) Calculating points for amenities

For every 1,000 square feet of #active recreation space# provided, one point shall be generated. However, where such #active recreation space# involves open and flexible areas with no permanent infrastructure or equipment, one point shall be generated for every 2,000 square feet of amenity.

The area allocated to the #active recreation space# shall include those areas bounded by the physical equipment associated with such space, as applicable, as well as the additional space around the equipment for access, circulation and buffering. Where an amenity involves water access, the area may include areas associated with the amenity both upland of and seaward of the shoreline, as applicable and, where watercraft launches are provided, may include temporary storage facilities.

No more than two points shall be permitted for multiple courts, leisure games or other facilities allocated to the same type of active recreation. For example, no more than two

points may be generated by ping pong courts; however, further points may be generated from other types of courts such as volleyball courts.

For every 200 square feet of public restroom, one point shall be generated and the maximum points permitted for public restrooms shall not exceed four.

(3) Additional requirements for large #zoning lots#

Where the size of a supplemental open area exceeds 5,000 square feet, a singular #active recreation space# equivalent to at least two points shall be provided. Where a supplemental open area exceeds 10,000 square feet, either a singular amenity equivalent to at least three points shall be provided, or two amenities each equivalent to at least two points shall be provided.

117-366 - Special review provisions

LAST AMENDED
11/12/2025

The Chairperson of the City Planning Commission shall, by certification pursuant to Section 62-811 (Waterfront public access and visual corridors), further certify the following provisions as applicable:

(a) #Waterfront public access area# phasing

Where more than one #building# is #developed# in phases, the mandatory public access area may be constructed in phases, provided that the Chairperson certifies the following criteria are

met:

(1) a plan has been submitted that provides for an amount of public access area proportionate to the amount of #floor area# being #developed# in each phase;

(2) the square footage of public access area provided in any phase is in proportion to the total public access area requirement based on the area being developed. Any public access area provided in an earlier phase in excess of the amount required for such phase may be applied to a later phase;

(3) the public access area being proposed in any phase shall not prevent the total amount of public access area required for such area from being achieved;

(4) any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;

(5) any phased portion of the required public access area shall connect directly to either a #street# or an improved public access area; and

(6) a proportionate amount of planting and seating shall be included within each phase.

(b) #Upland connection# phasing

Where an #upland connection# is designated on two or more parcels, and the portion of such #upland connection# located outside of the applicant's parcel has previously been certified as part of a #waterfront public access area#, the Chairperson shall certify that the proposed #upland connection# on the applicant's parcel is consistent with that of the prior certification, including with respect to the proposed amenities and design elements therein.

117-322 - Floor area bonus for active recreation space

LAST AMENDED
11/12/2025

In R9 Districts and in M1 Districts paired with an R9 District, for #zoning lots# with a minimum #lot area# of 40,000 square feet or more, for each square foot of publicly accessible, supplemental open area provided in accordance with Section 117-365 (Requirements for supplemental open spaces and amenities), inclusive, the maximum #floor area# permitted on the #zoning lot# may be increased by six square feet, provided that the resulting bonus #floor area ratio# shall not exceed 0.6.

117-40 - COURT SQUARE SUBDISTRICT

LAST AMENDED
11/12/2025

In the #Special Long Island City Mixed Use District#, the special regulations of Section 117-40, inclusive, shall apply in the Court Square Subdistrict.

117-401 - General provisions

LAST AMENDED
11/12/2025

In the Court Square Subdistrict, the #use#, #bulk, and parking regulations of the underlying districts shall apply, except as modified by the provisions of Section 117-40 (COURT SQUARE

SUBDISTRICT), inclusive.

Mandatory subway improvements are elements of the Subdistrict Plan, which shall be built by the developer of the #zoning lot# to which they apply.

117-41 - Court Square Subdistrict Plan

LAST AMENDED
11/12/2025

The Subdistrict Plan for the Court Square Subdistrict specifies the location of Blocks 1, 2 and 3 and identifies the improvements to be provided in the District under the provisions of this Chapter. The elements of the Subdistrict Plan are set forth in Appendix D of this Chapter, which consists of the Subdistrict Plan Map and Description of Improvements, and is incorporated into the provisions of this Chapter.

117-42 - Special Bulk and Use Regulations in the Court Square Subdistrict

LAST AMENDED
11/12/2025

#Zoning lots# of at least 10,000 square feet with #buildings# containing at least 70,000 square feet of #floor area# are subject to the provisions of the underlying C5-3 District, as modified by Sections 117-40 through 117-45, inclusive.

All other #zoning lots# are subject to the #use# provisions of the underlying C5-3 District and the #bulk# provisions of an M1-4/R6B District.

117-421 - Special bulk regulations

LAST AMENDED
12/5/2024

(a) #Developments# or #enlargements# on #zoning lots# that meet the standards of Section 117-44 and provide mandatory subway improvements as required by Section 117-44, may be #developed# or #enlarged# to a #floor area ratio# of 15.0. #Developments# or #enlargements# on #zoning lots# that do not meet the minimum standards of Section 117-44 shall not exceed the maximum #floor area ratio# of the M1-4/R6B designated district for the applicable #use#.

(b) The following provisions shall not apply within the Court Square Subdistrict:

Section 33-13 (Floor Area Bonus for a Public Plaza)

Section 33-14 (Floor Area Bonus for Arcades)

Section 33-26 (Minimum Required Rear Yards)

Section 34-223 (Floor area bonus for a public plaza)

Section 34-224 (Floor area bonus for an arcade)

Section 34-23 (Modification of Yard and Open Area Regulations).

(c) The height and setback regulations of the underlying C5-3 District shall apply, except that:

(1) no #building or other structure# shall exceed a height of 85 feet above the #base plane# within the area bounded by 23rd Street, 44th Road, a line 60 feet east of and parallel to 23rd Street, and 45th Avenue; and

(2) on Blocks 1 and 3, the #street wall# of a #building or other structure# shall be located on the #street line# or sidewalk widening line, where applicable, and extend along the entire #street# frontage of the #zoning lot# up to at least a height of 60 feet and a maximum height of 85 feet before setback, except any portion of a #building# on Block 3 fronting upon 23rd Street may rise to a maximum height of 125 feet before setback. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be located beyond the #street line#, provided no such recesses are within 15 feet of an adjacent #building#.

Above the highest applicable maximum #street wall# height, the underlying height and setback regulations shall apply. However, the underlying tower regulations shall be modified:

(i) to permit portions of #buildings# that exceed a height of 85 feet to be set back at least five feet from a #wide street line#, provided no portion of such #building# that exceeds a height of 85 feet is located within 15 feet of a #side lot line#; and

(ii) so that the provisions of Section 33-451 (In certain specified Commercial Districts) regulating the aggregate area of a tower within 50 feet of a #narrow street# shall not apply to any #building# or portion of such #building# on Block 3 fronting upon 45th Avenue.

The provisions of this paragraph (c)(2) shall not apply to #enlargements# on #zoning lots# existing on June 30, 2009, where such #zoning lot# includes an existing #building# to remain with at least 300,000 square feet of #floor area#.

117-422 - Sign regulations

LAST AMENDED
5/28/2003

All requirements of Section 32-60 (SIGN REGULATIONS) shall apply, except for Sections 32-642 (Nonilluminated signs), 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) and 32-655 (Height of signs in all other Commercial Districts).

Non-#illuminated#, #illuminated# or #flashing signs# are permitted with a total #surface area# (in square feet) not exceeding five times the #street# frontage of the #zoning lot#, in feet, but in no event shall the total #surface area# exceed 500 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#.

No permitted #sign# shall extend above #curb level# at a height greater than 60 feet.

A #non-conforming# #sign# may be replaced pursuant to Section 52-82 (Non-conforming Signs Other Than Advertising Signs), except that the height, location or position of the replacement #sign# may be changed by up to 10 feet, measured from the perimeter of the original #non-conforming# #sign#.

117-423 - Sidewalk widening

LAST AMENDED
2/2/2011

For any #development# or #enlargement# on Block 3 with a #building# wall facing 45th Road, a sidewalk widening of five feet shall be provided on 45th Road between 23rd Street and Jackson Avenue. Such sidewalk widening shall be a continuous, paved open area along the #front lot line# of the #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at

all times. Such sidewalk widening shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection, such as awnings or canopies, provided that the total area (measured on the plan) of such elements does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#, and that any post or other support for such element, or any attachment to the support, has a maximum horizontal dimension of six inches. No #street# trees, vehicle storage, parking or trash storage is permitted on such sidewalk widening.

117-44 - Mandatory Subway Improvements

LAST AMENDED
11/12/2025

For the purposes of mandatory subway improvements, any tract of land consisting of two or more contiguous lots of record under single ownership or control as of March 1, 1986, shall be considered a single #zoning lot#.

Subway improvements are required for qualifying #developments# or #enlargements#, as follows:

(a) #Zoning lots# with at least 5,000 square feet of #lot area#

#Developments# or #enlargements# on #zoning lots# with 5,000 square feet or more of #lot area# located on Block 1 and fronting on a sidewalk containing a sidewalk entrance to the Queens Boulevard Line, Court Sq-23 St Station, shall relocate the stairway or entrance(s) to such subway onto the #zoning lot#, in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), with the exception that, in addition to the waivers provided by Section 37-44, the additional standards for location, design and hours of public accessibility contained in Section 37-41 may be

waived upon a finding by the Metropolitan Transportation Authority that such standards are undesirable or unnecessary to ensure a good overall design.

(b) #Zoning lots# with at least 10,000 square feet of #lot area#

For the purposes of this paragraph (b), the #floor area# of the #development# or #enlargement# shall be the total amount of #floor area# constructed after August 14, 1986.

#Developments# or #enlargements# on Blocks 1, 2 or 3, identified in Appendix D (Court Square Subdistrict Plan Map and Description of Improvements) of this Chapter, containing at least 70,000 square feet of #floor area# on #zoning lots# of at least 10,000 square feet of #lot area# shall provide mandatory subway improvements as described, in Appendix D, in paragraph (a) for Block 1, paragraph (b) for Block 2 and paragraph (c)(1) for Block 3.

In addition, on Block 3, any #development# or #enlargement# containing at least 300,000 square feet of #floor area# or any #development# or #enlargement# on a #zoning lot# of at least 30,000 square feet of #lot area# shall provide all the mandatory subway improvements for the Block, as described in paragraphs (c)(1) and (c)(2) for Block 3.

117-441 - Standards and procedures for mandatory subway improvements

LAST AMENDED
6/30/2009

(a) Compliance with Transit Authority design standards

The subway station improvements shall comply with all applicable design standards of the current station planning guidelines of the Transit Authority.

(b) Procedure

(1) Pre-application

The applicant shall submit schematic or concept plans for the proposed improvements to the Metropolitan Transportation Authority, the Transit Authority and the Chairperson of the City Planning Commission.

(2) Application pre-certification

After review and agreement on the concept by the Metropolitan Transportation Authority, Transit Authority and Chairperson of the City Planning Commission, the applicant shall submit documentation deemed necessary by the reviewing agencies.

(3) Prior to the granting of certification by the Chairperson of the City Planning Commission pursuant to Section 117-45 (Developer's Notice), the Transit Authority shall have submitted a letter to the Chairperson stating the drawings and other documents submitted by the applicant have been determined by the Transit Authority to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate.

(4) The owner shall sign a legally enforceable instrument running with the land containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, and to establish a construction schedule.

Any such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for Queens County and a certified copy of the instrument shall be submitted to the Chairperson of the City Planning Commission

and the Transit Authority.

The owner shall not apply for or accept a temporary certificate of occupancy for the #development# or #enlargement#, and the Department of Buildings shall not issue a temporary certificate of occupancy, until the Transit Authority has determined that the subway improvement is substantially complete, which shall, for this purpose, mean usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy until the subway improvement has been completed in accordance with the approved plans and completion has been certified by the Transit Authority.

(5) Where the mandatory subway improvement includes the preparation of drawings for off-site subway improvements, such drawings including, but not limited to, plans, sections, elevations, three-dimensional projections and other drawings deemed necessary or relevant by the Transit Authority or the Chairperson of the City Planning Commission, shall be in conformance with the current guidelines for submission of outside projects of the Transit Authority. Prior to approval by the Chairperson, the Transit Authority shall provide a letter to the Chairperson containing conceptual approval of the improvements as indicated in the drawings.

117-45 - Developer's Notice

LAST AMENDED
2/2/2011

As a condition to the issuance by the Department of Buildings of an excavation or building permit for a #development# or #enlargement# on a #zoning lot# requiring a mandatory subway improvement:

(a) the developer shall have submitted to the Chairperson of the City Planning Commission:

(1) written notice of its intention to #develop# or #enlarge# on a #zoning lot# in the Court Square Subdistrict, the #floor area# of such #development# or #enlargement#, and the mandatory subway improvements which the developer shall construct;

(2) drawings, including, but not limited to, plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson, for the mandatory subway improvements within the designated #zoning lot#; and

(3) waivers, consents, agreements or other legal instruments obligating the developer, its heirs and devisees, successors and assigns, to develop its property in accordance with the Subdistrict Plan and the provisions of this Chapter; and

(b) within 90 days of such submission by the developer, the Chairperson of the City Planning Commission shall certify to the Department of Buildings and the developer receipt of the aforesaid documents and the developer's compliance, or non-compliance, with the requirements of the Subdistrict Plan.

117-50 - QUEENS PLAZA SUBDISTRICT

LAST AMENDED
11/12/2025

In the #Special Long Island City Mixed Use District#, the special regulations of Section 117-50, inclusive, shall apply within the Queens Plaza Subdistrict.

117-501 - General provisions

LAST AMENDED
11/12/2025

In the Queens Plaza Subdistrict, the #use#, #bulk, and parking regulations of the underlying districts shall apply, except as modified by the provisions of Section 117-50 (QUEENS PLAZA SUBDISTRICT), inclusive.

For the purposes of this Chapter, in the Queens Plaza Subdistrict, the area referred to as the "Sunnyside Yard" shall include: Yard A, the Arch Street Yard and the Sunnyside Yard, which are located generally between Crane Street, Jackson Avenue, 21st Street, 49th Avenue, Skillman Avenue, 43rd Street and the North Railroad property line.

117-502 - Queens Plaza Subdistrict Plan

LAST AMENDED
11/12/2025

The Queens Plaza Subdistrict Plan partly consists of the following three maps located within Appendix E of this Chapter:

Map 1 (Designated Districts within the Queens Plaza Subdistrict) of the Queens Plaza Subdistrict Plan identifies special areas comprising the Queens Plaza Subdistrict in which an M1 District is paired with a #Residence District# as indicated on the Subdistrict Map. These areas are as follows:

Area	Designated Districts

A-1 A-2	M1-6/R10
B	M1-5/R9
C	M1-5/R7-3

Map 2 (Ground Floor Use and Frontage) of the Queens Plaza Subdistrict Plan specifies locations where the special ground floor #use# and frontage regulations, as set forth in Section 117-512, apply.

Map 3 (Sidewalk Widening and Street Wall Location) of the Queens Plaza Subdistrict Plan specifies the locations where special #street wall# and mandatory sidewalk widening regulations, as set forth in Section 117-531, apply.

117-503 - Definitions

LAST AMENDED
11/12/2025

Definitions specifically applicable to the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District# are set forth in this Section. Other defined terms are set forth in Section 117-01 (Definitions) of the #Special Long Island City Mixed Use District# and Section 12-10 (DEFINITIONS).

Accessory use

In addition to those #accessory uses# listed in Section 12-10, for the purposes of this Section, an #accessory use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in the Queens Plaza Subdistrict of

the #Special Long Island City Mixed Use District#, pursuant to Section 117-51 (Queens Plaza Subdistrict Special Use Regulations), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

Home occupation

Within the Queens Plaza Subdistrict, the #home occupation# provisions of Section 12-10 shall apply, except that a #home occupation# may occupy more than 1,000 square feet of #floor area# and up to three persons not residing in the #dwelling unit# or #rooming unit# may be employed.

117-51 - Queens Plaza Subdistrict Special Use Regulations

LAST AMENDED
11/12/2025

The #use# regulations of the underlying districts shall apply, except where modified by the provisions of this Section, inclusive.

117-511 - Large retail establishments

LAST AMENDED
6/6/2024

The underlying M1 District #use# regulations shall be modified such that #uses# listed under Use Group VI with a size limitation, as denoted with an “S” in the Use Group tables set forth in Section

42-16 (Use Group VI – Retail and Services), shall be permitted without a size limitation.

117-512 - Streetscape regulations

LAST AMENDED
11/12/2025

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 in Appendix E of this Chapter shall be considered #Tier C street frontages#.

117-513 - Special sign regulations

LAST AMENDED
6/6/2024

Within the Queens Plaza Subdistrict, the #sign# regulations of Section 123-40 shall apply, except that such #sign# regulations may be modified to permit a non-#flashing sign# on the rooftop of a #non-residential building#, provided that such #sign# directs attention to a business conducted within such #building#, where such business occupies at least 20 percent of the #floor area# within such #building#, or a minimum of 50,000 square feet of #floor area# within such #building#, whichever is less. In addition, the following rules shall apply:

(a) such #sign# shall be located on the rooftop of a #building# with frontage on Queens Plaza South, Queens Boulevard, Queens Plaza East or Queens Plaza North, and the height of the

rooftop on which the #sign# is affixed shall be at least 70 feet but not more than 150 feet above #curb level#;

(b) there shall be no more than one such #sign# on a #zoning lot#, and no more than one such #sign# per establishment on any #sign# structure;

(c) such #signs# shall be affixed to an open frame structure with maximum dimensions that shall not exceed 45 feet in height, as measured from the surface of the roof to its uppermost point, and 150 feet in width, as measured along its widest dimension;

(d) all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign# shall be separate elements, individually cut and separately affixed to the open frame structure. No perimeter or background surfaces shall be applied or affixed to the open frame structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for an open frame structure. The area of such separate elements of a rooftop #sign# shall not count towards the maximum #surface area of a sign# permitted in Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts); and

(e) any illumination from a rooftop #sign# located within 100 feet of any #building# containing #residences#, where such #residences# legally existed at the time of the application for a permit for such #sign#, shall not project into or reflect onto any #residential# portion of such #building#.

117-52 - Queens Plaza Subdistrict Special Bulk Regulations

LAST AMENDED
11/12/2025

The #bulk# regulations of the underlying districts shall apply, except as modified by the provisions this Section, inclusive.

117-522 - Floor area regulations

LAST AMENDED
11/12/2025

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES

Area	Maximum #Floor Area Ratio#
A-1 A-2	12.0 C, M, CF or R
B	8.0 C, M, CF or R
C	5.0 C, M, CF or R

C=Commercial

M=Manufacturing

CF=Community Facility

R=Residential

However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# shall be 9.6 in Area B, and 6.0 in Area C.

117-523 - Floor area bonuses

LAST AMENDED
12/5/2024

Any #floor area# bonus for a #public plaza# or #arcade# permitted under the regulations of the designated #Residence# or M1 District shall not apply in the Queens Plaza Subdistrict.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

117-524 - Special yard regulations

LAST AMENDED
12/5/2024

The #yard# regulations of the underlying districts shall apply, except as specified in this Section.

(a) #Manufacturing# or #commercial buildings#

The #rear yard# provisions of the designated M1 District shall not apply to #manufacturing# or #commercial buildings# on #through lots#.

(b) #Zoning lots# adjacent to the Sunnyside Yard

On a #zoning lot# sharing a #lot line# with the Sunnyside Yard, no #yards# are required for any #building# within a distance of 100 feet from the shared #lot line#.

(c) For #zoning lots# occupying an entire #block#

No #rear yard# or #rear yard equivalent# shall be required for a #zoning lot# occupying an entire #block#.

117-53 - Height and Setback and Street Wall Location Regulations

LAST AMENDED
12/5/2024

The height and setback regulations of the designated #Residence# and M1 Districts shall not apply, except for permitted obstructions pursuant to Sections 23-41 or 43-42, as applicable. In lieu thereof, all #buildings or other structures# shall comply with the regulations set forth in Sections 117-531 (Street wall location) and 117-532 (Setback regulations for buildings that exceed the maximum base height). Such regulations, however, shall not apply along the #street frontage# of that portion of a #zoning lot# occupied by existing #buildings#, unless the #street walls# of such existing #buildings# are vertically extended by more than 15 feet. The height of all #buildings or other structures# shall be measured from the #base plane#.

117-531 - Street wall location

LAST AMENDED
11/12/2025

(a) On a #wide street#, and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# provisions of paragraph (a) of Section 35-631 (Street wall location) shall apply, except that the #street wall# shall extend to at least the applicable minimum base height specified in the table in Section 117-532 (Setback regulations for buildings that exceed the maximum base height), or the height of the #building#, whichever is less.

(b) On a #narrow street# between 50 and 100 feet of its intersection with a #wide street#, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, except that the #street wall# shall extend along the entire width of the #narrow street# frontage

Beyond 100 feet of the intersection of a #wide street#, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply.

(c) In the locations specified on Map 3 (Sidewalk Widening and Street Wall Location) in Appendix E of this Chapter, a #building# shall comply with the provisions of paragraphs (a) and (b) of this Section, as applicable, except that #street walls# shall be located as specified on Map 3. The #street wall# of a #building# may be set back only in the areas indicated on Map 3 as "Permitted #Street Wall# Setback Locations," provided that the additional sidewalk widening resulting from such setback is accessible to the public, in accordance with the provisions of Section 117-553 (Mandatory sidewalk widening design requirements), and located adjacent to a public sidewalk or mandatory sidewalk widening.

(d) For any #building# fronting on Queens Plaza South in Area A-1 or Area B, as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) of Appendix E, any #street wall# along Queens Plaza South shall be set back five feet from the #street line#, except as otherwise

specified on Map 3.

(e) For any #building# on a #zoning lot# located on Jackson Avenue between 42nd Road and Queens Plaza South, the #street wall# fronting on Jackson Avenue may be set back five feet from the #street line# only upon certification of the Chairperson of the City Planning Commission to the Department of Buildings that the Jackson Avenue sidewalk adjacent to the #zoning lot# will be landscaped in accordance with a plan acceptable to the Department of Transportation and the Chairperson. Such plan shall include five planting beds that shall contain a mixture of deciduous and evergreen shrubs, ground covers and flowers. Such planting beds shall be installed and maintained by the owner of the #building#. The #street wall# of any subsequent #development# or #enlargement# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#.

117-532 - Setback regulations for buildings that exceed the maximum base height

LAST AMENDED
11/12/2025

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

(a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#. Such setback may be modified in accordance with the provisions of Section 23-433 (Standard setback regulations).

Area	Minimum Base Height	Maximum Base Height
A-1	60	---
A-2	60	150
B	100	150
C*	60	100

———

* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet

(b) In Area A-1, no setbacks are required above the applicable minimum base height specified in the table in paragraph (a) of this Section. However, if a setback is provided, it shall comply with the provisions of paragraph (a).

117-533 - Special permit to modify use or bulk regulations

LAST AMENDED
2/2/2011

For any #zoning lot# within the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# requirements, provided the Commission shall find that:

(a) such #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

(b) such #use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for the programmatic requirements of the development;

(c) such #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;

(d) such #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and

(e) such #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

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

117-54 - Off-street Parking and Loading Regulations

LAST AMENDED
11/12/2025

(a) The off-street parking provisions of Article I, Chapter 6, shall be modified as follows:

(1) the prohibition of curb cuts accessing entrances and exits to #accessory# off-street parking facilities and #public parking garages# on certain #streets#, as set forth in paragraphs (b) and (c) of Section 16-23 (Curb Cut Restrictions), shall also apply to

Northern Boulevard and Crescent Street; and

(2) the provisions of paragraph (c) of Section 16-12 (Permitted Parking for Non-residential Uses) shall be modified as follows: the maximum number of #accessory# off-street parking spaces permitted for a #development# or #enlargement# shall not exceed one space per 2,000 square feet of #floor area# or 250 spaces, whichever is less.

(b) Curb cuts shall not be permitted within 40 feet of a #zoning lot line# that abuts the Sunnyside Yard.

(c) #Public parking garages# shall be permitted on #Blocks# 86/72 and 403 pursuant to Section 117-56 (Special Permit for Bulk Modifications on Blocks 86/72 and 403).

117-55 - Mandatory Plan Elements for the Queens Plaza Subdistrict

LAST AMENDED
7/26/2001

117-551 - General provisions

LAST AMENDED
11/12/2025

The provisions of Sections 117-552 (Mandatory sidewalk widening) and 117-553 (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix E of this Chapter.

117-552 - Mandatory sidewalk widening

LAST AMENDED
11/12/2025

The sidewalk widening provisions of this Section shall apply to all #developments# or #enlargements# with ground floor #street walls# with a ratio of #floor area# to #lot area# of 3.0 or more.

Sidewalk widening accessible to the public must be provided in the locations specified on Map 3 (Sidewalk Widening and Street Wall Location) in Appendix E of this Chapter. Such mandatory sidewalk widening is subject to the design requirements of Section 117-553 (Mandatory sidewalk widening design requirements).

117-553 - Mandatory sidewalk widening design requirements

LAST AMENDED
12/5/2024

(a) Access

All mandatory sidewalk widenings shall be accessible directly from an adjoining public sidewalk and unobstructed along at least 50 percent of the total #street# frontage. Driveways and vehicular accessways included as part of the total #street# frontage may not be counted as providing access. All mandatory sidewalk widenings shall be accessible to the public at all times.

There shall be at least one unobstructed pedestrian path of travel providing access to each of

the following:

(1) at least 70 percent of the mandatory sidewalk widening's total area;

(2) any #building# lobby accessible to the mandatory sidewalk widening; and

(3) any #use# that may be present on, or adjacent to and having an entrance on, the mandatory sidewalk widening.

(b) Access for persons with disabilities

The mandatory sidewalk widening shall be accessible to persons with disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design standards.

(c) Elevation

All mandatory sidewalk widenings shall be located at an elevation not more than three feet above or below the #curb level# of the nearest adjoining sidewalk.

A mandatory sidewalk widening shall be at the same elevation as the adjoining public sidewalk along the #street# frontage providing access, pursuant to paragraph (a) of this Section, for a minimum depth of 10 feet measured perpendicular to the #street line#.

When the size of a mandatory sidewalk widening is 8,000 square feet or more, a maximum of 25 percent of its area may be located at an elevation more than three feet above or below the nearest adjoining sidewalk, which area, however, may not be located within a depth of 10 feet from the sidewalk measured perpendicular to the #street line#.

Where an existing subway station entry is located on the sidewalk area adjacent to a mandatory sidewalk widening, the mandatory sidewalk widening shall be provided at the

same elevation as the adjoining sidewalk for a distance of at least 15 feet in all directions from the entry except as required for drainage. No obstruction shall be permitted within such portion of the mandatory sidewalk widening.

(d) Permitted obstructions

The provisions of Sections 37-726 and 37-73 shall apply, except that in the case of kiosks, the provisions of Section 37-73 shall be modified as follows: the aggregate area occupied by such kiosks shall not exceed 60 square feet or 1.5 percent of the area occupied by the sidewalk widening.

(e) Driveways, parking spaces, loading berths, exhaust vents and #building# trash storage facilities

The provisions of Section 37-726, paragraph (d), shall apply.

(f) Trees

One tree per 500 square feet of sidewalk widening is required. Each tree shall measure at least 2.5 inches in caliper at the time of planting. Each tree shall be planted in at least 200 cubic feet of soil with a depth of at least 3 feet, 6 inches.

(g) Paving

The provisions of Section 37-718 shall apply.

(h) Seating

One linear foot of seating for every 150 square feet of mandatory sidewalk widening shall be provided. In addition, the provisions of Section 62-672 shall apply.

(i) Bicycle parking facilities

The provisions of Section 37-745 shall apply.

(j) Drinking fountains

The provisions of Section 37-746 shall apply.

(k) Aesthetic amenities

One of the following amenities shall be provided:

(1) prominent lighting that enhances the architectural features of the upper #stories# of the #building#;

(2) an ornamental water feature within the mandatory sidewalk widening; or

(3) artwork, such as sculpture, within the mandatory sidewalk widening.

(l) Lighting

The provisions of Section 37-743 shall apply, except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

(m) Sidewalk widening signs

The provisions of Section 37-751, paragraph (b) shall apply.

(n) Maintenance

The provisions of Sections 37-744 and 37-77 shall apply.

117-56 - Special Permit for Bulk Modifications on Blocks 86/72 and 403

LAST AMENDED
11/12/2025

For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix E of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section 117-531 (Street wall location) and paragraph (a) of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), provided that:

(a) a public open area of not less than 20,000 square feet and a #public parking garage# containing no fewer than 250 spaces shall be included on the #zoning lot#, and further provided the Commission finds that:

(1) the public open area is designed so that it provides recreational opportunities for the community;

(2) the portion of the #development# or #enlargement# adjacent to the public open area shall be either a retail #use#, other #use# or treatment that complements the open area;

(3) such modification of the #street wall# requirements is necessary to accommodate the public open area or the #public parking garage# and will result in a better site plan;

(4) the #public parking garage# is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area; and

(5) where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future

use or development of adjacent areas.

Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of Section 37-751 (Public space signage systems) and 37-77 (Maintenance) shall apply.

(b) The #public parking garage# shall be subject to the following conditions:

(1) the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level# shall be exempt from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS);

(2) the entrances and exits shall be located so that they will not be hazardous to traffic safety nor likely to unduly inhibit pedestrian movement; and

(3) at the vehicular entrances, a minimum of 12 reservoir spaces shall be provided and the total number of reservoir spaces shall be equivalent to five percent of any spaces in excess of 250, up to a maximum of 50 reservoir spaces.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation and security, which may include conditions for lighting and landscaping or limitations on the manner and/or hours of operation.

Any building on Block 86/72 for which an application for a special permit for #bulk# modifications has been filed with the Department of City Planning, pursuant to this Section, prior to May 22, 2013, may be started or continued pursuant to the regulations in effect at the time of such application and, if such application is granted by the City Planning Commission and the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit, including minor modifications thereto and, to the extent not modified under the terms of such permit, in accordance with the regulations in effect at the time of such application.

117-57 - Modification of Article V, Chapter 4

LAST AMENDED
2/2/2011

In Article V, Chapter 4 (Non-complying Buildings), Section 54-311 (Buildings containing rooming units) shall not apply.

117-60 - DUTCH KILLS SUBDISTRICT

LAST AMENDED
11/12/2025

In the #Special Long Island City Mixed Use District#, the special regulations of Section 117-60, inclusive, shall apply within the Dutch Kills Subdistrict.

117-61 - General Provisions

LAST AMENDED
11/12/2025

In the Dutch Kills Subdistrict, the #use#, #bulk, and parking regulations of the underlying districts shall apply, except as modified by the provisions of Section 117-60, inclusive.

117-62 - Special Use Regulations

LAST AMENDED
6/6/2024

In the Dutch Kills Subdistrict, #uses# listed under Food and Beverage Retailers in Use Group VI shall be permitted without a size limitation.

117-63 - Special Bulk Regulations in the Designated Districts

LAST AMENDED
12/5/2024

Maximum #floor area ratio# and #street wall# provisions in the designated districts are modified as set forth in Sections 117-631 and 117-632, respectively.

117-631 - Floor area ratio modifications

LAST AMENDED
12/5/2024

(a) Floor space used for #accessory# off-street parking spaces

In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory#

parking is contained within a #public parking garage#.

(b) Maximum #floor area ratio# for #residential uses#

In M1 Districts paired with R5B Districts, the regulations for #qualifying residential sites# shall not apply, and the maximum #residential# #floor area ratio# shall be 1.65.

(c) Maximum #floor area ratio# for certain #commercial# and #manufacturing uses#

In M1-2 designated districts, the maximum #floor area ratio# shall be increased to 3.0 when paired with an R5B or R5D District and 4.0 when paired with an R6A District, provided that such additional #floor area# is limited to #referenced commercial and manufacturing uses#.

(d) Maximum #floor area# in #mixed use buildings#

In M1 Districts paired with R5B or R5D districts, the regulations for #qualifying residential sites# shall not apply to #mixed use buildings#.

117-632 - Street wall location

LAST AMENDED
12/5/2024

In the Dutch Kills Subdistrict, the #street wall# location provisions of paragraph (a) of Section 23-431 shall apply.

117-64 - Special Parking Regulations

LAST AMENDED
12/5/2024

The provisions of Section 123-70 (PARKING AND LOADING) and the underlying #accessory# off-street parking and loading regulations for the designated district are modified, as follows:

(a) #Commercial# and #community facility uses#

(1) The #accessory# off-street parking and loading requirements of a C8-2 District, as set forth in Article III, Chapter 6, shall apply to all #commercial# and #community facility uses#, except that this modification shall not apply to #uses# listed in Use Group V. The #accessory# off-street parking and loading requirements applicable to the designated M1 District, set forth in Article IV, Chapter 4, and Section 123-70, shall apply to Use Group V.

(2) For Use Group V #uses#, the provisions of Section 44-232 (Waiver of Requirements for Spaces Below Minimum Number) shall be modified as follows: the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.

(b) #Residential uses#

Where the designated district is an M1-2/R5B District, the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) shall not apply.

Appendix A - Special Long Island City Mixed Use District and Subdistricts Plan Map

LAST AMENDED
11/12/2025

Appendix B - Queens Plaza West Subdistrict Plan Map

LAST AMENDED
11/12/2025

(11/12/25)

Map 1: Subdistrict Plan Map and Streetscape Regulations

Appendix C - Northern Hunters Point Waterfront Subdistrict Plan Maps

LAST AMENDED
11/12/2025

(11/12/25)

Map 1: Subdistrict Plan Map and Designated Subareas

(11/12/25)

Map 2: Streetscape Regulations Designation

(11/12/25)

Map 3: Waterfront Access Plan Parcels Designation

(11/12/25)

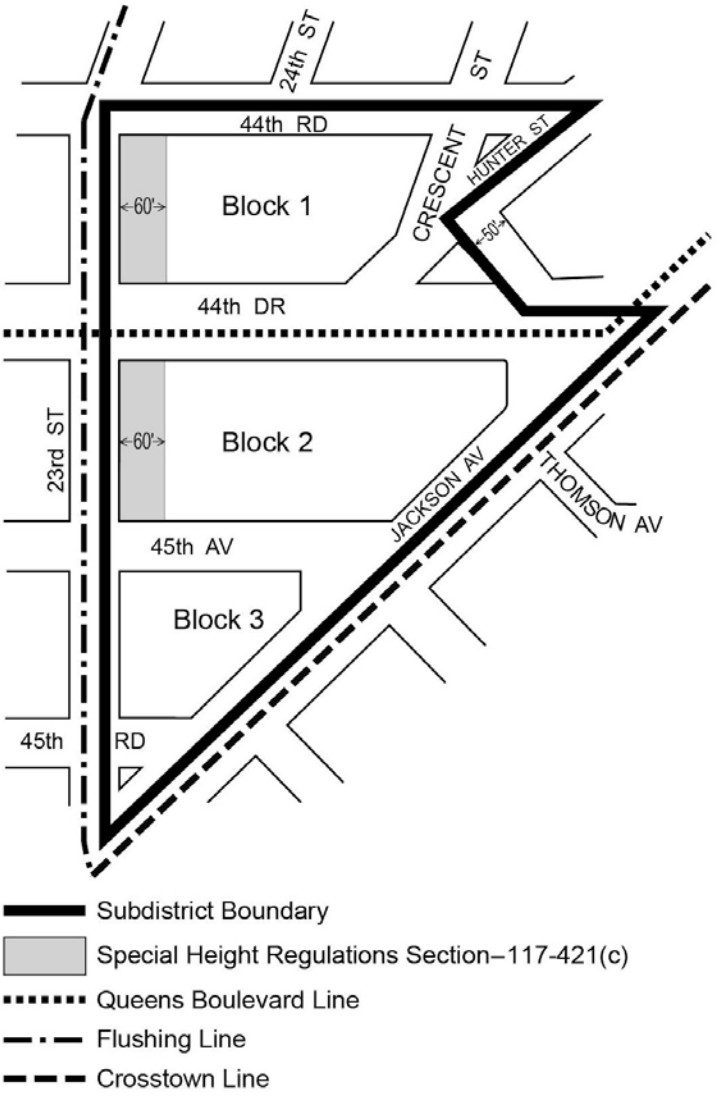
Map 4: Public Access Elements Designation

(11/12/25)

Map 5: Visual Corridors Designation

Appendix D - Court Square Subdistrict Plan Map and Description of Improvements

LAST AMENDED
11/12/2025


24th ST
ST
44th RD
HUNTER ST
CRESCENT
Block 1
60'
50'
44th DR
23rd ST
Block 2
60'
JACKSON AV
THOMSON AV
45th AV
Block 3
45th
RD
Subdistrict Boundary
Special Height Regulations Section–117-421(c)
Queens Boulevard Line
Flushing Line
Crosstown Line

Description of Improvements

This Appendix describes the mandatory lot improvements that are designated on the District Plan Map in Appendix B for the Court Square Subdistrict. Descriptions refer to the text for requirements and standards for the following improvements.

(a) Block 1

A subway improvement, to consist of a connection between the Crosstown and Flushing Lines and maintenance of glass partitions in the control area of the Queens Boulevard Line, Court Sq-23 St Station mezzanine and near the control area of the Crosstown Line, Court Sq Station mezzanine which are to be installed by the developer of Block 2. The developer shall notify the Chairperson of the City Planning Commission upon both application for, and issuance of, a first building permit for the #development# on this #Block#.

(b) Block 2

A subway improvement, to consist of a connection between the Queens Boulevard and Crosstown Lines, preparation of preliminary plans for a Crosstown Line, Court Sq Station and Flushing Line, Court Sq Station connection and installation of glass partitions in the control area of the Court Sq-23 St Station mezzanine and near the control area of the Court Sq Station mezzanine, upon receipt of a written request by the Chairperson of the City Planning Commission, which shall occur only after the issuance of a first building permit for the #development# on Block 1.

(c) Block 3

(1) The first #development# or #enlargement# to meet the criteria for a subway improvement shall construct new entrances at the intersection of 44th Drive and 23rd Street for the Flushing Line, Court Sq Station, in consultation with the Metropolitan

Transportation Authority and the Department of City Planning.

(2) For subsequent #developments# or #enlargements#, a subway improvement to the north end of the Flushing Line, Court Sq Station, shall be required. Such improvement shall be determined in consultation with the Metropolitan Transportation Authority and the Department of City Planning.

Appendix E - Queens Plaza Subdistrict Plan Maps

LAST AMENDED
11/12/2025

(11/12/25)

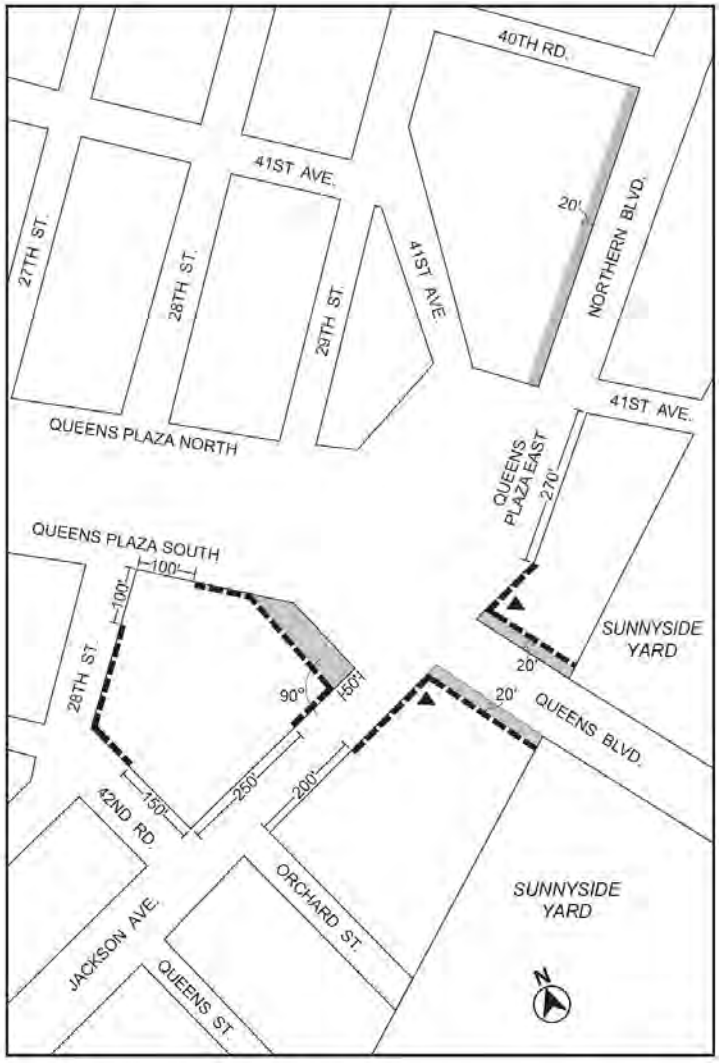
Map 1: Designated Districts within the Queens Plaza Subdistrict

(11/12/25)

Map 2: Ground Floor Use and Frontage

(8/13/15)

Map 3: Sidewalk Widening and Street Wall Location



Mandatory Sidewalk Widening

Permitted Street Wall Setback Locations

▲ Additional 1,500 sq. ft. of sidewalk widening to be located within 100' of the intersection.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 8 - Special Union Square District (US)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 8 - Special Union Square District (US)

118-00 - GENERAL PURPOSES

LAST AMENDED
1/10/1985

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

(a) to promote a revitalized mixed-use area around Union Square by encouraging controlled development on vacant and under-utilized sites within the District;

(b) to stimulate such growth while providing guidelines which will ensure urban design compatibility between new development, existing buildings and Union Square and which will preserve and enhance the special character of the Square;

(c) to stabilize the area through residential development and thereby encourage active utilization of Union Square Park;

(d) to enhance the retail and service nature and economic vitality of 14th Street by mandating appropriate retail and service activities;

(e) to improve the physical appearance and amenity of the streets within the District by establishing streetscape and signage controls which are compatible to Union Square Park;

(f) to improve access, visibility, security and pedestrian circulation in and around the 14th Street/Union Square Station; and

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

118-01 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Union Square District# and in accordance with the provisions of this Chapter, certain specified #use#, #bulk# and #sign# regulations of the underlying district are made inapplicable and are superseded by the #use#, #bulk# and #sign# regulations of the #Special Union Square District# as set forth in this Chapter. In addition, special #street wall# transparency and location of entrance requirements are set forth in this Chapter. Except as modified by the express provisions of this Chapter, the underlying district regulations remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

118-02 - Incorporation of Appendix A

LAST AMENDED
2/2/2011

The District Plan of the #Special Union Square District# is set forth in Appendix A and is incorporated as an integral part of the provisions of this Chapter.

118-10 - USE REGULATIONS

LAST AMENDED
1/10/1985

118-11 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along 14th Street, Union Square East, Union Square West or 17th Street, shall be considered #Tier C street frontages#.

In addition to the underlying provisions for such #Tier C street frontages#, the following shall apply:

(a) #ground floor level# #uses# with frontage on 14th Street shall be entered directly from 14th Street; and

(b) for #buildings# fronting on Union Square East, Union Square West, or 17th Street between Broadway and Park Avenue South, where a #use# comprises at least 40 percent of the #floor area# of a #building#, the principal entrance to such #use# shall be located on such frontages. Where multiple #uses# comprise more than 40 percent, an entrance to only one such #use#

need be located on such frontages.

Defined terms in this Section include those in Sections 12-10 and 32-301.

118-12 - Sign Regulations

LAST AMENDED
6/6/2024

On #street walls# fronting on 14th Street, no #sign# may be located more than 25 feet above #curb level#.

#Signs# on #street walls# fronting on all other #streets# within the Special District shall be subject to the provisions of Section 32-672 (Special provisions for high density areas)

#Flashing signs# are not permitted within the Special District.

118-20 - BULK REGULATIONS

LAST AMENDED
1/10/1985

118-21 - Floor Area Regulations

LAST AMENDED
12/5/2024

The maximum #floor area ratio# permitted on property bounded by:

(a) Broadway, a line midway between East 14th Street and East 13th Street, a line 100 feet west of University Place, Union Square West and Broadway, a line midway between East 17th Street and East 18th Street, a line 100 feet east of Park Avenue South and Union Square East, East 15th Street, Union Square East, East 17th Street, Union Square West and East 14th Street is 8.0. However, for #qualifying affordable housing# or #qualifying senior housing# the maximum #floor area ratio# shall be 9.6; and

(b) Broadway, a line midway between East 13th Street and East 14th Street, south prolongation of the center line of Irving Place and Irving Place, East 15th Street, Union Square East, Fourth Avenue, and East 14th Street is 10.0. However, for #qualifying affordable housing# or #qualifying senior housing# the maximum #floor area ratio# shall be 12.

The commercial #floor area ratio# shall not exceed 6.0 except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

118-22 - Street Wall Regulations

LAST AMENDED
12/5/2024

The height above #curb level# of the #street wall# of any #development# or #enlargement# shall be as shown in the District Plan (Appendix A). In addition, the following provisions shall apply:

(a) The #street wall# location provisions of paragraph (a) of Section 35-631 (Street wall location) shall apply to all #street walls# except that when a #prevailing street wall frontage# exists, the

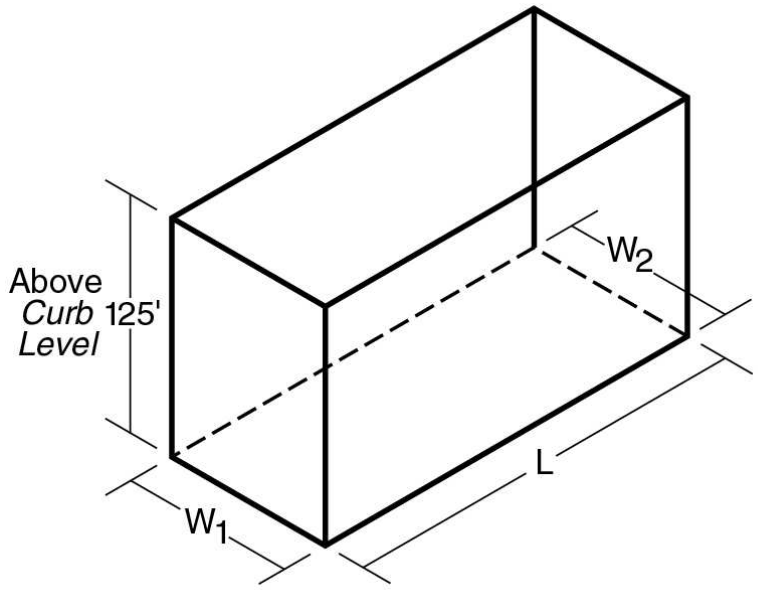
line-up provisions of paragraph (a) of Section 23-431 (Street wall location requirements) shall apply. For the purposes of applying #street wall# location regulations, all streets shall be considered as #wide streets#.

(b) #Street wall# recesses are permitted below the level of the second #story# ceiling for subway stair entrances required under Section 118-50 118-30 (OFF STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT). Such recesses shall be no longer than 15 feet and no deeper than eight feet or the width or length of the relocated subway stair, whichever is greater.

#Street wall# recesses are also permitted below the level of the second #story# ceiling for #building# or store entrances only.

(c) On a #zoning lot# where there is an existing #building# to remain, the requirements governing height and location of #street walls# shall not apply within a volume defined by the rear wall of the existing #building# (W2), the #front lot line# (W1), the prolongations of the side walls (L) and a height of 125 feet above #curb level#.

If, after January 10, 1985, any demolition or destruction occurs within the volume defined, the requirements governing #street wall# height shall apply.



L - Sidewall and prolongation of existing *building*
W_1 - *Front lot line*
W_2 - Rear wall of existing *building*

EXISTING BUILDING VOLUME FOR
MODIFICATION OF STREET WALL REQUIREMENTS

(d) The City Planning Commission may authorize modifications in the required #street wall# location if the Commission finds that the existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development#, #enlargement# or alteration in a manner prescribed in paragraph (c) of this Section.

118-23 - Height and Setback Regulations

A #sky exposure plane# of 2.5 to 1 shall begin at a height above #curb level# of 125 feet on all #streets# within the Special District, except that on a #narrow street# beyond 100 feet from any #street line# opposite a #public park# or from the intersection of such #narrow street# with a #wide street#, the #sky exposure plane# shall begin at a height above #curb level# of 85 feet. No #development# or #enlargement# shall penetrate such #sky exposure plane# except pursuant to Section 33-45 (Tower Regulations). However, Section 33-45 shall not be applicable to any portion of a #building# located within 100 feet of a #street line# opposite a #public park#. In addition, #energy infrastructure equipment# and accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42 (Permitted Obstructions).

For #qualifying affordable housing# or #qualifying senior housing#, the height and setback provisions of Section 35-632 (Maximum height of buildings and setback regulations) may be applied as an alternative as follows:

(a) above a height of 125 feet above #curb level# or 85 feet on a #narrow street# beyond 100 feet from any #street line# opposite a #public park# or from the intersection of such #narrow street#, a setback pursuant to the provisions of Section 23-433 (Standard setback regulations) shall apply;

(b) the maximum #building# height provisions of a C6-3A District shall apply to #zoning lots# subject to the provisions of paragraph (a) of Section 118-21 (Floor Area Regulations);

(c) the maximum #building# height provisions of a C6-4A District shall apply to #zoning lots# subject to the provisions of paragraph (b) of Section 118-21; and

(d) permitted obstructions pursuant to Section 35-61 shall apply.

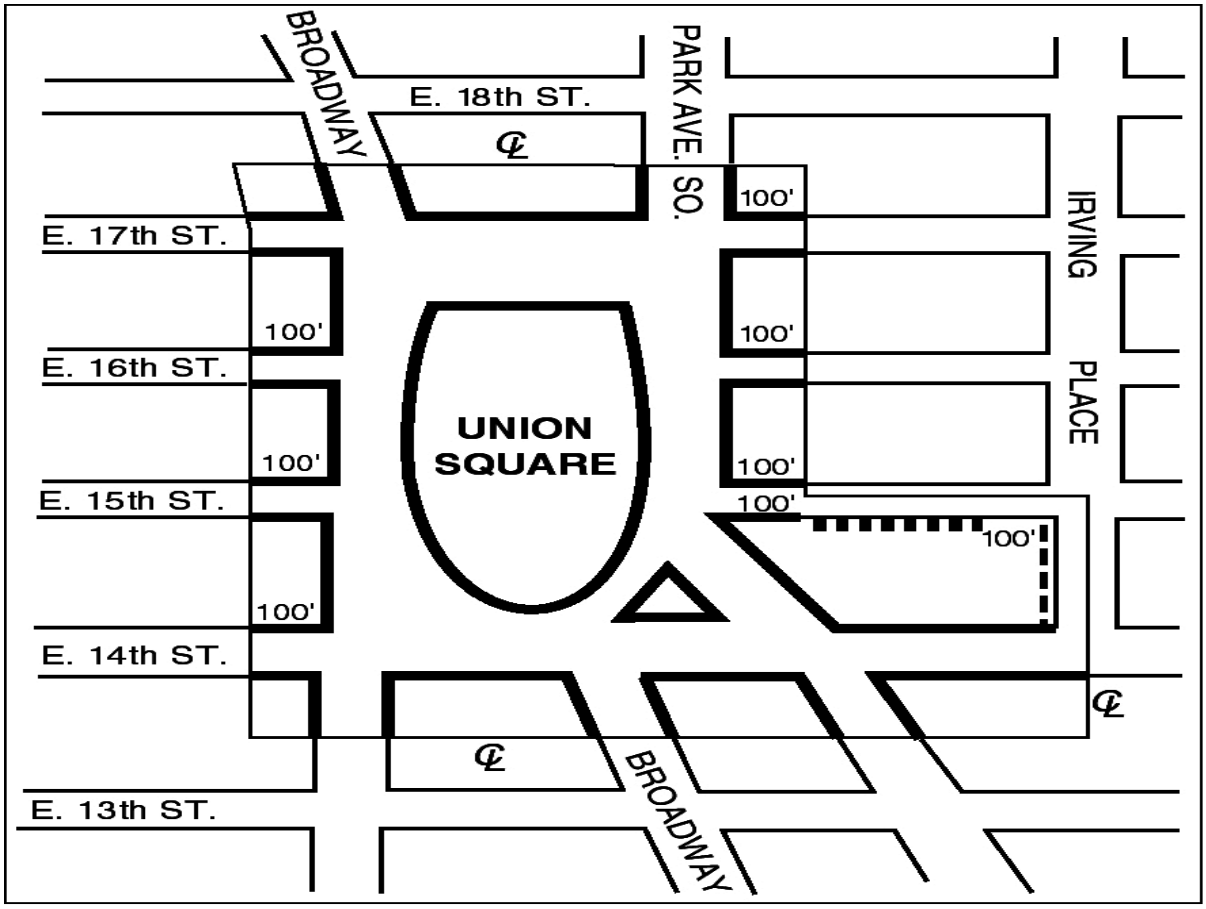
118-30 - OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT

LAST AMENDED
12/5/2024

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet which fronts on a portion of sidewalk containing a stairway entrance or entrances into the 14th Street/Union Square Station, the #development# or #enlargement# shall be subject to the regulations of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

Appendix A - UNION SQUARE DISTRICT PLAN

LAST AMENDED
1/10/1985



Mandatory Street Walls
85'-125' Above *Curb Level*

Permitted Street Walls
125' Above *Curb Level*

Permitted Street Walls
85' Above *Curb Level*

Special Union Square District

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 9 - Special Hillsides Preservation District (HS)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 9 - Special Hillsides Preservation District (HS)

119-00 - GENERAL PURPOSES

LAST AMENDED
6/30/1987

The "Special Hillsides Preservation District" (hereinafter also referred to as the "Special District") established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following special purposes:

(a) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;

(b) to preserve hillsides having unique aesthetic value to the public;

(c) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas; and

(d) to promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district.

119-01 - Definitions

LAST AMENDED
12/5/2024

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces, including any surfaces with permeable paving. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where:

S - average percent of slope

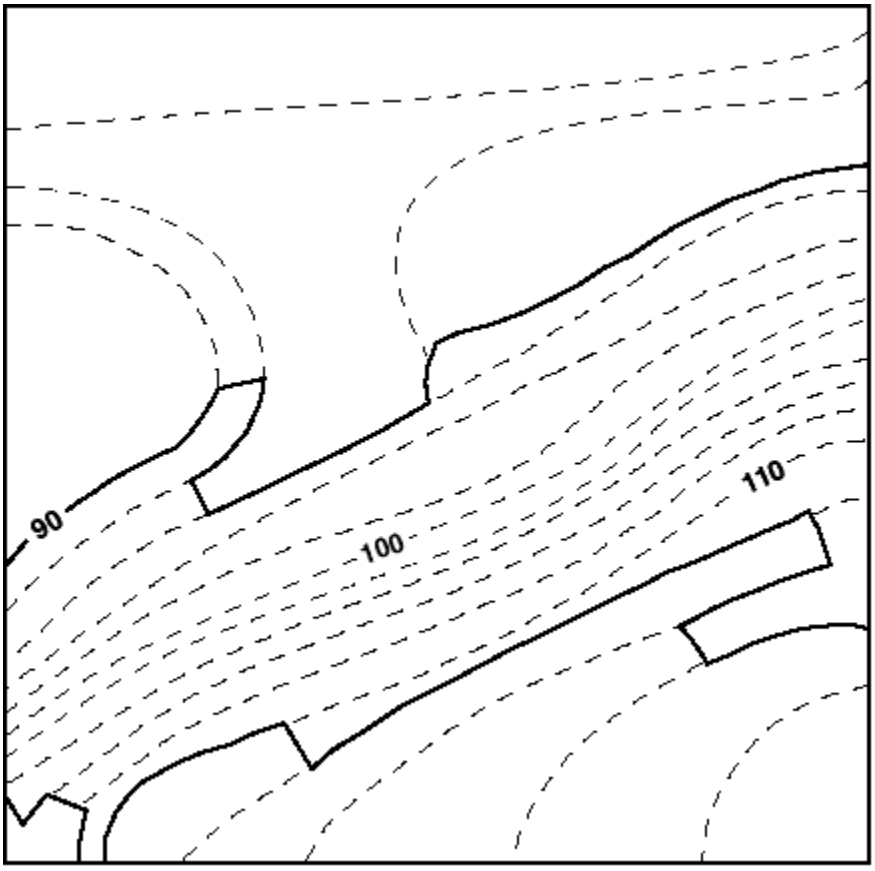
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#.

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)



Example:

$$X = \frac{\text{contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where:

X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, such as the map pictured above. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines which are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

Buildable area

A "buildable area" is a portion of a #zoning lot# excluding #steep slopes#.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Hillside

A "hillside" is defined as ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Site alteration

For the purposes of this Chapter, a "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#. #Site alterations# shall include the following:

(a) removal of #topsoil#;

(b) excavating, filling, land contour work and other topographic modifications where the ground elevation of the land existing on June 30, 1987, is modified by two feet or more;

(c) dumping, changes in existing drainage systems and changes in grade, alignment or width of public rights-of-way; or

(d) removal of vegetation beyond 15 feet of the foundation of an existing #building#, except when the plant materials' continued presence would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would

not be possible or practical to eliminate by pruning or routine maintenance.

Staging area

A "staging area" is any area on a #zoning lot# or other tract of land used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

Steep slope

A "steep slope" is a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater. However, a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

Topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

Tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more which is counted toward a tree preservation requirement, or a credit for a newly planted tree of three-inch #caliper# or more which is counted toward a tree planting requirement.

Tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arborculturists (ISA) or equivalent professional organization that includes:

(a) a survey of the current condition and health of such trees of six-inch #caliper# or more;

(b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;

(c) a schedule for site monitoring during construction;

(d) a procedure to communicate protection measures to contractor and workers; and

(e) post-construction treatment.

119-02 - General Provisions

LAST AMENDED
5/12/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Hillsides Preservation District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

Any #development#, #enlargement# or #site alteration# on the #buildable area# of a #zoning lot# where the #average percent of slope# is less than 10 percent shall be regulated by the provisions set forth in Section 119-10 (PROVISIONS REGULATING TIER I SITES). Any #development#, #enlargement# or #site alteration# on the #buildable area# of a #zoning lot# having an #average percent of slope# equal to or greater than 10 percent shall be governed by the provisions set forth in Section 119-20 (PROVISIONS REGULATING TIER II SITES).

No #development#, #enlargement# or #site alteration# is permitted within any #area of no disturbance# on a #zoning lot# or other tract of land. #Areas of no disturbance# shall remain in their

natural state, except:

(a) for #steep slopes# or #steep slope buffers#, an authorization may be granted by the City Planning Commission, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS);

(b) vegetation and #topsoil# may be removed from a #steep slope buffer# during construction on a #Tier I site#, provided that the #development#, #enlargement# or #site alteration# complies with the requirements of Sections 119-215 (Landscaping controls to preserve trees, shrubs and ground cover), 119-217 (Tier II controls during construction) and 119-22 (Tier II Submission Requirements); or

(c) in accordance with a #tree protection plan#.

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 Hillsides Preservation District# unless an authorization is granted by the Commission pursuant to Section 119-30: #community facility uses#, #group parking facilities# of 30 cars or more, whether or not they are necessary to satisfy parking requirements.

When the #Special Hillsides 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 stadiums, 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 Commission, pursuant to Section 119-31 (Authorizations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

119-03 - Applicability of Large-scale Residential Development Regulations

LAST AMENDED
6/30/1987

Any #development# on a #zoning lot# having an #average percent of slope# of 10 percent or greater, which is used predominantly for #residential use#, may be treated as a #large-scale residential development# and special authorizations or special permits for such #developments# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, regardless of whether such #development# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential developments# as set forth in Section 12-10 (DEFINITIONS). However, bonuses that may be granted for #large-scale residential developments# under the provisions of Sections 78-32 (Bonus for Good Site Plan), 78-33 (Bonus for Common Open Space) or 78-35 (Special Bonus Provisions) may not be granted for #developments# that have less than the minimum area, number of #buildings# or number of #dwelling units# required by the definition of a #large-scale residential development#.

Notwithstanding the provisions of Section 78-06 (Ownership), a #zoning lot# having an #average percent of slope# of 10 percent or greater that is the subject of an application under this Section may include adjacent properties in more than one ownership, provided that the application is filed jointly by the owners of all the properties included. Any subdivision of the tract before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

119-04 - Future Subdivision

LAST AMENDED
2/2/2011

Within the #Special Hillsides Preservation District#, no #zoning lot# existing on June 30, 1987, may be subdivided without certification by the City Planning Commission that the proposed subdivision complies with the regulations of the #Special Hillsides Preservation District# and that all #hillsides# are preserved to the greatest extent possible under future #development# options.

A plan for such subdivision shall be filed with the Commission and shall include a survey map indicating existing topography at two-foot contour intervals and all individual trees of six-inch #caliper# or more.

When a #zoning lot# existing on June 30, 1987, is intended to be subdivided and is more than five acres, a site plan of the entire subdivision shall be filed with the Commission. The site plan shall include the proposed vehicular circulation system within the area, #block# and #zoning lot# layouts and any other information required by the Commission.

In the event that any #zoning lot# proposed for subdivision contains a #development#, #enlargement# or #site alteration# that has been undertaken contrary to the provisions of this Chapter, the Commission shall not approve the subdivision until violations are removed from the #zoning lot#, in accordance with the Commission's requirements under Section 119-40 (COMPLIANCE).

119-05 - Applicability of Parking Location Regulations

LAST AMENDED
2/2/2011

The parking regulations applicable to #lower density growth management areas# are modified to allow required #accessory# parking spaces to be located in a #front yard#.

119-10 - PROVISIONS REGULATING TIER I SITES

LAST AMENDED
2/2/2011

#Tier I sites# shall be regulated by the provisions set forth in this Section, inclusive.

119-11 - Tier I Requirements

LAST AMENDED
2/2/2011

119-111 - Tier I tree preservation requirements

LAST AMENDED
12/7/1999

To the maximum extent possible, existing trees shall be retained. Trees of six-inch #caliper# or more may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

(a) such trees are located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking, or within a distance of 15 feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;

(b) the continued presence of such tree would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning;

(c) the continued presence of such tree would interfere with the growth or health of another tree of six-inch #caliper# or more designated for preservation and belonging to a species listed in Appendix B (Selection List for On-site Trees); or

(d) an authorization pursuant to Section 119-313 (Modification of landscaping, tree preservation and tree planting requirements) has been granted by the City Planning Commission approving the removal of such trees.

Any tree of six-inch #caliper# or more that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# shall be replaced pursuant to the provisions of Section 119-112 (Tier I tree planting requirements).

119-112 - Tier I tree planting requirements

LAST AMENDED
2/2/2011

All #developments#, #enlargements# and #site alterations# on #Tier I sites# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#. However, the requirements set forth herein shall not apply to any #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#.

On-site trees, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area#, or portion thereof, or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of #caliper#, credit for an additional tree shall be given.

Single-trunk trees, newly planted to meet this requirement, shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees).

119-113 - Tier I controls during construction

LAST AMENDED
12/7/1999

The following requirements must be met during construction:

(a) Construction fences shall be erected around all #areas of no disturbance#.

A #tree protection plan# is required to modify the #area of no disturbance# around trees proposed for preservation.

(b) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.

(c) #Topsoil# shall be used in the area to be revegetated as soon as construction is complete.

(d) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

119-12 - Tier I Submission Requirements

LAST AMENDED
2/2/2011

For all #developments#, #enlargements# or #site alterations# on #Tier I sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #residential building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillsides Preservation District# have been met.

(a) A survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the existing slope of the land, as it occurs, in categories of 10–14 percent, 15–19 percent, 20–24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#.

(b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of any #steep slopes#, #steep slope buffer# areas and the #staging area#; and the

location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating, for the latter, the #critical root zone#.

(c) A tree-planting plan, prepared by a registered landscape architect, indicating the location and species of all new plantings, and indicating the location of and the #critical root zone# around all trees proposed for preservation.

119-13 - Administration of Tier I Requirements

LAST AMENDED
6/30/1987

No permanent certificate of occupancy shall be issued by the Department of Buildings unless an inspection report, verifying that the requirements of Section 119-10 (PROVISIONS REGULATING TIER I SITES) have been met, is filed with the Department of Buildings by a registered landscape architect, licensed surveyor, registered architect or professional engineer.

119-20 - PROVISIONS REGULATING TIER II SITES

LAST AMENDED
2/2/2011

All #Tier II sites# shall be regulated by the provisions set forth in this Section. However, any #enlargement# on #Tier II sites# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#, shall be exempted from the provisions of Sections 119-

211 (Lot coverage, floor area and density regulations), 119-213 (Grading controls) to 119-217 (Tier II controls during construction), inclusive, 119-22 (Tier II Submission Requirements), and 119-23 (Administration of Tier II Requirements).

119-21 - Tier II Requirements

LAST AMENDED
2/2/2011

119-211 - Lot coverage, floor area and density regulations

LAST AMENDED
12/5/2024

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable #floor area ratio# or #lot coverage# regulations of the applicable district. 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	R6: 1-2 Family	R6: 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

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a 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	R6: 1-2 Family	R6: Other

12.5	12.5	12.5	20.0	25.0	27.0	18.0

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 Hillsides Preservation District) and is located in a #Commercial District#.

119-212 - Height and setback regulations

LAST AMENDED
12/5/2024

The underlying height and setback regulations shall be modified by the provisions of this Section.

No portion of a #building or other structure# shall penetrate a plane drawn parallel to the #base plane# at a height that is shown in Table III of this Section. For #buildings# with pitched roofs, height shall be measured to the midpoint of such pitched roof. For the purposes of this Section, the #base plane#, which is a plane from which the height of a #building or other structure# is measured in R2X, R3, R4 and R5 Districts, shall also be established in accordance with the provisions of Section 12-10 (DEFINITIONS) for #buildings or other structures# in R1, R2 and R6 Districts.

TABLE III
MAXIMUM HEIGHT OF A BUILDING OR OTHER STRUCTURE

#Residence District# *	**Maximum Height above #Base Plane# (in feet)**

R1 R2 R3 R4	36
R4	45
R5	60
R6	70

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

119-213 - Grading controls

LAST AMENDED
2/2/2011

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

(a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.

(b) Where two cut slopes intersect, the corners shall be rounded with a minimum radius of 25 feet.

(c) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.

(d) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillsides Preservation District#.

(e) Fills shall be compacted to at least 95 percent of maximum density, as determined by AASHTO T99 or ASTM D698.

(f) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.

(g) The edge of any cut or fill slope meeting the grade existing on June 30, 1987, should be blended into such grade in a vertical or horizontal arc with a radius of not less than 25 feet.

(h) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on June 30, 1987, should be rounded in a vertical arc with a radius of not less than five feet.

(i) Tops and toes of cut and fill slopes shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures a horizontal distance of six feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet.

119-214 - Tier II requirements for driveways and private roads

LAST AMENDED
12/5/2024

The provisions set forth in this Section and Section 119-213 (Grading controls) shall apply to driveways and to #private roads# that provide access to #buildings# #developed# after December 11,

1999. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply. However, the provisions of Sections 26-23 (Yards), 26-31 (Entrances, Parking Location and Curb Cuts) and 26-32 (Lighting, Signage and Crosswalks) shall apply for #private roads# in #lower density growth management areas#.

(a) Driveways

(1) the maximum grade of a driveway shall not exceed 10 percent;

(2) the paved width of a driveway shall not exceed 18 feet; and

(3) the maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.

(b) #Private roads#

(1) the maximum grade of a #private road# shall not exceed 10 percent;

(2) the width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back;

(3) the paved width of a #private road# shall not exceed 30 feet;

(4) curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;

(5) a curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;

(6) curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;

(7) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;

(8) no building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section; and

(9) for the purposes of applying the #yard# regulations of Section 26-23, the curb of the #private road# shall be considered to be the #street line#.

The City Planning Commission may by authorization or special permit, as applicable, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS), allow modifications to, or waivers of, the requirements of this Section. The approval of the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety shall be a condition precedent for any modification or waiver.

119-215 - Landscaping controls to preserve trees, shrubs and ground cover

LAST AMENDED
2/2/2011

(a) In any #area of no disturbance#, existing vegetation and #topsoil# shall not be removed, except in accordance with a #tree protection plan# or as authorized by the City Planning Commission, pursuant to the provisions of Section 119-313 (Modification of landscaping,

tree preservation and tree planting requirements).

(b) To the maximum extent possible, existing trees, shrubs and ground cover shall be retained. Vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

(1) it is located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking or within a distance of 15 feet of a #building# foundation and, provided that it is not practical to avoid such removal by adjustments in the arrangement of such #buildings#, #private roads#, driveways or required parking areas;

(2) the continued presence of the vegetation would interfere with the growth or health of trees of six-inch #caliper# or more designated for preservation and belonging to a species listed in Appendices A, B or C;

(3) the continued presence of the vegetation would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning or routine maintenance; or

(4) an authorization has been granted by the City Planning Commission under the provisions of Section 119-313 approving the removal of such vegetation.

(c) Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# and is not permitted to be removed under paragraph (b) of this Section shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, there shall be provided the following plantings of the size and number indicated in paragraphs (c)(1) through (c)(4) of this Section. The area of removed vegetation shall be measured so as to include any portions of the #zoning lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and shrubs shall be selected from Appendix A (Selection List for Ground Covers and

Shrubs). Species of on-site trees shall be selected from Appendix B (Selection List for On-site Trees).

(1) Ground cover shall be planted one at one foot on center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and

(2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or

(3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or

(4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

119-216 - Tier II tree planting requirements

LAST AMENDED
2/2/2011

All #developments#, #enlargements# and #site alterations# on #Tier II sites# shall comply with the following tree planting requirements, whether or not existing vegetation is removed as a result of such #development#, #enlargement# or #site alteration#. However, the requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#.

On-site trees, pre-existing or newly-planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area#, or portion thereof, or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of caliper, credit for an additional tree shall be given.

Single-trunk trees newly planted to meet this requirement shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees).

119-217 - Tier II controls during construction

LAST AMENDED
2/2/2011

The following requirements must be met during construction:

(a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15 foot limit infeasible or impractical.

(b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.

(c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillsides Preservation District#.

(d) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.

(e) #Topsoil# shall be used in the area to be revegetated as soon as construction is complete.

(f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

119-22 - Tier II Submission Requirements

LAST AMENDED
12/5/2024

For all #developments#, #enlargements# or #site alterations# on #Tier II sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillsides Preservation District# have been met.

(a) A survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the existing slope of the land as it occurs in categories of 10–14 percent, 15–19 percent, 20–24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk

area of the adjacent #streets#.

(b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of all understory, including shrubs and ground cover; and the location, #caliper# and species of individual trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating for the latter the #critical root zone#, the location of any other #area of no disturbance# and the location of the #staging area#.

(c) A grading plan that will show all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted.

(d) An alignment and paving plan for any #private road# with a typical cross-section.

(e) A landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings.

(f) A construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site. A #tree protection plan# for any tree proposed for preservation where the #area of no disturbance# is proposed to be modified.

(g) An affidavit prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer stipulating the following:

(1) prior to construction, no grading, filling, clearing or excavation of any kind shall be initiated until approval of a final grading plan by the Department of Buildings;

(2) no construction equipment of any kind shall pass over areas to be preserved, according to the approved plans;

(3) construction fences meeting the requirements of paragraph (b) of Section 119-217 shall be erected around all vegetation proposed for retention; and

(4) construction controls (erosion protection, drainage measures, etc.) shall be implemented according to the approved plan.

(h) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.

119-23 - Administration of Tier II Requirements

LAST AMENDED
12/7/1999

All #developments#, #enlargements# or #site alterations# that are subject to the requirements of Section 119-22 (Tier II Submission Requirements) shall file directly with the Department of Buildings.

No permanent certificate of occupancy shall be granted unless an inspection report, verifying that the requirements of Section 119-20 have been met, is filed with the Department of Buildings by a registered landscape architect, registered architect, licensed surveyor or professional engineer.

119-30 - SPECIAL REVIEW PROVISIONS

LAST AMENDED
6/30/1987

119-31 - Authorizations

LAST AMENDED
2/2/2011

Upon application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter and for the underlying district regulations in accordance with the provisions of Sections 119-311 (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer) through 119-319 (Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks), inclusive.

In addition, all #developments#, #enlargements# and #site alterations# that require an authorization pursuant to Sections 119-311 through 119-318, inclusive, shall be subject to the provisions of Sections

119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations, of any authorizations hereunder, to minimize adverse effects on the #hillsides# and the character and quality of the community.

119-311 - Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer

LAST AMENDED
2/2/2011

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #steep slope# or #steep slope buffer#.

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

(a) the #development#, #enlargement# or #site alteration# 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 modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the requested modification will not disturb the drainage patterns and soil conditions of the area; and

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of Section 119-20 (PROVISIONS REGULATING TIER II SITES) for which an authorization or special permit has not been obtained.

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

LAST AMENDED
2/2/2011

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 a site plan, shall find that:

(a) the proposed #development#, #enlargement# or #site alteration# will not 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 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.

119-313 - Modification of landscaping, tree preservation and tree planting requirements

LAST AMENDED
12/7/1999

The City Planning Commission may authorize modifications to Sections 119-111 (Tier I tree preservation requirements), 119-112 (Tier I tree planting requirements), paragraph (b)(8) of Section 119-214 (Tier II requirements for driveways and private roads), 119-215 (Landscaping controls to preserve trees, shrubs and ground cover) and 119-216 (Tier II tree planting requirements).

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

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, 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; and

(c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the tree preservation or planting requirements being modified.

Where on-site restoration of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Hillsides Preservation District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

119-314 - Modification of lot coverage controls

LAST AMENDED
2/2/2011

For any #development# or #enlargement# subject to Section 119-211 (Lot coverage, floor area and density regulations), the City Planning Commission may authorize variations in the #lot coverage# controls.

In order to grant such authorization, 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# or #enlargement# that satisfies the purpose of this Chapter;

(b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillsides# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;

(c) such modification is the least modification required to achieve the purpose for which it is granted;

(d) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(e) the requested modification will not disturb the drainage pattern and soil conditions of the area; and

(f) the proposed modification does not impair the essential character of the surrounding area.

119-315 - Modification of height and setback regulations

LAST AMENDED
2/2/2011

For any #Tier II site#, the City Planning Commission may authorize variations in the height and setback regulations set forth in Section 119-212 (Height and setback regulations).

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# or #enlargement# that satisfies the purpose of this Chapter;

(b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography and vegetation and the preservation of #hillsides# having aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land;

(c) such modification is the least modification required to achieve the purpose for which it is granted;

(d) the requested modification will not disturb the soil conditions of the area;

(e) the proposed modification does not impair the essential character of the surrounding area; and

(f) the proposed modification will not have adverse effects upon light, air and privacy of adjacent properties.

119-316 - Modification of grading controls

LAST AMENDED
2/2/2011

For any #development#, #enlargement# or #site alteration# on a #Tier II site#, the City Planning Commission may authorize variations in the grading controls set forth in Section 119-213.

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

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modifications 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 has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the requested modification will not disturb the drainage pattern and soil conditions of the area;

(e) the proposed modification does not impair the essential character of the surrounding area; and

(f) the benefits to the surrounding area from the proposed modification outweigh any disadvantages that may be incurred thereby in the area.

119-317 - Modification of requirements for private roads and driveways

LAST AMENDED
2/2/2011

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 site# 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#.

119-318 - Modifications of certain bulk regulations

LAST AMENDED
2/2/2011

For any #development# or #enlargement# subject to Section 119-20 (PROVISIONS REGULATING TIER II SITES), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, variations in required space between #buildings# on the same #zoning lot# and modifications in the underlying district height and setback regulations.

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

(a) #development# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted; and

(c) the proposed #bulk# and placement of #buildings# and the proposed arrangement of #open spaces# will not have significant adverse effects upon the light, air and privacy for existing development in adjacent areas or the opportunities therefor in future development.

119-319 - Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks

LAST AMENDED
12/7/1999

Upon application, the City Planning Commission may authorize #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 stadiums, and improvements to existing park-related facilities.

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

(a) will have a minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it;

(b) will have minimal impact on the drainage pattern and soil conditions in the area;

(c) will preserve to the greatest extent possible the trees and vegetation within the park; and

(d) is compatible with the neighborhood character of the area.

An application to the Commission for an authorization pursuant to this Section shall include the following:

(1) a survey map prepared by a licensed surveyor showing existing topography at the two-foot contour intervals;

(2) a site plan prepared by a registered architect, registered landscape architect or professional engineer indicating the location of all existing #buildings or other structures#, the location of all proposed #buildings or other structures#, the location of all understory including shrubs and ground cover, and the #caliper# and species of all individual trees of six-inch #caliper# or more; and

(3) any other information necessary to evaluate the request.

In issuing authorizations under this Section, the Commission may impose conditions or safeguards, such as special landscape requirements, to minimize adverse effects on the character of the #Special Hillsides Preservation District#.

119-32 - Special Permits

LAST AMENDED
12/7/1999

The City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Section 119-321 (Modification of use regulations).

119-321 - Modification of use regulations

LAST AMENDED
2/2/2011

For any #Tier II site#, the City Planning Commission may grant special permits to allow #single-family# #semi-detached residences# in R1 and R2 Districts, #single-family# #attached residences# in R1, R2 and R3-1 Districts or #two-family# #attached residences# in R3-1 Districts.

As a condition for granting such special permits, the minimum required #lot area# of the underlying district shall not be reduced, and the #aggregate width of street walls# of a #building#, or a number of #buildings# separated by party walls, shall not exceed 100 feet.

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

(a) #development# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;

(b) the change of housing type requested constitutes the most effective method of preserving the existing topography and vegetation;

(c) the preservation of existing topography and vegetation requires the permitted development to be concentrated, to the extent feasible, in the remaining portion of the tract;

(d) for such concentration of development, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #building# type;

(e) such modification is the least modification required to achieve the purpose for which it is granted;

(f) the proposed #street# or #private road# system for the development is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area;

(g) the siting of the #building# or #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air; and

(h) the existing topography and vegetation and the proposed planting effectively screen all #attached# one-family #residences# from the #lot lines# along the development perimeter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

All #developments#, #enlargements# or #site alterations# that require a special permit pursuant to this Section shall also be subject to the provisions of Sections 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

119-33 - Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits

LAST AMENDED
2/2/2011

Any #development#, #enlargement# or #site alteration# that requires an authorization or special permit and that is subject to the provisions of Section 119-20 (PROVISIONS REGULATING TIER II SITES), shall be subject to the provisions of this Section. The requirements of this Section shall supplement any other requirements that also must be met.

Prior to construction, at least one of the erosion and sedimentation control measures described in paragraphs (a) through (e) of the Section shall be selected. A plan describing how the selected erosion and sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site shall be prepared by a professional engineer and submitted to the City Planning Commission.

(a) Benches and berms

These are level terraces or ledges constructed across sloping land to provide a relatively flat construction site or to reduce the length and grade of the slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity.

(b) Diversion channels

These are earth channels with a supporting ridge on the lower side constructed across the slope lengths to break up concentration of runoff and move water to stable outlets at a non-erosive velocity.

(c) Debris or sediment basins

These consist of a dam or embankment, a pipe outlet and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. They protect property below the installation from damage by excessive sedimentation and debris.

(d) Retention ponds

These are impoundment-type ponds that temporarily store runoff water and release it at rates that minimize erosion and prevent flooding. They may be located above the site to trap water before it enters the area or within the site to protect properties below the site.

(e) Grassed waterways or outlets

These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental

measure used to slow the velocity of runoff.

119-34 - Special Submission Requirements for Certain Authorizations and Special Permits

LAST AMENDED
2/2/2011

When a #development#, #enlargement# or #site alteration# is subject to the provisions of Section 119-20 (PROVISIONS REGULATING TIER II SITES), an application to the City Planning Commission for an authorization or special permit shall include the following submission requirements. These requirements shall be in addition to the requirements set forth in Section 119-22 (Tier II Submission Requirements).

(a) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed #developments#, #enlargements# or #site alterations# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.

(b) An erosion and sedimentation plan as described in Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits).

(c) For any #development# or #site alteration# on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect that shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method of preserving existing trees, shrubs and ground covers.

(d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

119-35 - Administration of Special Review Provisions

LAST AMENDED
2/2/2011

Where a permit other than a building permit is required for a #development#, #enlargement# or #site alteration# within the #Special Hillsides Preservation District# from any City agency, an application for such permit shall be filed simultaneously with such agency and the City Planning Commission.

No permanent certificate of occupancy shall be granted unless an inspection report, verifying that the requirements of Sections 119-20 (PROVISIONS REGULATING TIER II SITES) and 119-30 (SPECIAL REVIEW PROVISIONS) have been met, is filed with the Department of Buildings by a registered landscape architect, licensed surveyor or professional engineer.

119-40 - COMPLIANCE

LAST AMENDED
6/30/1987

In the event that a #development#, #enlargement# or #site alteration# is undertaken, or has been undertaken, contrary to the provisions of this Chapter, any permit issued by the Department of Buildings for any #use#, #development#, #enlargement# or #site alteration# on the affected #zoning lot# shall be revoked.

No building permit or permanent certificate of occupancy shall be issued by the Department of Buildings for any #use#, #development#, #enlargement# or #site alteration# on such #zoning lot# until the violations are removed from the #zoning lot#, pursuant to a restoration plan certified by the City Planning Commission.

If such violations have not ceased within 90 days of receipt of the Commission's requirements, the Department of Buildings shall institute such action as may be necessary to prosecute the violations. For compliance with restoration requirements to remove violations, the Department of Buildings may allow an additional 90 days.

Where on-site restoration of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Hillsides Preservation District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

Appendix A - Selection List for Ground Covers and Shrubs

LAST AMENDED
12/7/1999

Ground Covers

BOTANICAL NAME	COMMON NAME

Adiantum pedatum	Maidenhair fern
Agrostis perennans (A. altissima)	Autumn bent-grass
Anaphalis margaritacea	Pearly everlasting
Andropogon gerardii	Big bluestem
Andropogon glomeratus	Bushy bluestem
Andropogon virginicus	Broom Sedge
Anemone canadensis	Canada anemone
Antennaria plantaginifolia	Plantain-leaved pussytoes
Arctostaphylos uvaursi	Bearberry
Asarum canadense	Wild ginger

Aster cordifolius	Heart-leaved aster
Aster divericatus	White wood aster
Aster ericoides	Heath aster
Aster lanceolatus (A. simplex)	Lined aster
Aster macrophyllus	Large-leaved aster
Aster novae angliae	New England aster
Athyrium filix femina (A. asplenoides)	Lady fern
Athyrium thelypteroides	Silvery glade fern
Carex appalachica (C. radiata)	Sedge
Carex pensylvanica	Pennsylvania sedge

Chimaphila maculata	Spotted or stripped wintergreen/Pipsissewa
Chimaphila umbellata	Pipsissewa, Prince's pine, Bitter wintergreen
Chrysopsis mariana	Maryland golden aster
Danthonia compressa	Flattened oat grass
Danthonia spicata	Oatgrass, Poverty grass
Dennstaedtia punctilobula	Hay-scented fern
Deschampsia cespitosa	Tufted hair grass
Deschampsia flexuosa	Common hair grass, Crinkled hair grass
Dryopteris intermedia	Common wood fern

Dryopteris marginalis	Marginal wood fern, Leatherleaf wood fern
Erigeron philadelphicus	Daisy fleabane
Eupatorium maculatum	Spotted JoePye weed
Eupatorium rugosum	White snakeroot
Eupatorium sessilifolium	Upland boneset
Fragaria virginiana	Wild strawberry, Virginia strawberry
Gaultheria hispidula	Creeping snowberry, Creeping pearl berry
Gaultheria procumbens	Wintergreen, Teaberry, Checkerberry

Geranium maculatum	Wild geranium, Spotted cranesbill
Geum canadense	White avens, Winter rosette
Heuchera americana	Hairy alum root, Rock geranium
Hypericum ellipticum	Pale St. John's Wort
Muhlenbergia schreberi	Nimblewill
Oenothera fruticosa	Sundrops, Wild beet, Suncups, Scabish
Onoclea sensibilis	Sensitive fern, Bead fern
Osmunda claytoniana	Interrupted fern
Panicum clandestinum	Deer tongue grass

Panicum virgatum	Switch grass, Wild red top, Thatch grass
Parthenocissus quinquefolia	Virginia creeper, Woodbine, American ivy
Phlox subulata	Mountain phlox, Moss pink, Moss phlox
Polygonatum biflorum	Smooth Solomon's seal, True King Solomon's seal
Polygonatum virginianum (Tovaria v.)	Jumpseed
Polypodium virginianum	P. vulgare, Rocky polypody, Am. wall fern
Polystichum acrostichoides	Christmas fern, Dagger fern, Canker break
Rudbeckia hirta var. hirta	Black-eyed Susan

Rudbeckia triloba	Thin-leaved cone flower
Thelypteris noveboracensis	New York fern
Tiarella cordifolia	Allegheny foamflower, False mitrewort
Tradescantia virginiana	Virginia Spiderwort, Common S., Widow's tears
Verbena hastata	Blue vervain
Vernonia noveboracensis	New York ironweed
Verbesina alternifolia (Actinomeria a.)	Wingstem
Viola sororia	Woolly blue violet sister violet, Dooryard violet

Shrubs

Amelanchier canadensis	Shadblow

Amelanchier laevis (A. arborea)	Serviceberry, Allegheny
Aronia arbutifolia	Red chokeberry
Aronia melanocarpa	Black chokeberry
Clethra alnifolia	Sweet pepperbush, Summersweet
Comptonia peregrina	Sweet fern, Meadow fern, Spleenwort bush
Cornus amomum	Silky dogwood
Cornus racemosa	Gray dogwood, Red-panicled dogwood
Cornus sericea (C. stolonifera)	Red osier dogwood
Corylus americana	American hazelnut
Corylus cornuta	Beaked hazelnut

Diervilla lonicera	Bush honeysuckle, Blue herb, Gravel weed
Hamamelis virginiana	Witch hazel
Ilex glabra	Inkberry, Gallberry
Ilex verticillata	Winterberry
Juniperus communis	Common juniper
Juniperus horizontalis	Creeping juniper, Creeping cedar/Savin
Kalmia angustifolia	Sheep laurel
Kalmia latifolia	Mountain laurel
Lindera benzoin	Spice bush
Myrica pensylvanica	Northern bayberry

Physocarpus opulifolius	Common ninebark
Potentilla fruticosa	Cinquefoil, Bush cinquefoil
Rhododendron maximum	Great laurel
Rhododendron periclymenoides	Pinkster azalea
Rhododendron viscosum	Swamp azalea
Rhus aromatica	Fragrant sumac, Sweet scented sumac/Lemon sumac
Rhus copallina	Winged sumac
Rhus glabra	Smooth sumac
Rhus typhina	Staghorn sumac
Rosa blanda	Smooth rose, Meadow rose

Rubus allegheniensis	Common blackberry, Allegheny blackberry
Salix humilis	Prairie willow
Salix lucida	Shining willow
Sambucus canadensis	American elderberry
Spirea tomentosa	Hardhack spirea
Vaccinium angustifolium	Lowbush blueberry
Vaccinium corymbosum	Highbush blueberry
Viburnum acerifolium	Maple leaf viburnum
Viburnum alnifolium (V. Lantanoides)	Hobble bush
Viburnum dentatum	Arrowwood viburnum

Viburnum lentago	Nanny-berry
Viburnum prunifolium	Black-haw

Appendix B - Selection List for On-site Trees

LAST AMENDED
12/7/1999

Small Trees

BOTANICAL NAME	COMMON NAME
Amelanchier laevis	Serviceberry
Betula nigra	River birch
Betula populifolia	Grey birch
Carpinus caroliniana	Hornbeam
Cercis canadensis	Eastern redbud

Cornus florida	Flowering dogwood
Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn
Hamamelis virginiana	Witch hazel
Ilex opaca	American holly
Juniperus virginiana	Eastern red cedar
Populus tremuloides	Quaking aspen
LARGE TREES	
BOTANICAL NAME	COMMON NAME
Acer rubrum	Red maple

Acer saccharum	Sugar maple
Betula lenta	Black/Sweet birch
Betula papyrifera	Paper birch
Celtis occidentalis	Common hackberry
Chamaecyparis thyoides	Cedar, Atlantic white
Fagus grandifolia	American beech tree
Fraxinus americana	Ash, white
Fraxinus pennsylvanica	Ash, green
Larix laricina	Tamarack/American larch
Liquidambar styraciflua	Sweet gum

Liriodendron tulipifera	Tulip tree
Nyssa sylvatica	Black tupelo
Picea rubens	Spruce, red
Pinus resinosa	Pine, red
Pinus rigida	Pine, pitch
Pinus strobus	Pine, eastern white
Platanus occidentalis	American sycamore
Populus deltoides	Eastern cottonwood
Populus grandidentata	Aspen, big toothed
Quercus alba	White oak

Quercus borealis	Northern red oak
Quercus palustris	Pin oak
Quercus phellos	Willow oak
Quercus prinus	Chestnut oak
Quercus rubra	Red oak
Tilia americana	Basswood

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article XII - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 9/21/2026

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Special Midtown South Mixed Use District (MSX)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Special Midtown South Mixed Use District (MSX)

121-00 - GENERAL PURPOSES

LAST AMENDED
8/14/2025

The “Special Midtown South Mixed Use District” established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

(a) to retain adequate wage and job-producing industries within the Midtown South District;

(b) to preserve a variety of types of space for a diversity of businesses that service the Midtown South District and the city;

(c) to establish an appropriate urban scale and visual character within the Midtown South District;

(d) to provide opportunities for housing growth through office to residential conversions and new development; and

(e) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City’s tax revenues.

121-01 - General Provisions

LAST AMENDED
8/14/2025

The provisions of this Chapter shall apply within the #Special Midtown South Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

121-02 - Definitions

LAST AMENDED
8/14/2025

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (Definitions) or 32-301 (Definitions).

121-03 - District Plan

LAST AMENDED
8/14/2025

The regulations of this Chapter are designed to implement the #Special Midtown South Mixed Use District# Plan. The District Plan includes the following map:

The map is located in Appendix A of this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

121-04 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
8/14/2025

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Midtown South Mixed Use District# are shown on the maps in APPENDIX F of this Resolution.

For #conversions# in #buildings# existing prior to [date of adoption], that are not otherwise subject to paragraph (a)(3)(v) of Section 27-131 (Mandatory Inclusionary Housing), the Board of Standards and Appeals may permit a contribution to the #affordable housing fund#, pursuant to the provisions of Section 73-624 (Modification of Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District and the Special Midtown South Mixed Use District).

121-05 - Applicability of Article XII, Chapter 3

LAST AMENDED
8/14/2025

In the #Special Midtown South Mixed Use District#, M1 Districts are paired with a #Residence District#. In paired districts, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

Notwithstanding the provisions of Section 123-10 (GENERAL PROVISIONS), in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

121-10 - USE REGULATIONS

LAST AMENDED
8/14/2025

Within the #Special Midtown South Mixed Use District# the #use# provisions of Article XII, Chapter 3 or the underlying district, as applicable, are modified by the provisions of this Section, inclusive.

121-11 - Regulations for M1-9A Districts

LAST AMENDED
8/14/2025

In M1 Districts with an A suffix without a paired #Residence District#, #uses# listed under Use Groups IV(B), IX and X shall be limited to those permitted within M1 Districts paired with

#Residence Districts# pursuant to the provisions of Section 123-21 (Modifications to M1 Use Regulations), inclusive.

121-12 - Regulations for Use Group VI

LAST AMENDED
8/14/2025

In addition to all #uses# permitted in the designated M1 District with an A suffix, all #uses# listed under Use Group VI shall be permitted, and where such #uses# have a size limitation, as denoted with an "S" in the use group tables set forth in Section 42-16 (Use Group VI – Retail and Services), such size limitation shall not apply.

121-13 - Streetscape Regulations

LAST AMENDED
8/14/2025

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 1 in the Appendix to this Chapter shall be considered #Tier C street frontages#.

121-20 - SIGN REGULATIONS

LAST AMENDED
8/14/2025

All #signs# shall be subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS). However, #flashing signs# shall not be permitted.

121-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
8/14/2025

Within the #Special Midtown South Mixed Use District# the #bulk# provisions of Article XII, Chapter 3 or the underlying district, as applicable, are modified by the provisions of this Section, inclusive.

121-31 - Floor Area Exemption for Public Schools

LAST AMENDED
8/14/2025

On #zoning lots# above 20,000 square feet in #lot area#, up to 150,000 square feet of #floor area# within a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempt from the definition of #floor area# for the purposes of

calculating the permitted #floor area ratio# for #community facility# #uses# and the maximum #floor area ratio# of the #zoning lot#.

121-32 - Yard and Open Area Regulations

LAST AMENDED
8/14/2025

121-321 - Rear yard equivalent

LAST AMENDED
8/14/2025

Where the designated #Residence District# is an R6 through R12 District without a letter suffix, for #buildings#, or portions thereof, containing #residential uses#, the alternative location allowances set forth in paragraph (c)(2) of Section 23-343 (Rear yard equivalent requirements) shall not apply.

121-322 - Minimum distance between buildings

LAST AMENDED
8/14/2025

On In M1 Districts paired with a #Residence District#, on any single #zoning lot#, if two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

121-33 - Height and Setback Regulations

LAST AMENDED
8/14/2025

All #zoning lots# shall follow the underlying height and setback regulations.

121-331 - Street wall regulations

LAST AMENDED
8/14/2025

For all #buildings#, 100 percent of the width of #street walls# along a #street# frontage at the #ground floor level# shall be located within eight feet of the #street line#. For any #story# above the #ground floor level#, at least 70 percent of the width of #street walls# shall be located within eight feet of the #street line# and extend to at least a minimum base height of 60 feet, or the height of the #building#, whichever is less; or as modified by Section 121-332 (Base Height Regulations). Up to 30 percent of the #aggregate width of street walls# above the ground floor may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. In addition, the #street wall# location provision of this paragraph shall not apply along such #street line# occupied by a #public plaza# as set forth in Section 37-70 (PUBLIC PLAZAS), nor within 15 feet of a landmark #building or other structure#.

121-332 - Base height regulations

LAST AMENDED
8/14/2025

Except for #zoning lots# located south of West 31st Street and east of Avenue of the Americas, the maximum base height of a #street wall# may vary between the applicable maximum set forth in the underlying regulations, inclusive, and the height of the #street wall# of adjacent #building# before setback, if such height is higher than the maximum base height.

121-34 - Additional Bulk Modifications

LAST AMENDED
8/14/2025

121-341 - Transfer of development rights from landmarks

LAST AMENDED
8/14/2025

For #zoning lots# existing on August 14, 2025, containing landmark #buildings or other structures#, where more than 50 percent of the #lot area# is located within the #Special Midtown South Mixed Use District#, the provisions of Section 77-22 (Floor Area Ratio) shall be modified to permit the distribution of #floor area# anywhere on the #zoning lot#, regardless of the district boundary.

121-342 - Transfer of development rights from Theater Subdistrict

LAST AMENDED
8/14/2025

For #zoning lots# #abutting# the Theater Subdistrict of the #Special Midtown District#, the boundaries for which are shown in Map 1 of Appendix A of Article VIII Chapter 1, the provisions of Section 81-744 (Transfer of development rights from listed theaters) may be applied and such #zoning lots# may be “receiving sites” as defined in such section.

Appendix A: Special Midtown South Mixed Use District -

LAST AMENDED
8/14/2025

Map 1. Special Midtown South Mixed Use District

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Special Grand Concourse Preservation District (C)

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Chapter 2 - Special Grand Concourse Preservation District (C)

122-00 - GENERAL PURPOSES

LAST AMENDED
9/28/1989

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

(a) to protect the existing scale and form of development and the traditional residential character of the Grand Concourse including desirable design features of certain buildings through the establishment of design guidelines for renovation or alteration;

(b) to encourage new development which is in keeping with the scale and character of the area by providing for street wall continuity and bulk regulations consistent with existing development along the Grand Concourse;

(c) to preserve and enhance the residential character of the Grand Concourse by limiting ground floor retail and commercial uses to certain specified locations;

(d) to regulate the location of retail and commercial signage; and

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

122-01 - Definitions

LAST AMENDED
2/2/2011

Display window

A "display window" is a window or opening in the exterior wall of any portion of a #building# which is glazed with tinted or transparent material and which is used to display merchandise, services or business.

Sign band

A "sign band" is a horizontal band which extends the full length of the #street wall# of a #building#, and is located between 8 feet and 14 feet above #curb level#.

122-02 - General Provisions

LAST AMENDED
10/7/2021

Except as modified by the express provisions of the #Special Grand Concourse Preservation District#, the regulations of the underlying zoning districts shall remain in effect.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

122-03 - District Plan

LAST AMENDED
3/26/1992

(a) In the District Plan as shown in Appendix A, the following areas have been designated as the Residential Preservation Area:

(1) all areas in R8 Districts including areas mapped C1 within these R8 Districts which are:

(i) within 100 feet of the westerly #street line# of the Grand Concourse between East 153rd Street and Mosholu Parkway; and

(ii) within 100 feet of the easterly #street line# of the Grand Concourse between East 153rd Street and a point parallel to and 150 feet north of East 166th Street, and between McClellan Street and Mosholu Parkway;

(2) an area partly in R8 and C1 Districts with a depth of 100 feet from the west side of the #street line# of Walton Avenue between East 161st and East 164th Streets; and

(3) an area in R8 Districts with a depth of 100 feet from the east side of the #street line# of Anthony Avenue between East 181st Street and East 182nd Street.

Within the Residential Preservation Area in R8 Districts, the following three commercial sub-areas have special #use# and #bulk# regulations:

(i) Limited Commercial Areas

(ii) Commercial Extension Areas

(iii) Commercial Infill Sites

(b) The location of these sub-areas is described below:

(1) Limited Commercial Areas

The following areas with a depth of 50 feet from the #street line# of the Grand Concourse are designated on the District Plan (Appendix A) as Limited Commercial Areas:

(i) on the west side of the Grand Concourse from the south side of East 176th Street to a point 25 feet north of Henwood Place;

(ii) on the west side of the Grand Concourse from a point 40 feet north of Bush Street to the south side of Burnside Avenue;

(iii) on the west side of the Grand Concourse from 100 feet north of East 180th Street to a point 180 feet south of East 183rd Street; and

(iv) on the east side of the Grand Concourse from the north side of East 182nd Street to a point 180 feet south of East 183rd Street.

(2) Commercial Extension Areas

Along certain cross-streets within the Residential Preservation Area, extensions of existing #Commercial Districts# up to the Grand Concourse to a depth of 100 feet measured perpendicularly from the #street line# of such cross-streets, are designated as Commercial Extension Areas on the District Plan (Appendix A). These extension areas are located along the following #streets#:

(i) the north and south sides of East 165th Street, west of the Grand Concourse;

(ii) the north and south sides of East 167th Street, east of the Grand Concourse;

(iii) the north and south sides of East 170th Street, east and west of the Grand Concourse; and

(iv) the north and south sides of Mount Eden Avenue, west of the Grand Concourse.

(3) Commercial Infill Sites

All tax lots listed in Table A in Section 122-10 which contain #buildings# designed for non-#residential uses# in Use Groups 6 or 7 or where such #buildings# existed as of July 1, 1981 are designated as Commercial Infill Sites on the District Plan (Appendix A).

122-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/6/2024

In order to preserve the residential character of the Special District, the applicable #use# regulations of the underlying districts are modified, as follows:

(a) Within the Limited Commercial Areas, #uses# listed under Use Group VI that would be permitted in a C2 District, or #uses# included under Offices in Use Group VII, shall be permitted, provided they are located only on the ground floor of an existing or new #building# containing #residential# or #community facility uses#. All existing or new #commercial# #uses#

shall be directly accessible only from the #street#. Any existing #commercial# #use# which fails to provide direct access from a #street# shall be terminated one year after September 28, 1989.

(b) On a cross-street within the Commercial Extension Areas, #uses# listed under Use Group VI that would be permitted in a C2 District, or #uses# included under Offices in Use Group VII shall be permitted to occupy the ground floor of an existing or new #building# containing #residential# or #community facility uses#. Such ground floor #commercial# #uses# may be permitted to #extend# up to the Grand Concourse on the #basement# level of a #building#, provided that such #commercial# #uses# are accessible only from a cross-street which intersects the Grand Concourse. No direct or indirect access to such #commercial# #uses# is permitted from the Grand Concourse.

(c) Any #commercial# #use# which lawfully existed on or before July 1, 1981, on any Commercial Infill Site listed in Table A, shall be considered conforming and may be changed to a #use# listed under Use Group VI that would be permitted in a C2 District, or #uses# included under Offices in Use Group VII, or to a #use# which previously occupied the space lawfully on or before July 1, 1981, except that expansion or re-occupancy of #floor area# to a retail #use# listed under Use Group VI shall be restricted to the ground floor of the #building#.

However, if a #building# on a Commercial Infill Site contains an entrance from the Grand Concourse as well as from the cross-street running underneath the Concourse, such entrance floors at both #street# levels may be occupied by retail #uses# listed under Use Group VI if they were in existence prior to July 1, 1981, as a lawful #use#. In those cases, the #use# of the remaining #stories# of such #building# shall be limited to #uses# included under Offices in Use Group VII.

TABLE A

COMMERCIAL INFILL SITES

Tax Block Number	Tax Lot Number	Address	Type of #Building#
2468	1	851 Grand Concourse	Courthouse
2821	11	1526 Grand Concourse	1 #story# #commercial#
2821	13	1540 Grand Concourse	Vacant lot
2822	27	1775 Grand Concourse	Telephone Co. #building#
2795	14	1780 Grand Concourse	Office #building#/garage
2805	23	1845 Grand Concourse	1 #story# #commercial#
2801	7	1850 Grand Concourse	2 #story# #commercial#
2808	44	1963 Grand Concourse	Funeral home
2808	82	2029-2043 Grand Concourse	1 #story# #commercial#
3161	25	2101 Grand Concourse	1 #story# #commercial#
3157	32	2202-2206 Grand Concourse	1 #story# #commercial#

3163	40	2231-2233 Grand Concourse	1 #story# #commercial#
3158	16	2262-2268 Grand Concourse	1 #story# #commercial#
3163	38	2235-2239 Grand Concourse	1 #story# #commercial#
3307	68	3000 Grand Concourse	Funeral home
3315	51	2833-2843 Grand Concourse	1 #story# #commercial#
2808	82	148 E. Burnside Avenue	1 #story# #commercial#

(d) For the purposes of this Chapter, any non-#residential uses# permitted pursuant to paragraphs (a) through (c) of this Section shall be located only on a #story# below the lowest #story# occupied by a #residential use#, except that this limitation shall not preclude the location of any such non-#residential use# below the level of the first #story# ceiling.

122-20 - SPECIAL SIGN REGULATIONS

LAST AMENDED
9/14/2016

In order to enhance the visual quality of the Special District, the applicable #sign# regulations of the underlying districts are modified, as follows:

(a) Within the Limited Commercial Areas, only one #sign#, other than an #advertising sign#, with a surface area not exceeding 12 square feet, shall be permitted per #commercial# #use#. Such #signs# shall be located in a #sign band#, on the flap of a canopy, or as allowed under paragraph (d) of this Section. The height of such #signs# shall be not more than 24 inches and the letter sizes shall be restricted to a height of 12 inches. Except as provided in paragraph (d), all such #signs# may not project from the vertical surface of a #building# more than 18 inches.

(b) Within the Commercial Extension Areas, no #signs# and no #display windows# shall be permitted on a #building or other structure# within 50 feet of the Grand Concourse. #Commercial# #uses# which are located on a cross-street beyond a distance of 50 feet from the Grand Concourse #street line#, shall comply with the #sign# regulations applicable to the underlying #Commercial District#.

(c) On Commercial Infill Sites, the maximum surface area to be occupied by a #sign#, other than an #advertising sign#, shall be three square feet for every five feet of store frontage or 12 square feet, whichever is greater. Such #signs# shall be located in a #sign band# or on the flap of a canopy, or as allowed under paragraph (d). On portions of Commercial Infill Sites more than 50 feet from the Grand Concourse, the signage regulations of a C1 District shall apply.

(d) Except in C1 Districts, no #sign# may be located so as to obscure any decorative lintel, cornice or other architectural detail. In the event that compliance with this requirement does not provide adequate surface area for the allowable #sign#, as defined in paragraph (a) of this Section, a projecting #sign# may be permitted by the Commissioner of Buildings provided that no such #sign# shall project from the vertical surface of a #building# more than 18 inches.

(e) Except in C1 Districts, no banners, pennants, #flashing# or #illuminated signs# shall be permitted anywhere within the Special District. In addition, within Commercial Infill Sites north of the Cross Bronx Expressway, as shown on the map in Appendix A of this Chapter, #signs with indirect illumination# shall be permitted on the Grand Concourse #street# frontage of a #building#.

(f) Within the Limited Commercial Areas, Commercial Infill Sites, and Commercial Extension Areas within 50 feet of the Grand Concourse, window graphics shall occupy not more than 20 percent of a window. Display lettering more than three inches high shall be considered as a #sign#.

(g) All lawfully existing #non-conforming# #signs# located within the Special District shall be terminated one year after September 28, 1989.

122-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

In order to preserve the scale and character of the Grand Concourse, the #bulk# regulations of the underlying R8 District and the C1 or C2 Districts mapped within such R8 District shall be inapplicable to any #residential# or #community facility# #developments# or #enlargements# located within the Special District.

In lieu thereof, such #developments# or #enlargements# shall comply with the regulations of an R8X District, or C1 or C2 District mapped within an R8X District, as applicable.

If a #commercial# #development# is constructed on a vacant Commercial Infill Site previously occupied by a #commercial building# on or before July 1, 1981, or an existing #commercial building# located on a Commercial Infill Site is replaced by a #commercial# #development#, the height, #lot coverage# and #floor area# of the #commercial# #development# shall not exceed the height, #lot coverage# and #floor area# of the #building# it replaced. However, if a #residential# or #community facility building# is constructed on any Commercial Infill Site or when such sites become a part of the adjoining #zoning lot#, it shall be subject to the R8X District regulations. No #mixed buildings# or #enlargement# of existing #buildings# shall be permitted on any Commercial Infill Sites.

122-40 - SPECIAL REGULATIONS FOR LOCATION OF NEW DOORS AND WINDOWS

LAST AMENDED
9/28/1989

If any new doors or windows are installed on the exterior walls of a #building#, they shall be uniform in width and shall be aligned with existing doors and windows.

122-60 - SPECIAL ACCESSORY OFF-STREET PARKING REGULATIONS

LAST AMENDED
2/2/2011

In the Residential Preservation Area, the parking requirements of the underlying districts shall be inapplicable. In lieu thereof, the #accessory# off-street parking regulations of R8X Districts shall apply to #developments# or #enlargements#.

If a #commercial# #development# is constructed on a vacant Commercial Infill Site previously occupied by a #commercial building# on or before July 1, 1981, or an existing #commercial building# located on a Commercial Infill Site is replaced by a #commercial# #development#, the number of #accessory# off-street parking spaces provided by the #commercial# #development# shall be equal to or greater than the number of #accessory# off-street parking spaces provided by the #building# it replaced.

122-70 - SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

LAST AMENDED
9/28/1989

Notwithstanding any other provisions of this Resolution, whenever a #zoning lot# existing on September 28, 1989, is divided by a boundary between a district to which R8X District regulations apply and one to which R8 District regulations apply, the provisions of an R8X District shall apply to the entire #zoning lot#.

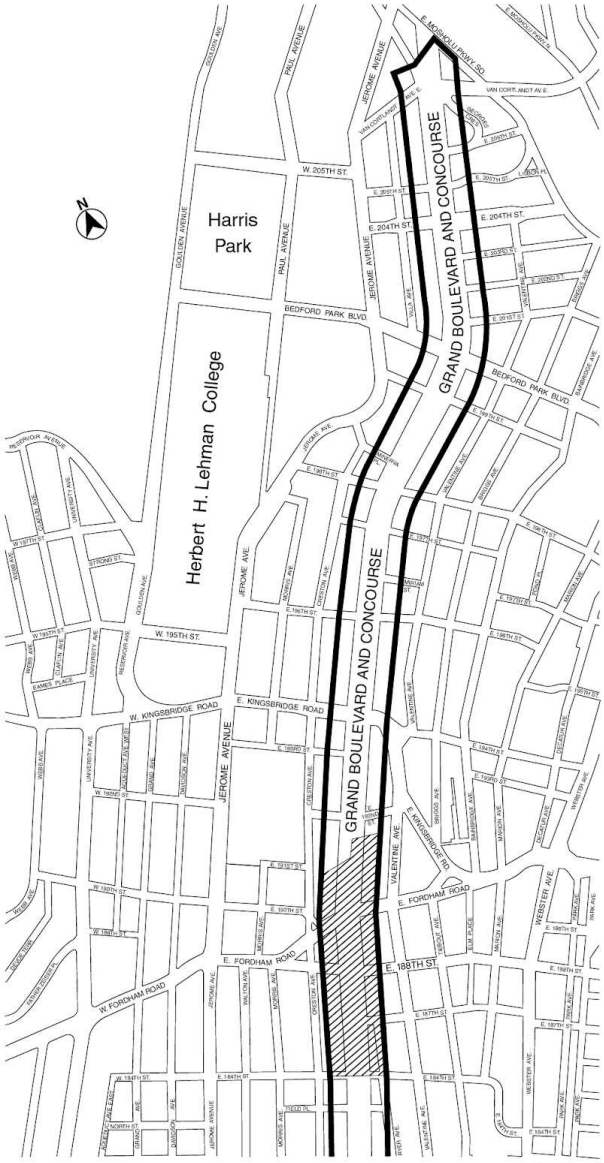
122-80 - EXCLUDED AREAS

LAST AMENDED
2/2/2011

The regulations set forth in this Chapter shall not apply to C4 Districts and C8 Districts located within the #Special Grand Concourse Preservation District#.

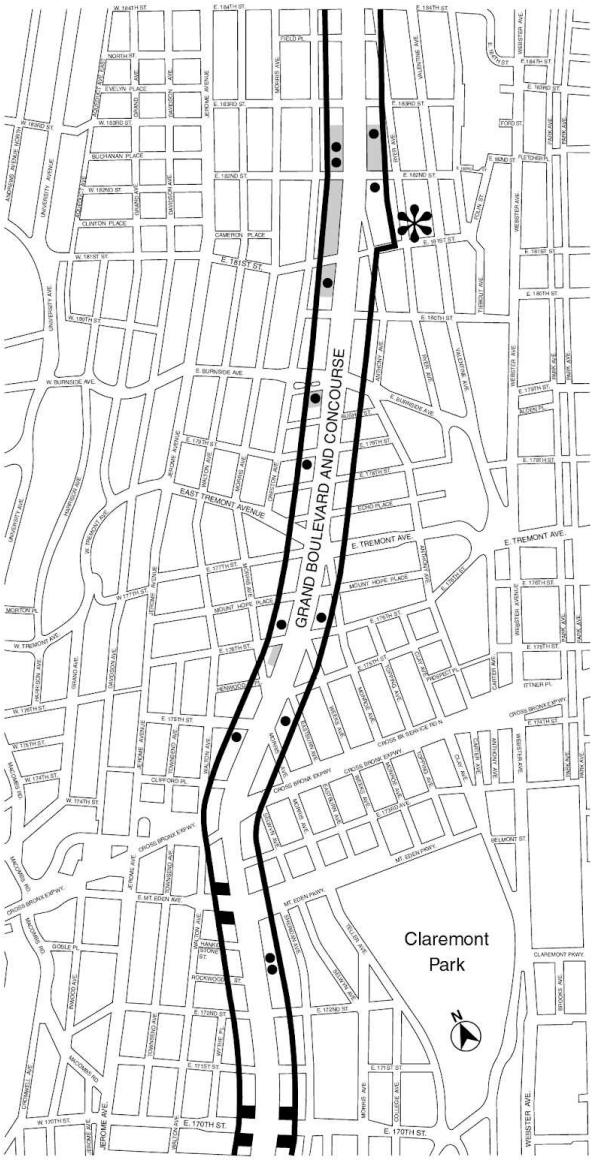
Appendix A - Special Grand Concourse Preservation District

LAST AMENDED
3/26/1992


Harris Park
Herbert H. Lehman College
GRAND BOULEVARD AND CONCOURSE
GRAND BOULEVARD AND CONCOURSE
E. MOSHOLU PKWY. SO.
W. 205TH ST.
E. 204TH ST.
E. 204TH ST.
BEDFORD PARK BLVD.
BEDFORD PARK BLVD.
W. 195TH ST.
W. KINGSBRIDGE ROAD
E. KINGSBRIDGE ROAD
E. FORDHAM ROAD
E. FORDHAM ROAD
W. FORDHAM ROAD
E. 188TH ST.
JEROME AVENUE
PAUL AVENUE
GOULDEN AVENUE
VALENTINE AVE.
WEBSTER AVE.
E. KINGSBRIDGE RD.

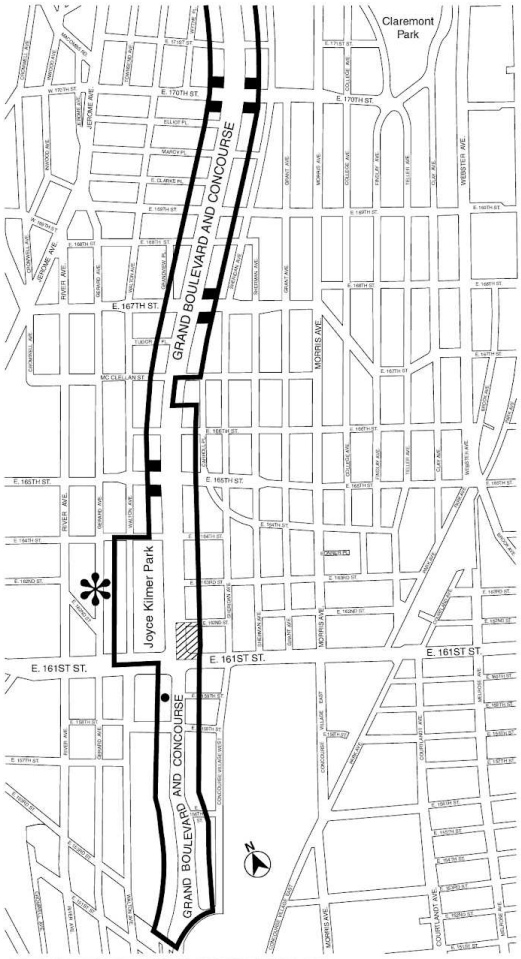
Continued

Appendix A (continued)



Continued

Appendix A (continued)



GRAND CONCOURSE DISTRICT PLAN

Special Grand Concourse District Boundary (100 feet from *Street Line* of Grand Concourse except as indicated by ✻)

Area Excluded From *Special Grand Concourse District* Boundary (All C4 Districts)

Residential Preservation Areas – Section 122-03 (a)

Limited Commercial Areas – Section 122-03 (b)(1)

Commercial Extension Areas – Section 122-03 (b)(2)

Commercial Infill Sites (See Table A) – Section 122-03 (b)(3)

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Special Mixed Use District (MX)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 3 - Special Mixed Use District (MX)

123-00 - GENERAL PURPOSES

LAST AMENDED
12/10/1997

The "Special Mixed Use District" regulations established in this Chapter of the Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area;

(b) to promote the opportunity for workers to live in the vicinity of their work;

(c) to create new opportunities for mixed use neighborhoods;

(d) to recognize and enhance the vitality and character of existing and potential mixed use neighborhoods; and

(e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings and thereby protect City tax revenues.

123-10 - GENERAL PROVISIONS

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

In #Special Mixed Use Districts#, an M1 District is paired with a #Residence District#, as indicated on the #zoning maps#.

The designated #Residence Districts# in #Special Mixed Use Districts# shall not include either an R1 or an R2 District.

123-11 - Definitions

LAST AMENDED
6/6/2024

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Accessory use

In addition to those "accessory uses" listed in Section 12-10 (DEFINITIONS), for the purposes of this Chapter, an #accessory use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in #Special Mixed Use Districts#, pursuant to Section 123-20 (SPECIAL USE REGULATIONS), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

Home occupation

For the purposes of this Chapter, the #home occupation# provisions of Section 12-10 shall apply, except that a #home occupation# may occupy more than 1,000 square feet of #floor area# and up to three persons not residing in the #dwelling unit# or #rooming unit# may be employed.

Mixed use building

For the purposes of this Chapter, a "mixed use building" is a #building# in the #Special Mixed Use District# used partly for #manufacturing#, #commercial# or #community facility use# and partly for #residential use#.

123-12 - Special Provisions for Applying Certain Underlying Regulations to MX Districts

LAST AMENDED
6/6/2024

For the purposes of determining the applicability of underlying adjacency regulations to #zoning lots# adjoining or within close proximity to district boundaries, M1 Districts paired with #Residence

Districts# shall be considered C6 Districts.

123-20 - SPECIAL USE REGULATIONS

LAST AMENDED
6/6/2024

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section, inclusive, and Section 123-40 (SIGN REGULATIONS).

123-21 - Modifications to M1 Use Regulations

LAST AMENDED
6/6/2024

In #Special Mixed Use Districts#, the regulations for M1 Districts are modified as follows:

(a) Use Group IV

The provisions of M1 Districts set forth in Section 42-14 (Use Group IV – Public Service Facilities and Infrastructure), inclusive, shall apply, except that for #uses# listed under Use

Group IV(B), the provisions of C7 Districts set forth in Section 32-14 (Use Group IV – Public Service Facilities and Infrastructure), inclusive, shall apply.

(b) Use Group VI

The provisions of M1 Districts set forth in Section 42-16 (Use Group VI – Retail and Services), inclusive, shall apply, except that for #uses# listed in paragraph (c) of Section 42-163 (Use Group VI – uses subject to additional conditions), the provisions of Section 123-22 (Additional Conditions for Certain Uses) shall apply.

(c) Use Group IX

The provisions of M1 Districts set forth in Section 42-19 (Use Group IX – Storage), inclusive, shall apply, except that all #uses# listed under Use Group IX(B) shall not be permitted. In addition, the storage of substances in quantities required to file a Risk Management Plan for Extremely Hazardous Substances shall be subject to the provisions of Section 123-22 (Additional Conditions for Certain Uses).

(d) Use Group X

The provisions of C7 Districts set forth in Section 32-20 (Use Group X – Production Uses), inclusive, shall apply, except that:

(1) the size limitations on the ground floor, as set forth in paragraph (c) of Section 32-202 (Use Group X – uses subject to size limitations) shall not apply; and

(2) the additional conditions of Section 32-203 (Use Group X – additional conditions) shall be superseded by the provisions of Section 123-22 (Additional Conditions for Certain Uses).

123-22 - Additional Conditions for Certain Uses

LAST AMENDED
6/6/2024

The following shall apply to #commercial# and #manufacturing# #uses# subject to the provisions of this Section pursuant to Section 123-21:

(a) Performance standards

All applicable #commercial# and #manufacturing# #uses# shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

(b) Additional standards for #buildings# containing #residences# or certain community facility #uses#

All applicable #commercial# and #manufacturing# #uses# may only locate in the same #building# as, or share a common wall with a #building# containing a #residence# or a #community facility use# with sleeping accommodations:

(1) where such #commercial# or #manufacturing# #use#:

(i) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24–153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department

of Environmental Conservation state facility permit; and

(ii) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances; or

(2) In MX-19, upon the submission to the Department of Buildings of a copy of a restrictive declaration, in a form acceptable to the Department of Environmental Protection, that has been executed and recorded in the Office of the City Register against all tax lots with such #use#, binding the owners, successors, and assigns to provide any building design requirements consistent with the underlying zoning as may be approved by the Department of Environmental Protection to protect residents of such #building# from air contaminants, odors, vibrations, or noise.

123-23 - Ground Floor Streetscape Regulations

LAST AMENDED
6/6/2024

In #Special-Mixed Use Districts# the #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply.

123-24 - Modification of Special Permit Requirements

LAST AMENDED
6/6/2024

In the event that provisions of this Resolution permit a #use# by special permit, authorization or certification in both designated M1 and #Residence Districts#, no more than one special permit, authorization or certification is required to permit any such #use# in the #Special Mixed Use District#.

In the event that a provision of this Resolution permits a #use# by special permit, authorization or certification in either a designated M1 or #Residence District# and another provision permits such #use# without a special permit, authorization or certification in the other designated district, no special permit, certification or authorization shall be required in the #Special Mixed Use District#. In such case, the #bulk# regulations of the district allowing the #use# as-of-right shall control.

123-30 - SUPPLEMENTARY USE REGULATIONS

LAST AMENDED
12/10/1997

123-31 - Provisions Regulating Location of Uses in Mixed Use Buildings

LAST AMENDED
12/5/2024

In #Special Mixed Use Districts#, in any #building# or portion of a #building# occupied by #residential uses#, #commercial# or #manufacturing# #uses# may be located only on a #story# below the lowest #story# occupied by #dwelling units#, except that this limitation shall not preclude the:

(a) extension of a permitted business #sign#, #accessory# to such non-#residential use#, to a maximum height of two feet above the level of a finished floor of the second #story#, but in no

event higher than six inches below the lowest window sill on the second #story#;

(b) location of #commercial# or #manufacturing# #uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, in #buildings# in existence on or prior to December 10, 1997, that are partially #converted# to #residential use# pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings), as modified in Section 123-67 (Residential Conversion); or

(c) location of #commercial# or #manufacturing# #uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units#, provided that:

(1) no access exists between such #uses# at any level containing #dwelling units#; and

(2) the environmental requirements set forth in Section 32-423 shall be met where #commercial# or #manufacturing# #uses# are located above any #story# containing #dwelling units#.

123-32 - Environmental Conditions

LAST AMENDED
12/10/1997

In #Special Mixed Use Districts#, all new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation to maintain an interior noise level of 45dB(A) or less, with windows closed, and shall provide an alternate means of ventilation. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information,

additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy.

123-33 - Health and Fitness Establishments

LAST AMENDED
6/6/2024

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the enclosure and environmental conditions for C7 Districts set forth in Section 32-16 (Use Group VI – Retail and Services), inclusive.

123-40 - SIGN REGULATIONS

LAST AMENDED
11/12/2025

In #Special Mixed Use Districts#, the provisions regulating #signs# in C6-1 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), shall apply for any #sign#. For the purposes of applying such regulations in #Special Mixed Use Districts#, all references to #mixed buildings# shall include #mixed use buildings#.

123-50 - MODIFICATION OF ARTICLE V, CHAPTER 2 (NON-CONFORMING USES)

LAST AMENDED
6/6/2024

In #Special Mixed Use Districts#, a #non-conforming use# may be changed only to a conforming #use#.

The following Sections of Article V, Chapter 2 (Non-conforming Uses), shall not apply: Sections 52-32 through 52-37, inclusive; Sections 52-43 through 52-45, inclusive; Sections 52-54, 52-56, 52-62, 52-72, 52-731, 52-732, 52-74, and 52-75.

123-60 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/10/1997

123-61 - General Provisions

LAST AMENDED
12/5/2024

All #buildings or other structures# on #zoning lots# within the #Special Mixed Use District# shall comply with the #bulk# regulations of this Chapter.

In #Special Mixed Use Districts#, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure. However, the optional #bulk# provisions of Section 23-70, inclusive, shall not apply.

The #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and other #community facility uses# in a #building or other structure#.

Exceptions to the applicability of such underlying #bulk# regulations are set forth in Section 123-60 (SPECIAL BULK REGULATIONS), inclusive.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

123-62 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

123-621 - Maximum floor area ratio for community facilities

LAST AMENDED
12/5/2024

The maximum #floor area ratio# permitted for a #community facility# #use# pursuant to Article IV, Chapter 3, shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for a #community facility use# shall be the maximum #floor area ratio# allowed for a #community facility use# pursuant to the designated #Residence District# regulations set forth in Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive.

On #waterfront blocks#, as defined in Section 62-11, the applicable provisions of 62-32 (Floor Area Regulations on Waterfront Blocks), inclusive, shall apply.

123-622 - Maximum floor area ratio for zoning lots containing only residential buildings

LAST AMENDED
12/5/2024

Where the designated #Residence District# is an R3, R4 or R5 District, the #floor area# regulations of Section 23-21 (Floor Area Regulations for R1 Through R5 Districts), inclusive, applicable to such #Residence District# shall apply except that, where located within the #Greater Transit Zone#, the #floor area# regulations for R5 Districts on #qualifying residential sites# shall apply.

Where the designated #Residence District# is an R6 through R12 District, the #floor area# regulations of Section 23-22 (Floor Area Regulations for R6 Through R12 Districts), inclusive, applicable to such #Residence District# shall apply.

123-623 - Maximum floor area ratio for zoning lots containing mixed use buildings

LAST AMENDED
12/5/2024

For #zoning lots# containing #mixed use buildings#, the following provisions shall apply.

(a) Maximum #floor area ratio#

(1) #Manufacturing# or #commercial# #uses#

The maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) #Community facility uses#

The maximum #floor area ratio# permitted for #community facility uses# shall be the applicable maximum #floor area ratio# permitted for #community facility uses# in #Residence Districts# under the provisions of Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, in accordance with the designated #Residence District#.

(3) #Residential uses#

The maximum #floor area ratio# permitted for #residential uses# shall be the maximum #floor area ratio# permitted in Section 123-622 (Maximum floor area ratio for zoning lots containing only residential buildings).

(4) Maximum #floor area# in #mixed use buildings#

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

However, where the #Residence District# designation is an R3, R4 or R5 District, the maximum total #floor area# in a #mixed use building# shall be the greater of the maximum #floor area ratio# for non-residential #uses# permitted by the designated M1

District, or the following #floor area ratios#:

(i) for #qualifying residential sites# within the #Greater Transit Zone#, 2.50;

(ii) for #qualifying residential sites# outside the #Greater Transit Zone#:

(a) 1.50 for R3 Districts;

(b) 2.00 for R4 Districts; and

(c) 2.50 for R5 Districts.

(b) Floor area bonus for a public plaza or arcade

Any #floor area# bonus for a #public plaza# or #arcade#, permitted under the applicable district regulations, shall apply to a #zoning lot# containing a #mixed use building#, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

However, on #waterfront blocks#, as defined in Section 62-11, #floor area# bonuses for a #public plaza# or #arcade# shall not apply.

123-63 - Special Yard and Lot Coverage Regulations

LAST AMENDED
12/5/2024

123-631 - Special yard regulations

LAST AMENDED
12/5/2024

In #Special Mixed Use Districts#, the following #yard# regulations shall apply:

(a) For #residential buildings# or #residential# portions of #mixed use buildings#:

(1) No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, for #multiple dwelling residences#, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#; and

(2) For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# where any window of such #dwelling unit# faces onto such #rear yard#.

(b) On #waterfront blocks#, as defined in Section 62-11, the #rear yard# regulations of Section 62-33 (Special Yard and Lot Coverage Regulations on Waterfront Blocks) shall apply. However, for #mixed use buildings#, the special #yard# regulations of paragraph (b) shall apply.

123-632 - Special lot coverage regulations

LAST AMENDED
12/5/2024

For #zoning lots# containing only #residential buildings# the underlying #residential# #lot coverage# requirements shall apply. For all other #zoning lots#, no #lot coverage# requirements shall apply.

123-64 - Special Height and Setback Regulations in Special Mixed Use Districts with R3, R4, or R5 District designations

LAST AMENDED
12/5/2024

In #Special Mixed Use Districts# where the #Residence District# designation is an R3, R4 or R5 District, the maximum base height and maximum #building# height for #qualifying residential sites# shall be as set forth in the following table. For all #qualifying residential sites# in the #Greater Transit Zone#, the height and setback provisions applicable to an R5 District shall apply.

For #building# #street walls# fronting a #street# where either a #Commercial District# or a #Special Mixed Use District# is mapped along the entire #block# frontage, for the portion of such #street wall# that exceeds the maximum base height, a setback shall be provided in accordance with the provisions of Section 23-423. Such setback shall be provided at a height not lower than a minimum base height of 20 feet and not higher than the maximum base height set forth in the following table.

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHTS

District	**Maximum Base Height (in feet)**	**Maximum Height of #Buildings or other Structures# (in feet)**
R3	35	45
R4	35	55
R5	45	65

Permitted obstructions shall be permitted pursuant to Sections 23-41, 24-51 or 43-42. In addition, for #all buildings or other structures#, a dormer may be provided in accordance with the provisions of

paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

However, for M1 Districts with an A suffix paired with a #Residence District#, the applicable height and setback regulations shall be whichever regulations permit the tallest overall heights between the applicable #Manufacturing District# regulations set forth in Section 43-46, or the applicable #Residence District# regulations set forth in this Section, depending on the particular M1 District and #Residence District# pairing.

Additional height and setback provisions are set forth in Section 123-66, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#.

123-65 - Special Height and Setback Regulations in Special Mixed Use Districts with R6 Through R12 District Designations

LAST AMENDED
12/5/2024

In #Special Mixed Use Districts# where the designated #Residence District# is an R6 through R12 District, the #street wall# location of a #building# shall be as set forth in 123-651 (Street wall location for all buildings), and the height and setback regulations of a #building or other structure# shall be as set forth in Section 123-652 (Special base and building heights). Additional height and setback provisions are set forth in Section 123-653 and Section 123-66, inclusive.

Permitted obstructions shall be permitted pursuant to Sections 23-41, 24-51 or 43-42. In addition, for all #buildings or other structures#, a dormer may be provided in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#.

123-651 - Street wall location for all buildings

LAST AMENDED
12/5/2024

Where the designated #Residence District# is an R6 through R12 District, the applicable #street wall# location provisions of this Section shall apply. Such provisions shall apply to the portion of a #street wall# located below the maximum base height and before the required setback as set forth in Section 123-652 as applicable.

(a) Percentage-based rules

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Section 123-652 or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section 23-

431 may be applied.

(b) Modifications for large #zoning lots#

Notwithstanding the provisions of paragraphs (a) of this Section, for #street walls# on #buildings# on a #zoning lot# that has a #lot area# of at least 40,000 square feet or that occupy an entire #block#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and extend to at least the minimum base height specified in Section 123-652, or the height of the #building#, whichever is less.

(c) Articulation allowances

In all districts, and along all frontages, #street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a) or (b) of this Section, provided that such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

123-652 - Special base and building heights

LAST AMENDED
12/5/2024

Where the designated #Residence District# is an R6 through R12 District, the following shall apply.

(a) Districts with a letter suffix

Where the designated #Residence District# is an R6 through R12 District with a letter suffix, the minimum base height, maximum base height and maximum #building# height shall be as set forth in the table in Section 23-432 (Height and setback requirements) for the applicable #Residence District#. Separate maximum base heights and maximum #building# heights are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#. For portions of a #building# #street wall# that exceed the maximum base height, a setback shall be provided at a height not lower than the minimum base height or higher than the maximum base height, in accordance with Section 23-433 (Standard setback regulations).

However, for M1 Districts with an A suffix paired with a #Residence District#, the applicable height and setback regulations for the district shall be whichever regulations permit the tallest overall heights between the height and setback regulations applicable to the particular #Manufacturing District# set forth in the table in Section 43-46 (Height and Setback Provisions for Districts With an A Suffix), or the height and setback regulations applicable to the particular #Residence District# set forth in Section 23-432. In either case, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum #building# heights established in such tables by 25 percent.

(b) Districts without a letter suffix

Where the designated #Residence District# is an R6 through R12 District without a letter suffix, the minimum base height, maximum base height and maximum #building# height shall be as set forth in the following table. For portions of a #building# #street wall# that exceed the maximum base height, at a height not lower than the minimum base height or higher than the

maximum base height, a setback shall be provided in accordance with Section 23-433.

MAXIMUM BASE HEIGHT AND MAXIMUM #BUILDING# HEIGHTS

District	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Height o #Buildings or othe Structures# (in feet
R6-2	30	55	9
R6 R6-1	40	65	12
R7-1 R7-2	40	85	15
R7-3	60	105	18
R8	60	105	21
R8[1]	60	125	25
R9	60	135	28
R9-1	60	155	31
R10	60	155	35
R11	60	155	40
R12	60	155	49

1 for #UAP developments# or #qualifying senior housing# on #zoning lots#, or portions thereof, within 100 feet of a #wide street#

However, for M1 Districts with an A suffix paired with a #Residence District#, the applicable height and setback regulations for the district shall be whichever regulations permit the tallest overall heights between the height and setback regulations applicable to the particular #Manufacturing District# set forth in the table in Section 43-46, or the height and setback

regulations applicable to the particular #Residence District# set forth in this Section.

In addition, for all #buildings#, the maximum #building# heights set forth in this paragraph may be increased by 25 percent, provided that the gross area of any such #story# located above the maximum #building# height does not exceed 90 percent of the gross area of that #story# located directly below the maximum #building# height.

123-653 - Additional height and setback provisions

LAST AMENDED
12/5/2024

The additional height and setback regulations set forth in Section 23-436 shall apply, except as follows:

(a) for the purposes of applying such provisions, references to the #street wall# location provisions of Section 23-431 shall be superseded by those of Section 123-651 and base heights by the provisions of Section 123-652; and

(b) for the purposes of applying the #street wall# modifications on #corner lots#, where a #zoning lot# is bounded by only one #street line# along a #street# frontage where a #Commercial District# or #Special Mixed Use District# is mapped along the entire #block# frontage, the #street wall# shall be applied along such frontage.

123-66 - Special Provisions for Certain Areas

LAST AMENDED
12/5/2024

123-661 - Special rules for certain districts in certain Special Mixed Use Districts

LAST AMENDED
12/5/2024

For zoning districts in certain #Special Mixed Use Districts# specified by this Section, the height and setback regulations of Sections 123-63 or 123-64 shall be modified as follows:

(a) In R7-2 Districts within #Special Mixed Use District# 15 the #street wall# location provisions of Section 123-651 shall be modified so that at least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#.

(b) In R6A Districts within #Special Mixed Use District# 23, where such R6A District is paired with an M1-5 District, the underlying height and setback regulations applicable to an R7A District shall apply.

(c) On #waterfront blocks#, as defined in Section 62-11, the height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply.

123-662 - Special provisions in other geographies

LAST AMENDED
12/5/2024

(a) Special provisions for #zoning lots# with #transportation-infrastructure-adjacent frontage#

For #zoning lots# or portions thereof within 100 feet of a #street line# along a #transportation-infrastructure-adjacent frontage#, the following shall apply:

(1) the #street wall# location provisions of paragraph (a) of Section 123-651 shall apply except that such #street wall# need not extend to the minimum base height set forth in Section 123-652. In lieu thereof, the #street wall# shall extend to a minimum base height of one #story# or 15 feet, whichever is lower; and

(2) for #buildings# containing #multiple dwelling residences# in M1 Districts paired with #Residence Districts# other than R6 through R12 without a letter suffix, the applicable maximum #building# heights may be increased by 10 feet in M1 Districts paired with R1 through R6 Districts, and by 20 feet in M1 Districts paired with R7 through R12 Districts.

123-67 - Residential Conversion

LAST AMENDED
12/5/2024

The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings) shall apply to #conversions# in #buildings# existing on December 10, 1997.

123-70 - PARKING AND LOADING

LAST AMENDED
5/8/2013

For #Special Mixed Use Districts# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply, and for #Special Mixed Use Districts# located within the #Long Island City area#, as defined in Section 16-02 (Definitions), the provisions of Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area), inclusive, shall apply. For all other #Special Mixed Use Districts#, the provisions of this Section, inclusive, shall apply.

123-71 - Manufacturing and Commercial Uses

LAST AMENDED
12/10/1997

For #manufacturing# and #commercial# #uses#, the #accessory# off-street parking and loading regulations of the designated M1 District, as set forth in Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations), shall apply.

123-72 - Residential and Community Facility Uses

LAST AMENDED
12/5/2024

For #residences# and #community facility# #uses#, the #accessory# off-street parking and loading regulations of the designated #Residence District#, as set forth in Article II, Chapter 5, shall apply, except that:

(a) the provisions of Section 25-50 (RESTRICTIONS ON ACCESSORY OFF-STREET PARKING SPACES) shall not apply. In lieu thereof, the provisions of Section 44-30 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#; and

(b) for #buildings# containing #residences# in #Special Mixed Use Districts#, in addition to the applicable #accessory# off-street parking and loading regulations set forth in Article II, Chapter 5, the provisions of Sections 44-46 (Accessory Off-street Parking Spaces in Public Parking Garages), 44-47 (Parking Lot Maneuverability and Curb Cut Regulations) and 44-48 (Parking Lot Landscaping) shall apply.

123-73 - On Waterfront Blocks

LAST AMENDED
2/2/2011

For #uses# on #waterfront blocks#, as defined in Section 62-11, the special #accessory# off-street parking and loading regulations set forth in Section 62-40, inclusive, shall apply. When any #use# is permitted in both the designated #Residence District# and the designated M1 District, the #accessory# off-street parking and loading requirements applicable to the designated M1 District shall apply to such #use#.

123-80 - MODIFICATION OF ARTICLE V, CHAPTER 4 (NON-COMPLYING BUILDINGS)

LAST AMENDED
7/26/2001

In Article V, Chapter 4 (Non-complying Buildings), Section 54-311 (Buildings containing rooming units), shall not apply.

123-81 - Modification of Planting Strips

LAST AMENDED
4/30/2008

In #Special Mixed Use Districts#, the provisions of Section 26-42 (Planting Strips) shall not apply.

123-90 - SPECIAL MIXED USE DISTRICTS SPECIFIED

LAST AMENDED
11/12/2025

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: (12/10/97)

Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 2: (7/29/09)

DUMBO, Brooklyn

The #Special Mixed Use District# - 2 is established in DUMBO in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 4: (5/9/01)

Flushing/Bedford, Brooklyn

The #Special Mixed Use District# - 4 is established in Flushing/Bedford in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 5: (1/30/02)

Red Hook, Brooklyn

The #Special Mixed Use District# - 5 is established in Red Hook in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 6: (7/23/08)

Hudson Square, Manhattan

The #Special Mixed Use District# - 6 is established in Hudson Square in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 7: (8/19/03)

Morrisania, The Bronx

The #Special Mixed Use District# - 7 is established in Morrisania in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 8: (5/11/05)

Greenpoint-Williamsburg, Brooklyn

The #Special Mixed Use District# - 8 is established in Greenpoint-Williamsburg in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 10: (10/29/07)

Atlantic and Howard Avenues, Brooklyn

The #Special Mixed Use District# - 10 is established on Atlantic and Howard Avenues in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 11: (3/11/09)

Gowanus, Brooklyn

The #Special Mixed Use District# - 11 is established in Gowanus in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 12: (10/27/10)

Borough Park, Brooklyn

The #Special Mixed Use District# - 12 is established in Borough Park in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 13: (6/30/09)

Lower Concourse, The Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 14: (10/13/10)

Third Avenue/Tremont Avenue, The Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 15: (11/13/12)

West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 16: (4/20/16)

Ocean Hill/East New York, Brooklyn

The #Special Mixed Use District# - 16 is established in Ocean Hill and East New York in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 17: (3/22/18)

Hunts Point, The Bronx

The #Special Mixed Use District# - 17 is established in Hunts Point in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 18: (10/17/19)

Mott Haven, The Bronx

The #Special Mixed Use District# - 18 is established in Mott Haven in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 19: (12/10/20)

Brownsville, Brooklyn

The #Special Mixed Use District# - 19 is established in Brownsville in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 21: (3/25/21)

Arverne, Queens

The #Special Mixed Use District# - 21 is established in Arverne in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 22: (5/27/21)

Bushwick, Brooklyn

The #Special Mixed Use District# - 22 is established in Bushwick in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 23: (10/21/21)

Ravenswood, Queens

The #Special Mixed Use District# - 23 is established in Ravenswood in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 24: (11/22/22)

Astoria, Queens

The #Special Mixed Use District# - 24 is established in Astoria in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 25: (10/27/22)

Gowanus, Brooklyn

The #Special Mixed Use District# - 25 is established in Gowanus in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 26: (5/28/25)

Coney Island, Brooklyn

The #Special Mixed Use District# - 26 is established in Coney Island in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 27: (8/14/25)

Wallabout, Brooklyn

The #Special Mixed Use District# - 27 is established in Wallabout in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 30: (10/29/25)

Kingsbridge Heights, The Bronx

The #Special Mixed Use District# - 30 is established in Kingsbridge Heights in The Bronx as indicated on the #zoning maps#.



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Special Willets Point District (WP)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 4 - Special Willets Point District (WP)

124-00 - GENERAL PURPOSES

LAST AMENDED
11/13/2008

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

(a) to transform Willets Point into a diverse and sustainable community that enhances connections to its surroundings through a unique combination of uses;

(b) to create a retail and entertainment destination that catalyzes future growth and strengthens Flushing's role as a nexus of economic, social and cultural activity;

(c) to encourage a mix of uses that complement sporting venues within Flushing Meadows-Corona Park;

(d) to maximize utilization of mass transit, reducing the automobile dependency of the redevelopment;

(e) to create a livable community combining housing, retail and other uses throughout the district;

(f) to create a walkable, urban streetscape environment with publicly accessible open spaces;

(g) to encourage the pedestrian orientation of ground floor uses;

(h) to build upon the diversity of the Borough of Queens as well as the proximity of regional transportation facilities, including the Van Wyck and Whitestone Expressways, LaGuardia and JFK Airports and the Long Island Railroad;

(i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and

(j) to promote the most desirable use of land and building development in accordance with the District Plan and Urban Renewal Plan for Willets Point and thus improve the value of land and buildings and thereby improve the City's tax revenues.

124-01 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special Willets Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

124-02 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 32-301, or within this Section.

For the purposes of establishing #blocks# and applying the #use#, #signage#, #street# tree, height and setback, #court#, publicly accessible open space and curb cut regulations of this Chapter, #connector streets#, the #eastern perimeter street#, the #primary retail street#, #residential streets#, #retail streets# and #service streets# shall be considered #streets#, and their boundaries shall be treated as #street lines#.

Connector street

A “connector street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks), inclusive.

Eastern perimeter street

The “eastern perimeter street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Primary retail street

The “primary retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Residential street

A “residential street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Retail street

A “retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Service street

A “service street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

124-03 - District Plan and Maps

LAST AMENDED
11/13/2008

District Plan Maps are located within the Appendix to this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where

special regulations and requirements set forth in the text of this Chapter apply.

The District Plan includes the following five maps:

Map 1 – Special Willets Point District Plan

Map 2 - Location Requirements for Convention Center, Cinema and Office Tower

Map 3 - Height Limits

Map 4 - Locations of Tower Walls without Setbacks

Map 5 - Mandatory Intersections

124-04 - Applicability of District Regulations

LAST AMENDED
11/13/2008

124-041 - Applicability of Article III, Chapter 6

LAST AMENDED
3/28/2012

The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special Willets Point District#.

124-042 - Applicability of Article VII, Chapter 3

LAST AMENDED
6/6/2024

The following special permit by the Board of Standards and Appeals shall not be applicable:

Section 73-143 (Electric or gas utility substation) shall not apply to electrical utility substations. In lieu thereof, such #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16.

124-043 - Applicability of Article VII, Chapter 4

LAST AMENDED
6/6/2024

The following special permit by the City Planning Commission shall not be applicable:

Section 74-142 (Electric utility substations). In lieu thereof, such #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16.

124-05 - Certification for Large Developments

LAST AMENDED
4/11/2024

The requirements of this Section shall apply to #zoning lots# of at least 200,000 square feet of #lot area#, containing #developments# or #enlargements# resulting in at least 100,000 square feet of #floor area# on such #zoning lots#, or multiple #zoning lots# of at least 200,000 square feet of #lot area#, in aggregate, that are subject to the provisions of Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS).

No building permit shall be issued until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #developments# or #enlargements# comply with the provisions of this Section.

A set of drawings of sufficient scope and detail shall be submitted, showing that:

(a) all #streets# and private streets within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-31 (Standards for Streets and Blocks), inclusive;

(b) all #streets# and private streets within or abutting the proposed #development# or #enlargement# are constructed to grades acceptable to the Commissioner of Buildings and the Commissioner of Transportation;

(c) all publicly accessible open spaces within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS), inclusive; and

(d) for any portion of the #Special Willets Point District# not within the area proposed for #development# or #enlargement# and for which a certification pursuant to this Section has not been obtained, plans shall be submitted showing that the #development# or #enlargement# that is the subject of this certification shall not preclude such portions of the #Special Willets Point District# from complying with the provisions of Sections 124-31 and 124-40 under future certifications pursuant to this Section, except where such compliance is directly prevented by modifications granted by the Commission pursuant to Section 124-60.

The Chairperson may allow for phased development upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any private streets and publicly accessible open spaces that are integral to the #development# or #enlargement# of a #building# or #buildings# within each phase.

The Chairperson shall modify the provisions of Section 124-31, inclusive, to the minimum extent necessary, in the event that the Fire Department determines in writing that such modifications are required under law or regulation governing adequate fire access.

All required private streets and publicly accessible open spaces, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement, indexed against the property, binding the owners, successors and assigns to provide such private streets and publicly accessible open spaces and public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the private streets and public access areas are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open spaces integral to the #development# or #enlargement# of a #building# or #buildings# shall be recorded on the certificate of occupancy for such #building# or #buildings# by the Department of Buildings and shall be a condition of issuance of such certificate of occupancy.

124-10 - SPECIAL USE REGULATIONS

LAST AMENDED
11/13/2008

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

124-11 - Regulation of Residential Uses

LAST AMENDED
11/13/2008

124-111 - Location of residential use within buildings

LAST AMENDED
6/6/2024

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

124-112 - Residential entrances on residential streets

LAST AMENDED
11/13/2008

Each ground floor #dwelling unit# on a #residential street# shall be directly accessible from such #residential street#. No more than one entrance to a #residential street# shall be required for any one ground floor #dwelling unit#.

124-12 - Regulation of Commercial Uses in Area B

LAST AMENDED
11/13/2008

(a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District, provided that #commercial# #uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.

(b) Within Area B, #uses# permitted in the underlying district shall be permitted within an area east and south of the present or former Willets Point Boulevard and contiguous with Area A, provided that such area shall be limited to 115,000 square feet in land area.

124-13 - Uses Permitted As-of-Right

LAST AMENDED
6/6/2024

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

Section 74-182 (Arenas, Auditoriums, Stadiums or Trade Expositions) shall not apply for trade expositions with a capacity in excess of 2,500 persons, provided that the facility has a #floor area# of no more than 400,000 square feet;

Section 73-462 (In Commercial or Manufacturing Districts) shall not apply for group parking facilities exceeding 225 spaces, provided such facilities comply with the regulations set forth in Section 124-50 (OFF-STREET PARKING REGULATIONS), inclusive.

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-162 (Eating or drinking establishments) and 74-161 (Retail and service uses) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

124-14 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, on #primary retail streets#, #retail streets# and #connector streets# in Area A, as shown on Map 1 in the Appendix to this Chapter shall be considered #Tier C street frontages#. All remaining #street# frontages shall be considered #Tier B street frontages#.

In addition to the underlying provisions for #Tier C street frontages#, the following shall apply:

(a) the length of #ground floor level# #street# frontage occupied by any establishment shall not exceed 110 feet along 126th Street and 65 feet along the #primary retail street#. However, such limitations shall not apply within 300 feet of Northern Boulevard; and

(b) access to each #ground floor level# establishment shall be provided directly from a #street#.

124-15 - Modification of Sign Regulations

LAST AMENDED
5/12/2021

The underlying #sign# regulations shall apply, except as set forth in this Section.

(a) Within Area A, as shown on Map 1 in the Appendix to this Chapter, the #sign# regulations of a C4 District shall apply, except for #street walls# facing Roosevelt Avenue, Northern Boulevard and 126th Street.

(b) Within Area B, as shown on Map 1, the #sign# regulations of a C1 District shall apply, except that within the area described in paragraph (b) of Section 124-12, the sign regulations of a C4 District shall apply.

(c) Within Area A, for #street walls# facing Roosevelt Avenue or Northern Boulevard, the #sign# regulations of a C4 District shall apply, except that #signs# shall be limited to 85 feet in height.

(d) For #street walls# facing 126th Street to a height of 35 feet, the #sign# regulations of a C4 District shall apply, provided that the maximum projection of any #sign# from the exterior

wall of a #building# shall be four feet, and the transparency requirements of paragraph (d) of Section 124-14 are met.

(e) For #street walls# facing 126th Street above 35 feet in height, the #sign# regulations of a C4 District shall apply except that all permitted #signs#, including #illuminated signs# and #flashing signs#, shall be permitted without limitation on #surface area#, provided that:

(1) no such #signs# are higher than 85 feet;

(2) the maximum projection of any #sign# from the exterior wall of a #building# shall be four feet, except that projections not exceeding six feet are permitted, provided that such projections beyond four feet shall comprise not more than 20 percent of the #surface area# of all such #signs# on the establishment; and

(3) no #sign# attached to a #building or other structure# shall extend above any parapet wall or roof of such #building or other structure#.

(f) Within 150 feet of the neighborhood park required pursuant to Section 124-42 (Types and Standards of Publicly Accessible Open Space), paragraph (a), #flashing signs# whose message is visible from such park shall not be permitted.

(g) The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply in the #Special Willets Point District#.

124-16 - Authorization for Electrical Utility Substations

LAST AMENDED

11/13/2008

The City Planning Commission may authorize electrical utility substations in the #Special Willets Point District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission, provided the Commission finds that:

(a) the architectural and landscaping treatment of such #use# shall blend harmoniously with the abutting area to the extent reasonably permitted by the operational needs of the substation; and

(b) if the site proposed for such #use# is within Area A, as shown on Map 1 in the Appendix to this Chapter, that there are difficulties in locating such #use# within Area B, as shown on Map 1.

The Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section that are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substation shall comply therewith.

124-17 - Special Permit for Cogeneration Power Plant

LAST AMENDED
2/2/2011

The Board of Standards and Appeals may permit a combined heat and power cogeneration plant not to exceed 100,000 square feet in #floor area#, provided that:

(a) the power plant is designed to maximize both electric and thermal cogeneration system efficiency to the greatest extent feasible;

(b) a detailed energy analysis is submitted to the Board demonstrating that the system as designed shall operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid system; and

(c) the power plant is designed primarily to serve the #Special Willets Point District#.

In addition, the Board shall refer such application to the Department of Environmental Protection for a report to ensure that the power plant is designed to maximize cogeneration efficiency to the greatest extent feasible and that the system as designed shall operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid system.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices, emissions limits and the concealment of such #use# with #building# enclosures, landscaping, buffer zones or other methods.

124-18 - Special Permit for Wastewater Treatment Plant

LAST AMENDED
2/2/2011

The Board of Standards and Appeals may permit an enclosed membrane bio-reactor wastewater treatment plant not to exceed 100,000 square feet in #floor area# on a site not to exceed 40,000 square feet in area, provided that the following findings are made:

(a) that in all cases the proposed plant promotes and protects the public health, safety and general welfare;

(b) the proposed plant shall be adequate for anticipated #development# in the area to be served;

(c) the proposed plant is designed primarily to serve the #Special Willets Point District#;

(d) the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development, and to minimize the interruption of the continuity of retail frontage;

(e) the architectural and landscaping treatment of such #use# shall blend harmoniously with the rest of the area; and

(f) that such #use# shall conform to the performance standards applicable to M1 Districts.

In addition, the Board shall refer such application to the Department of Health and the Department of Environmental Protection for a report to ensure that the site-specific design of the enclosed membrane bio-reactor waste water treatment plant meets all City and State health and effluent standards.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including requirements for soundproofing, safety devices, and the concealment of such #use# with #building# enclosures, landscaping, buffer zones or other methods.

124-19 - Location and Other Requirements for Specific Uses

LAST AMENDED

11/13/2008

124-191 - Convention center

LAST AMENDED
6/6/2024

A trade exposition listed under Use Group VIII, hereinafter referred to as a convention center, is permitted in the #Special Willets Point District# only in accordance with this Section and shall be located on a #connector street#. A convention center may only be located in the area as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter, being entirely within 650 feet of Northern Boulevard.

Furthermore, a convention center may not be located within 200 feet of 126th Street, and any portion of a convention center located between 200 feet and 450 feet of 126th Street shall be limited to no more than 50,000 square feet of #floor area#.

The main entrance of such convention center shall be on a #connector street#.

124-192 - Location of theaters

LAST AMENDED
11/13/2008

Theaters comprising over 10,000 square feet in #floor area# shall be located entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street, as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter.

124-193 - Location of office uses in towers

LAST AMENDED
6/6/2024

#Uses# listed under Offices in Use Group VII located on any #story# entirely above 120 feet in height shall be located entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street, as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter.

124-20 - BULK REGULATIONS

LAST AMENDED
11/13/2008

In the #Special Willets Point District#, bulk regulations shall be as set forth in this Section, inclusive.

124-21 - Floor Area Regulations

LAST AMENDED
12/5/2024

#Zoning lots# containing less than 200,000 square feet of #lot area# shall not exceed a #floor area ratio# of 2.0. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #residential floor area ratio# shall be 2.4.

#Zoning lots# containing at least 200,000 square feet of #lot area# shall have a maximum #floor area ratio# as follows:

(a) Within Area A, as shown on Map 1 in the Appendix of this Chapter:

(1) #Zoning lots# of at least 28 acres of #lot area# shall have a maximum #commercial# #floor area ratio# of 2.0 and a maximum total #floor area ratio# of 4.6.

(2) For #zoning lots# less than 28 acres:

(i) north of the centerline of the present or former 34th Avenue, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.4.

(ii) south of the centerline of the present or former 34th Avenue, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 5.0.

(b) Within Area B, as shown on Map 1:

(1) #Zoning lots# of at least 33 acres of #lot area# shall have a maximum #commercial# #floor area ratio# of 2.0 and a maximum total #floor area ratio# of 2.25.

(2) For #zoning lots# less than 33 acres:

(i) north of the centerline of the present or former 34th Avenue, the #floor area ratio# shall not exceed 2.0.

(ii) south of the centerline of the present or former 34th Avenue, and north and west of the centerline of the present or former Willets Point Boulevard, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.0.

(iii) south and east of the centerline of the present or former Willets Point Boulevard, the maximum #commercial# #floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 4.0.

(c) Within Areas A and B, the maximum #residential# #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing# shall be a #floor area ratio# equal to 120 percent of the maximum total #floor area ratios# established in paragraph (a) or (b) of this Section.

124-22 - Height and Setback Regulations

LAST AMENDED
12/6/2023

The height and setback regulations of this Section shall apply throughout the #Special Willets Point District#, except that #developments# or #enlargements# that result in less than 100,000 square feet of #floor area# on #zoning lots# of less than 200,000 square feet shall be limited to the height and setback regulations of an R6B District. The height of all #buildings or other structures# shall be measured from the level of the adjoining sidewalk or other publicly accessible open space. For the purposes of this Section, the present or former 34th Avenue and Willets Point Boulevard shall be considered to be #connector streets#, 127th Street shall be considered to be a #residential street#, and public access

areas provided pursuant to paragraph (d) of Section 124-42 (Types and Standards of Publicly Accessible Open Space) shall be considered a #connector street#.

(a) Street wall location and base heights

(1) Except along 126th Street, Northern Boulevard and #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, the minimum base height of a convention center shall be 40 feet or the height of the #building#, whichever is less.

(2) Along 126th Street, at least 80 percent of the #aggregate width of street walls# shall be located within 60 feet of the #street line# of 126th Street and shall extend to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, for #buildings# directly opposite Citi Field Stadium, a setback lower than 60 feet shall be permitted, provided that:

(i) for #buildings# greater than 85 feet in height, an additional setback is provided between a height of 60 and 85 feet; and

(ii) eating and drinking establishments with outdoor seating on terraces overlooking 126th Street are provided on the second #story#. Such terraces

shall be located on the roof level above the ground floor level of the #building#, at a height not lower than 20 feet or higher than 30 feet above the level of the sidewalk fronting the 126th Street #street wall# of the #building#, and shall have a minimum depth of 15 feet.

(3) Along #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. Where #street walls# facing #residential streets# contain ground floor #dwelling units#, such #street walls# shall be set back at least four feet from the #street line#. The #building# may project into the required setback area, provided that:

(i) any such projection does not exceed 20 feet in width;

(ii) any such projection does not exceed 25 feet in height;

(iii) the aggregate width of all such projections at the level of any #story# shall not exceed 50 percent of the width of the #street wall# of the #building#; and

(iv) all such projections are at least 10 feet apart.

(4) Along Northern Boulevard, no portion of a #street wall# shall be located closer to Northern Boulevard than eight feet. At least 70 percent of the #aggregate width of street walls# shall be located between eight and 15 feet of the Northern Boulevard #street line# and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet.

(5) Wherever an open area is provided between the #street wall# of a #building# and the #street line#, such area shall be planted, except at entrances to and exits from the #building#, and except where non-#residential uses# are provided at the ground floor level of the #building#.

(b) Required setbacks and maximum #building# height

Except as provided in paragraph (c)(6) of this Section, setbacks are required for all portions of #buildings or other structures# that exceed a height of 85 feet. Such setbacks shall be provided at a height not lower than 60 feet. The depth of the required setback shall be at least 10 feet measured from any required #street wall# fronting on a #wide street#, and at least 15 feet from any required #street wall# fronting on a #narrow street#. Where portions of #buildings or other structures# that exceed a height of 85 feet are not located above a required #street wall#, such portions shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. However, dormers may penetrate a height of 85 feet in accordance with the provisions of paragraph (b) of Section 23-413 (Permitted obstructions in certain districts). Within the area limited to 232 feet above mean sea level, as shown on Map 3 in the Appendix to this Chapter, no portion of a #building or other structure# shall exceed a height of 120 feet except in accordance with the tower provisions of paragraph (c) of this Section.

(c) Towers

Within the area limited to 232 feet above mean sea level, as shown on Map 3, any #story# of a #building# located above a height of 120 feet shall comply with the provisions of this paragraph (c). Such portions of a #building# are hereinafter referred to as "towers."

(1) Maximum tower size

Each #residential# #story# of a tower located entirely above a height of 120 feet shall not exceed a gross area of 11,000 square feet.

(2) Maximum tower length

The maximum length of any #residential# #story# located entirely above a height of 120 feet shall not exceed 170 feet. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. No side of such rectangle shall exceed a length of 170 feet.

(3) Orientation

The length of any #residential# #story# located entirely above a height of 120 feet shall be at least 1.5 times its width and oriented so that the long side of such tower faces within 25 degrees of geographical south. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. The orientation provisions of this paragraph,(c)(3) need not apply if at least 75 percent of all towers in the #Special Willets Point District# for which building permits have been issued comply with such

provisions.

(4) Tower top articulation

For towers containing #residences#, the highest three #stories#, or as many #stories# as are located entirely above a height of 120 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (c)(4), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(5) Distance between towers

The minimum distance between all towers shall be 60 feet.

(6) Tower walls without setbacks

To permit a #building# to rise from grade to a tower portion without setback, the setback provisions of paragraph (b) of this Section shall not apply to any portion of a #building# located within the tower wall location areas shown on Map 4 in the

Appendix to this Chapter, provided that this exception from paragraph (b) of this Section shall not apply to more than one tower for each #block#.

(d) Maximum total height

Notwithstanding any other provisions of this Chapter, no #building or other structure# shall exceed the height limits depicted on Map 3. The height limits established in Map 3 include reference points for two airport approach surface areas that are continuous planes, and one area with a maximum height limitation of 232 feet above mean sea level (AMSL). The coordinates of the points are:

Point 1	73°50′42.9″W	40°45′38.1″N
Point 2	73°50′36.8″W	40°45′45.6″N
Point 3	73°50′26.6″W	40°45′39.3″N
Point 4	73°50′33.6″W	40°45′30.7″N

The height limits hereby established supersede the height limits described in Article VI, Chapter 1 (SPECIAL REGULATIONS APPLYING AROUND MAJOR AIRPORTS). Application may be made to the Board of Standards and Appeals pursuant to Section 73-66 (Height Regulations Around Airports) for a permit to construct a #building or other structure# in excess of what is permitted pursuant to this paragraph (d), provided that such

application is also referred to the Port Authority of New York and New Jersey.

124-30 - MANDATORY IMPROVEMENTS

LAST AMENDED
11/13/2008

124-31 - Standards for Streets and Blocks

LAST AMENDED
4/11/2024

#Developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on individual #zoning lots# of at least 200,000 square feet or groups of #zoning lots# subject to the provisions of Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS) that are, in aggregate, at least 200,000 square feet, shall front upon #streets# that comply with the requirements of this Section, inclusive, unless modified by special permit pursuant to Section 124-60.

124-311 - Maximum length of blocks

LAST AMENDED
11/13/2008

The maximum length of a #block# shall be 450 feet, except that:

(a) where a #block# includes a convention center, such length shall be unlimited;

(b) where a #block# bounds the intersection of 126th Street and Northern Boulevard, such length shall be limited to 675 feet;

(c) where a #block# bounds the intersection of 126th Street and Roosevelt Avenue, such length shall be limited to 575 feet; and

(d) #blocks# or portions of #blocks# east of a line 600 feet east of and parallel to 126th Street and west of a line 1,350 feet east of and parallel to 126th Street shall have a maximum distance between intersections on a #connector street# of 218 feet, except where a #block# includes a convention center or the minimum two-acre park required pursuant to Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS). Where public pedestrian access between a #connector street# and another #street# on the same #block# is located no less than 218 feet from both intersections on a #connector street# through provision of open space pursuant to Section 124-40, inclusive, such #block# or a portion of a #block# east of a line 600 feet east of and parallel to 126th Street and west of a line 1,350 feet east of and parallel to 126th Street may have a maximum distance between intersections on a #connector street# that does not exceed 400 feet, provided that there is only one such #block# in the Special District.

124-312 - New streets

LAST AMENDED
5/12/2021

The provisions of this Section shall apply to all private streets constructed after November 13, 2008.

(a) #Primary retail street#

One #primary retail street# shall be provided parallel to, or generally parallel to, 126th Street and comply with the following requirements:

(1) The western boundary of such #street# shall be not less than 220 feet and not more than 320 feet from 126th Street.

(2) Such #street# shall intersect two #retail streets# and two #connector streets#.

(3) The width of such #street# shall be a minimum of 70 feet and a maximum of 80 feet, comprised of:

(i) two 15 foot wide sidewalks, one adjacent to each curb;

(ii) two nine foot wide strips, one adjacent to each sidewalk which can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways;

(iii) two travel lanes in the center of the #street# totaling 22 feet in width; and

(iv) one optional eight to 10 foot wide landscaped median located on the centerline of the #street# between the two travel lanes provided that the #street# width shall not exceed 72 feet without such median.

(b) #Connector streets#

Two #connector streets# shall be provided, as follows:

(1) One #connector street# shall intersect 126th Street as shown on Map 5 in the Appendix to this Chapter.

(2) One #connector street# shall intersect 126th Street opposite the south side of Citi Field Stadium within the 125 foot area shown on Map 5.

(3) Both #connector streets# shall intersect with the #primary retail street# and with each other at a point east of the #primary retail street#.

(4) The width of each #connector street# shall be at least 75 feet and no more than 86 feet, comprised of:

(i) two 15 foot wide sidewalks, one adjacent to each curb;

(ii) two nine foot wide strips, one adjacent to each sidewalk that can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) at least two travel lanes and not more than three travel lanes totaling at least 22 feet and not more than 33 feet in width, and one bike lane at least five feet wide.

(5) Where a convention center fronts upon a #connector street#, the requirements set forth in this paragraph (b) shall be modified to eliminate the nine foot wide strip and, in lieu thereof, require a 12 foot wide drop off lane that, in the aggregate, shall not exceed 300 feet.

(c) #Retail streets#

A minimum of two and maximum of three #retail streets# shall be provided, as follows:

(1) One #retail street# shall intersect 126th Street opposite the entrance to Citi Field stadium, within the area shown on Map 5;

(2) One #retail street# shall intersect 126th Street opposite the north side of Citi Field Stadium within the area shown on Map 5;

(3) Two #retail streets# shall intersect with the #primary retail street#;

(4) The width of each #retail street# shall be no more than 68 feet wide, comprised of:

(i) two 13 foot wide sidewalks, one adjacent to each curb;

(ii) two 10 foot wide strips, one adjacent to each sidewalk that can be used as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) two travel lanes totaling at least 22 feet in width.

(d) #Eastern perimeter street#

One #eastern perimeter street# shall be provided as follows:

(1) The eastern boundary of such #street# shall be within 20 feet of the eastern boundary of the #Special Willets Point District#, extending between Roosevelt Avenue and a #connector street#.

(2) The width of such #street# shall be at least 62 feet and no more than 75 feet, comprised of:

(i) a 13 foot wide sidewalk along its western boundary and a sidewalk at least five feet wide along its eastern boundary;

(ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) at least two and no more than three travel lanes totaling at least 20 feet and not more than 33 feet in width.

(e) #Residential streets#

All #streets#, other than those listed in paragraphs (a) through (d) of this Section, that have one or more ground floor #dwelling units# fronting on the #street# shall be considered #residential streets#, except where such #street# is designated a #service street# pursuant to paragraph (f) of this Section. #Residential streets# shall be provided, as follows:

(1) A #residential street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:

(i) two 13 foot wide sidewalks, one adjacent to each curb;

(ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) two travel lanes totaling between 20 and 22 feet in width.

(f) #Service streets#

All newly constructed #streets#, other than those listed in paragraphs (a) through (e) of this Section, shall be improved as a #service street#. A minimum of 50 percent of the #uses# within #stories# on the ground floor or with a floor level within five feet of the #base plane# fronting a #service street# shall contain non-#residential uses#. #Service streets# shall be provided, as follows:

(1) A #service street# may only be located as one of the #streets# bounding:

(i) a #block# that bounds the intersection of 126th Street and Northern Boulevard; and

(ii) a #block# that bounds the intersection of 126th Street and Roosevelt Avenue.

(2) A #service street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:

(i) two 13 foot wide sidewalks, one adjacent to each curb;

(ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) two travel lanes totaling between 20 and 22 feet in width.

124-32 - Street Tree Planting

LAST AMENDED
2/2/2011

All #developments# or #enlargements# shall provide and maintain trees of not less than three-inch caliper at the time of planting in the sidewalk adjacent to the #building# on the side of the sidewalk closest to the travel lane. All such trees shall be provided for the entire length of the frontage of the #building#, for every 25 feet of such frontage, except where curb cuts or utilities make such planting infeasible. Species shall be selected, installed and maintained in accordance with specifications established by the Department of Parks and Recreation. However, #street# trees need not be provided where such trees may interfere with truck movements in the loading area for a convention center.

124-33 - Mandatory Sidewalk Widening

LAST AMENDED
11/13/2008

In the event that 34th Avenue remains a mapped street, all #developments# or #enlargements# on 34th Avenue shall provide a sidewalk widening of no less than 13 feet in width. No obstructions shall be permitted from the lowest level to the sky except for those permitted pursuant to Section 37-53 (Design Standards for Pedestrian Circulation Spaces), paragraph (f)(3). When one end of the sidewalk widening abuts an existing #building#, the special design treatment specified in Section 37-53, paragraph (f)(5), shall be required.

124-34 - Roof Design Requirements

LAST AMENDED
11/13/2008

Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust, and that it is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area.

124-40 - PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS

LAST AMENDED
11/13/2008

Publicly accessible open spaces shall be provided as specified in Section 124-40, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

124-41 - Amount of Publicly Accessible Open Space

LAST AMENDED

Publicly accessible open space within the #Special Willets Point District# shall total not less than eight acres. Such required amounts shall be open to the sky and shall not include any sidewalks required pursuant to this Section or sidewalk widenings pursuant to Section 124-33.

For #developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on individual #zoning lots# of at least 200,000 square feet or groups of #zoning lots# subject to the provisions of Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS) that are, in aggregate, at least 200,000 square feet, the following amount of publicly accessible open space shall be provided for each 1,000 square feet of #floor area#:

Within Area A: 30 square feet

Within Area B: 50 square feet.

Such publicly accessible open space may be transferred from the #zoning lot# containing the #development# or #enlargement# to any other #zoning lot# in the #Special Willets Point District#, provided that such publicly accessible open space meets the requirements of Section 124-42, inclusive.

124-42 - Types and Standards of Publicly Accessible Open Space

LAST AMENDED
6/6/2024

The following types and standards of publicly accessible open space shall apply:

(a) Park

At least one park not less than two acres in area shall be provided. Such park shall be bounded

on all sides by #streets# or a #school#, and at least one of the #streets# bounding the park shall be a #connector street#. No portion of such park shall be closer than 200 feet from the boundaries of the #Special Willets Point District#. Up to five percent of the area of such outdoor park may be covered by a #building or other structure#. A minimum of 50 percent of such park shall be planted, except that the planted area may be reduced to 40 percent if a playground acceptable to the Department of Parks and Recreation is provided within such park.

(b) 126th Street

The provisions of this paragraph (b) shall apply along the western boundary of #blocks# bounding 126th Street:

(1) a sidewalk with a minimum width of 15 feet shall be located adjacent to the curb, and have an elevation not higher than one foot above the level of the road bed;

(2) a pedestrian amenity area at least 20 feet wide and no more than 35 feet wide shall be located between such sidewalk and the #street wall# of any #building# fronting upon 126th Street. Pedestrian circulation space at least five feet wide shall be provided within such area within 1.5 feet of the ground floor elevation of such #street walls# to allow pedestrian movement in a direction parallel with the #street# and connecting with sidewalks of #streets# intersecting 126th Street;

(3) on each such #block# there shall be a minimum of two ramps connecting the sidewalk along 126th Street and the pedestrian circulation space. In addition, stairways shall be provided linking the sidewalk and pedestrian circulation space so that each establishment on the #block# with entrances facing 126th Street is readily accessible by such stairs or ramps; and

(4) all publicly accessible open spaces shall comply with the provisions of Sections 37-725 (Steps), 37-726 (Permitted obstructions), 37-728 (Standards of accessibility for persons with disabilities), 37-73 (Kiosks and Open Air Cafes) and 37-74 (Amenities), except for the following modifications:

(i) Section 37-73, paragraph (b), shall be modified to permit open air cafes to be at a different elevation from adjoining public access areas and from adjoining sidewalks;

(ii) Section 37-73, paragraphs (c)(4) and (d), shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;

(iii) for publicly accessible open space on the western boundary of #blocks# facing Citi Field Stadium, Section 37-73, paragraph (b), shall be modified to limit the aggregate area of open air cafes to no more than 50 percent of the public access area, and to allow open air cafes to occupy up to 75 percent of #street# frontage;

(iv) in Section 37-741, the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;

(v) for public access areas on the western boundary of #blocks# facing Citi Field Stadium, Section 37-741 shall be modified so that seating for open air cafes may count toward the seating requirement, in the category of moveable seating, provided that 25 percent of the linear seating capacity is provided through other seating types;

(vi) for publicly accessible open space not on the western boundary of #blocks# facing Citi Field Stadium, Section 37-742 shall be modified to require planters, planting beds and accessible lawns at a rate of 200 square feet for every 1,000 square feet of publicly accessible open space; and

(vii) Section 37-747 (Public space signage) shall not apply; in lieu thereof, paragraph (i) (Hours of access) of this Section shall apply.

(c) Roosevelt Avenue

Along the south side of #blocks# bounding Roosevelt Avenue, the following provisions shall apply:

(1) a bike lane with a minimum width of five feet shall be located no more than 16 feet from the curb line; and

(2) a pedestrian amenity area at least 20 feet in width and not more than 45 feet in width shall be provided between the bike lane and the #street wall# of a #building#:

(i) within the pedestrian amenity area, there shall be a sidewalk with a minimum width of 13 feet, generally parallel to Roosevelt Avenue, linking the sidewalk along 126th Street to either a sidewalk along the #eastern perimeter street#, if built, or the sidewalk leading to the Roosevelt Avenue Bridge; and

(ii) a minimum of 50 percent of the pedestrian amenity area shall be planted.

(d) #Block# at Roosevelt Avenue and 126th Street

In the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, the following improvements shall be provided:

(1) an entry plaza of at least 7,000 square feet shall be provided adjacent to the intersection of 126th Street and Roosevelt Avenue, as follows:

(i) the plaza shall include no less than 60 feet and no more than 80 feet of frontage along 126th Street;

(ii) each #use# or establishment with frontage on the plaza shall include at least one entrance to such plaza;

(iii) at least two amenities shall be provided from among those listed in Section 37-748, except that a kiosk that provides information instead of food service shall also be permitted; and

(iv) the area of such plaza shall not overlap with the requirements of paragraph (c) of this Section for Roosevelt Avenue;

(2) a central plaza of at least 20,000 square feet shall be provided, as follows:

(i) the plaza shall have at least 100 feet of frontage on a #connector street#;

(ii) the prolongation of the centerline of the #primary retail street# shall intersect with such plaza;

(iii) such plaza shall meet the pedestrian amenity standards of paragraph (b)(4) of this Section for 126th Street; and

(iv) a minimum of 15 percent of such plaza shall be planted; and

(3) a pedestrian corridor area shall be provided linking the entry plaza required pursuant to paragraph (d)(1) of this Section and the central plaza required pursuant to paragraph (d)(2) of this Section, as follows:

(i) such corridor shall be at least 60 feet in width and include, within such width, a 40 foot utility easement;

(ii) such corridor shall be at least 150 feet in length;

(iii) each #use# or establishment with frontage on such corridor shall include at least one entrance to such corridor; and

(iv) each side of such corridor area shall be planted with #street# trees of not less than three-inch caliper at the time of planting for the entire length of such corridor, at a rate of one tree for every 25 feet of the length of each side of such corridor; and

(4) #uses# on the portion of the #ground floor level# frontage along a publicly accessible open space required pursuant to this paragraph, to the minimum depth set forth in Section 37-32, shall be limited to those #commercial uses# permitted by the underlying districts, except for lobbies, entrances and exits to off-street parking facilities and entryways to #mass transit stations#, as provided by Section 37-33. #Ground floor level# #street walls# shall be glazed in accordance with the provisions of Section 37-34.

(e) Northern Boulevard

Along the north side of #blocks# bounding Northern Boulevard, the following provisions shall

apply:

(1) a sidewalk with a minimum width of 13 feet shall be located adjacent to the curb and have an elevation not higher than one foot above the road bed of Northern Boulevard;

(2) an open area at least eight feet wide and no more than 15 feet wide shall be located between the sidewalk and the #street wall# of a #building#, except that such area need not be provided where such areas may interfere with truck movements in the loading area for a convention center located on any such #block#; and

(3) a minimum of 70 percent of such open area shall be planted.

(f) #Eastern perimeter street#

Along the #eastern perimeter street# between the required sidewalk and the eastern boundary of the #Special Willets Point District#, an open area with a minimum depth of eight feet and a maximum depth of 15 feet shall be provided. At least 70 percent of such open area shall be planted.

(g) Convention center

If a convention center is provided, a pedestrian amenity area shall be required between the #street line# and the #street wall# of the convention center. The pedestrian amenity area shall have a depth of at least 10 feet and not more than 22 feet and shall meet the standards of paragraph (b)(4) of this Section for 126th Street.

(h) Standards for additional areas

If the amount of public access areas required pursuant to paragraphs (a) through (g) of this Section does not total eight acres, the difference shall be provided in the form of one or more

public access areas located not closer than 100 feet to the boundary of the #Special Willets Point District#.

(i) Hours of access

All publicly accessible open space shall be accessible to the public from sunrise to one hour after sunset. Entry plaques for public access areas over one-half acre in size shall be provided as described in paragraph (a) of Section 37-751, except that the number of such plaques shall be provided so that one such plaque is located at each point of entry to such publicly accessible open space, and lettering at least one inch in height shall be provided stating the words, "Open to the public:" followed by hours permitted pursuant to this paragraph (i).

(j) Active recreation

A minimum of one-half acre of public access area shall be designed for active recreational use. This area may be located anywhere within the eight acres of publicly accessible open space required within the #Special Willets Point District#. Such area may include rooftop areas, provided that adequate public access is provided to the general public and that, regardless of the size of such rooftop area, entry plaques are provided for each point of entry pursuant to paragraph (i) of this Section. Access to such areas shall comply with the Americans with Disabilities Act of 1990.

124-50 - OFF-STREET PARKING REGULATIONS

LAST AMENDED
11/13/2008

Off-street parking shall be provided for all required parking spaces and loading berths as specified by the underlying district, except as modified by the special regulations of this Section, inclusive.

124-51 - Use and Location of Parking Facilities

LAST AMENDED
6/6/2024

The provisions of this Section shall apply to all off-street parking spaces within the #Special Willets Point District#.

Floor space used for parking shall be exempt from the definition of #floor area#.

Parking facilities with over 225 parking spaces shall provide adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided in such facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles.

(a) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are located:

(1) entirely below the level of any #street# or publicly accessible open space upon which such facility, or portion thereof, fronts;

(2) in a #cellar# no more than four feet above grade within Area B, as shown on Map 1 in the Appendix to this Chapter, provided that the #street wall# is set back at least four feet from the #street line# except for projections permitted pursuant to Section 124-22,

paragraph (a)(3), and planted areas are provided pursuant to Section 124-22, paragraph (a)(5), and further provided that 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials;

(3) above grade, and either wrapped by #floor area# or screened, as follows:

(i) parking spaces fronting along publicly accessible open spaces shall be wrapped by #floor area# accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements);

(ii) parking spaces fronting locations where parking wrap or screening is not otherwise required pursuant to Section 124-14 (Streetscape Regulations) or this Section, parking spaces shall either be wrapped or screened in accordance with the provisions of Section 37-35.

(b) All parking facilities shall not be open to the sky, and all parking facilities shall have a roof that meets the design requirements of Section 124-34.

(c) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #block#, all such spaces shall be located within the same parking facility.

(d) All #accessory# off-street parking spaces may be provided within parking facilities in #buildings# other than the same #building# as the #uses# to which they are #accessory#, provided that:

(1) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #building#; and

(2) such parking facilities are located within the #Special Willets Point District#; or

(3) such parking facilities are located within distances specified by Sections 36-421 (Maximum distance from zoning lot) and 36-43 (Off-site Spaces for Commercial or Community Facility Uses), as applicable.

124-52 - Loading Restrictions

LAST AMENDED
11/13/2008

Loading areas shall not be permitted within 75 feet of 126th Street or within 50 feet of the #primary retail street#. Loading areas for a convention center #use# shall not be permitted within 100 feet of a #connector street#.

124-53 - Curb Cut Restrictions

LAST AMENDED
11/13/2008

No driveway curb cuts for parking facilities or loading berths shall be permitted along 126th Street, the #primary retail street#, the #connector streets#, across from public open space of two or more acres, and within 50 feet of the intersection of any #streets#, except for a convention center or a

#transient hotel# with a minimum of 50,000 square feet of #floor area#, and except that the City Planning Commission may authorize curb cuts, provided the Commission finds that such curb cuts are needed, do not unduly inhibit surface traffic or pedestrian flow and do not impair the essential character of the surrounding area.

Where permitted, the maximum aggregate width of curb cuts on any frontage shall be limited to 24 feet for #residential streets# and 60 feet for all other #streets#, except that the maximum width shall be 100 feet for #blocks# that bound the intersection of 126th Street and Northern Boulevard or 126th Street and Roosevelt Avenue and for #blocks# that contain a #transient hotel# with a minimum of 50,000 square feet of #floor area#. For a convention center, the maximum aggregate width of curb cuts on any frontage shall be limited to 100 feet, except that curb cuts shall be unlimited when located directly adjacent to the loading area of the convention center. All curb cuts shall be achieved with minimal reduction to the grade of the sidewalk over which they pass.

124-60 - SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

LAST AMENDED
4/11/2024

For any #zoning lot# within the #Special Willets Point District#, the City Planning Commission may permit modification of the #use# regulations, #bulk# regulations, except #floor area ratio# provisions, or parking and loading regulations of this Resolution, the mandatory improvement or other urban design regulations of this Chapter, or the distribution of #floor area# or #dwelling units# without regard for #zoning lot lines#, provided the Commission shall find that such:

(a) #use# or #bulk# modification shall aid in achieving the general purposes and intent of the Special District;

(b) #use# modification shall encourage a lively pedestrian environment along the street, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;

(c) #bulk# modifications shall enhance the distribution of #bulk# within the Special District;

(d) #bulk# modifications shall permit adequate access of light and air to surrounding streets;

(e) parking and loading modifications will not have undue adverse effects on residents and businesses in the surrounding area, will not create serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;

(f) modifications to mandatory improvements or other urban design regulations will not unduly impact the streetscape;

(g) modifications to the distribution of #floor area# or #dwelling units# and the location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access to light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#; and

(h) modifications, in total, shall relate harmoniously to the character of the surrounding area.

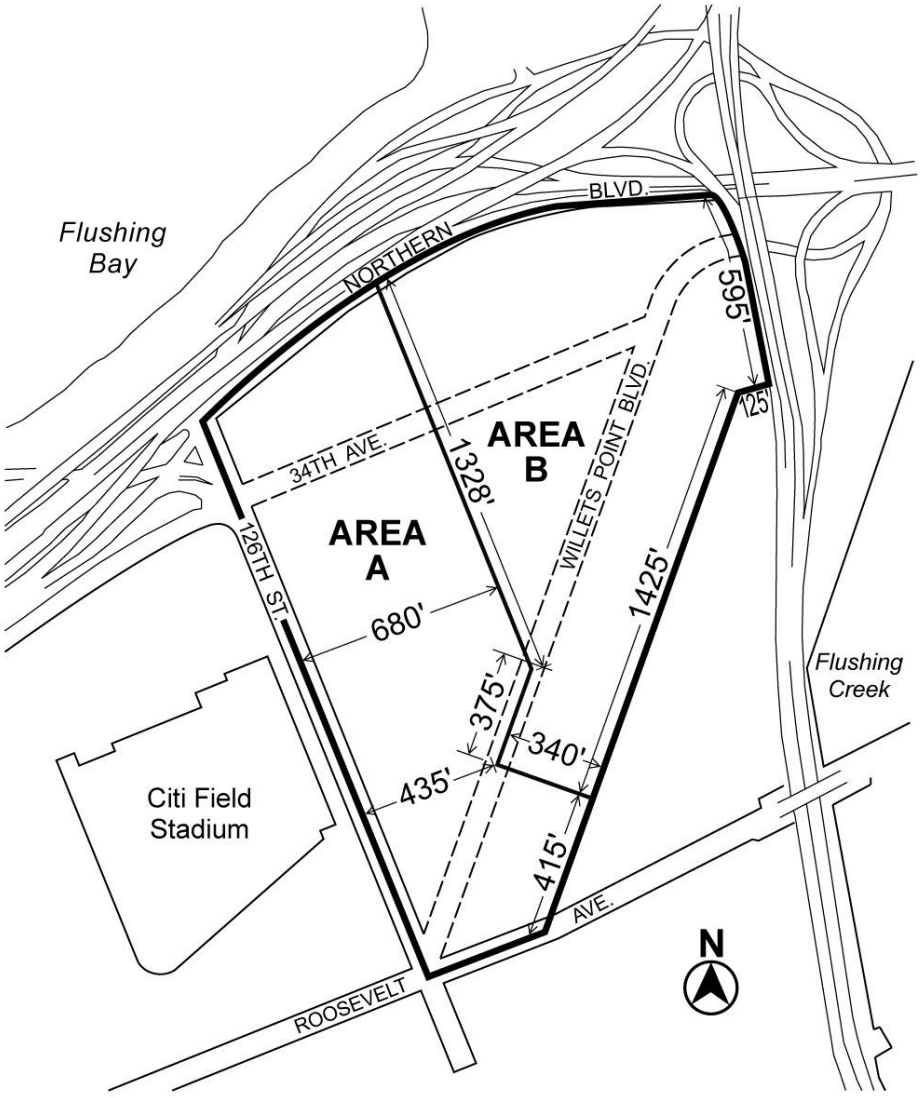
Notwithstanding the foregoing, a #use# modification may include a #use# proposed as part of a phased development within the Special District, where the Commission finds that such #use# is reasonably necessary for transitional purposes to assist in achievement of the goals of the Special District, provided the findings of paragraphs (a), (b) and (h) of this Section are met to the maximum extent possible, taking into account the nature of such #use#.

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

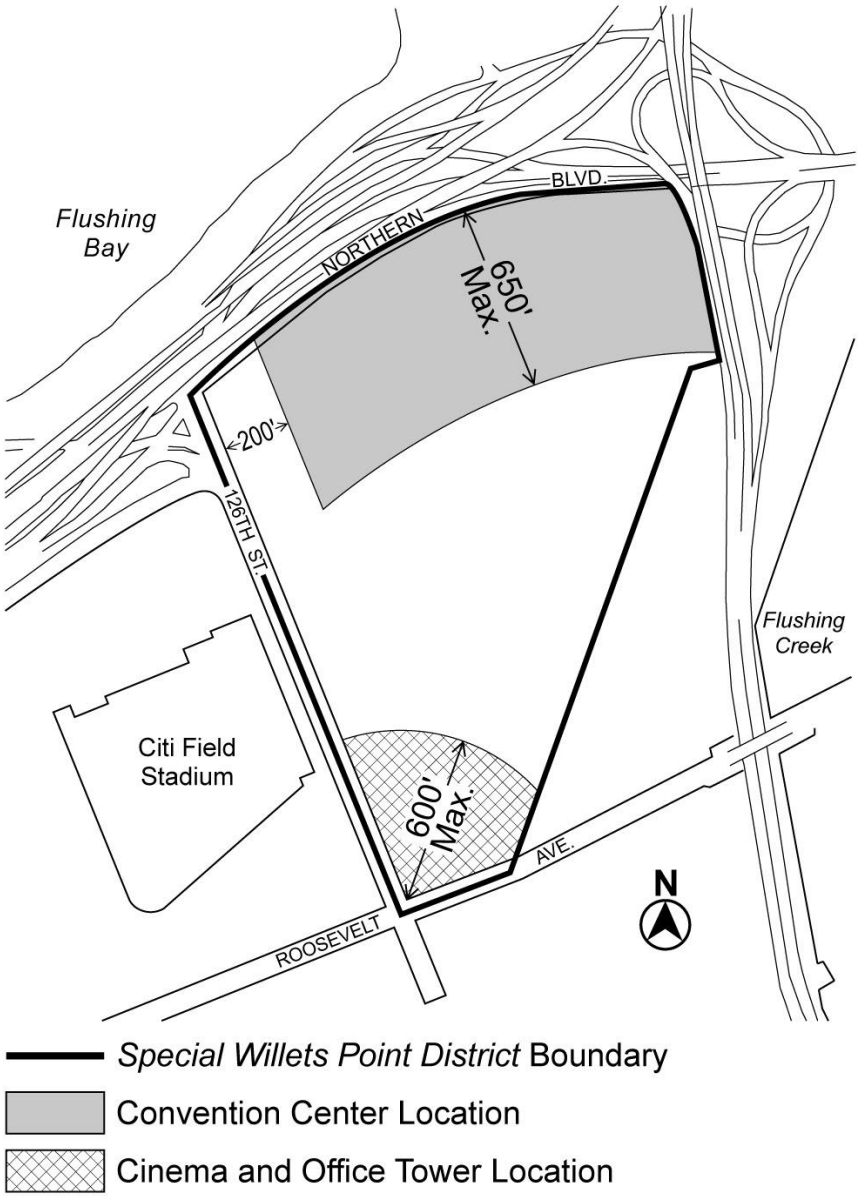
Appendix A - Special Willets Point District Plan

LAST AMENDED
11/13/2008

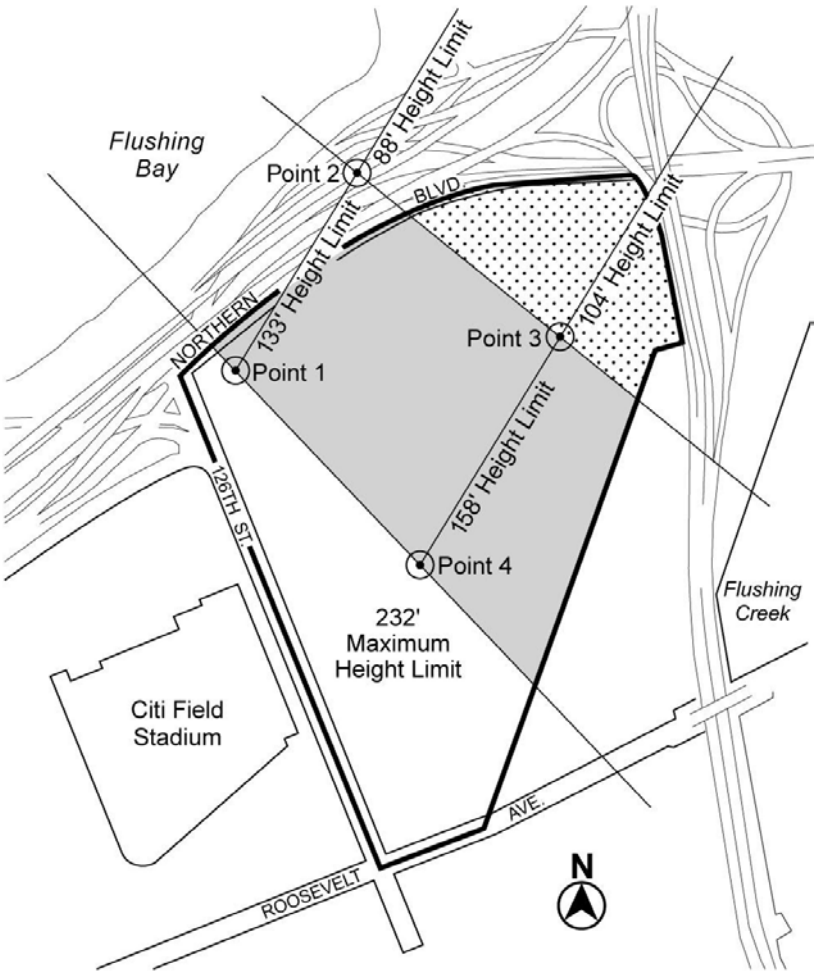
Map 1 - Special Willets Point District Plan



Map 2 - Location Requirements for Convention Center, Cinema and Office Tower



Map 3 - Height Limits



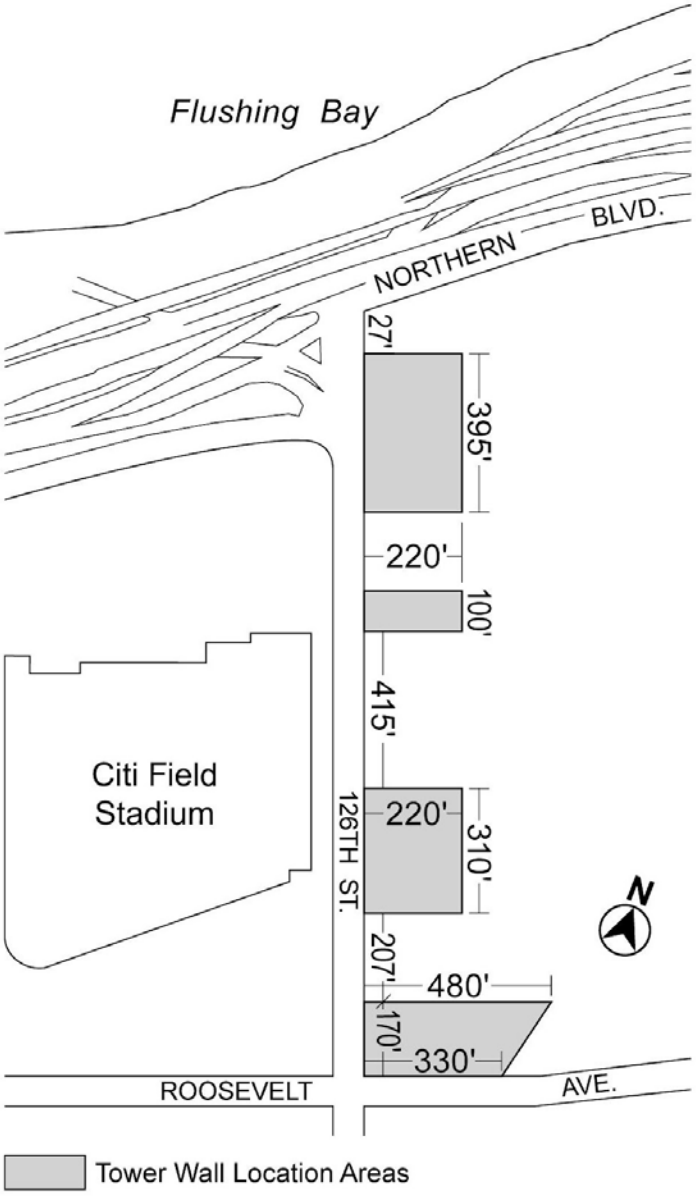
Special Willets Point District Boundary

Outer Approach Surface

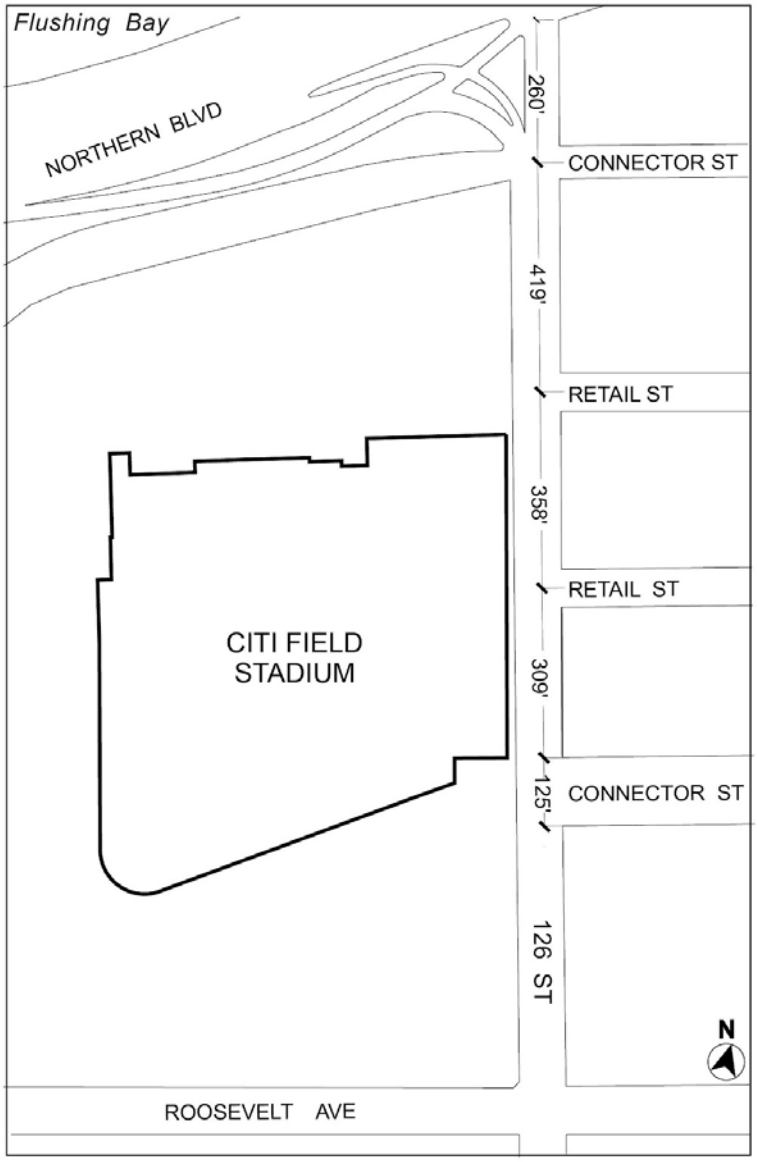
Inner Approach Surface

NOTE: Height Limits are measured Above Mean Sea Level (AMSL)

Map 4 - Locations of Tower Walls without Setbacks



Map 5 - Mandatory Intersections



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Special Southern Hunters Point District (SHP)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 5 - Special Southern Hunters Point District (SHP)

125-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

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

(a) to encourage well-designed buildings that complement the built character of the Hunters Point neighborhood;

(b) to maintain and reestablish physical and visual public access to and along the waterfront;

(c) to broaden the regional choice of residences by introducing new affordable housing;

(d) to achieve a harmonious visual and functional relationship with the adjacent neighborhood;

(e) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;

(f) to take maximum advantage of the beauty of the East River waterfront and provide an open space network comprised of public parks, public open space and public access areas;

(g) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and

(h) to promote the most desirable use of land in accordance with the district plan for Southern Hunters Point, thus conserving the value of land and buildings, thereby protecting the City's tax revenues.

125-01 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

125-02 - District Plan and Maps

LAST AMENDED
11/13/2008

The regulations of this Chapter are designed to implement the #Special Southern Hunters Point District# Plan.

The District Plan, in Appendix A of this Chapter, includes the following maps:

Map 1. Special Southern Hunters Point District, Subdistricts and Parcels

Map 2. Special Ground Floor Use Regulations

Map 3. Street Wall Location

Map 4. Minimum Base Heights of 40 Feet

Map 5. Maximum Base Heights Other Than 70 Feet

Map 6. Tower Areas

Map 7. Mandatory Sidewalk Widenings and Publicly Accessible Open Area

Map 8. Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict

Map 9. Newtown Creek Waterfront Access Plan (Q-3)

Map 10. Permitted Curb Cut Locations

125-03 - Subdistricts

LAST AMENDED
11/13/2008

In order to carry out the purposes and provisions of this Chapter, the #Special Southern Hunters Point District# is divided into two subdistricts: the East River Subdistrict and the Newtown Creek Subdistrict. The East River Subdistrict is further subdivided into parcels A through G. The location and boundaries of the subdistricts and parcels are shown on Map 1 (Special Southern Hunters Point District, Subdistricts and Parcels), in Appendix A of this Chapter.

125-04 - Applicability of District Regulations

LAST AMENDED
11/13/2008

125-041 - Modification of use and bulk regulations for zoning lots bounding parks

LAST AMENDED
11/13/2008

Where the #lot line# of a #zoning lot# coincides with the boundary of a #public park#, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

125-042 - Applicability of Article II, Chapter 5

LAST AMENDED

4/22/2009

The provisions of Section 25-86 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special Southern Hunters Point District#.

125-043 - Modification of Article VI, Chapter 2

LAST AMENDED
4/22/2009

The provisions of Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified as set forth in Section 125-46 (Newtown Creek Waterfront Access Plan).

125-10 - USE REGULATIONS

LAST AMENDED
11/13/2008

125-11 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street#

frontages along #streets#, or portions thereof, designated on Map 2 (Special Ground Floor Use Regulations) in Appendix A of this Chapter shall be considered #Tier C street frontages#. In addition, for the purposes of applying the underlying streetscape regulations, any #street# that #abuts# the park space designated on Map 1 shall be considered a #wide street#.

Defined terms in this Section shall include those in Sections 12-10 and 32-301.

125-12 - Location of Uses in Mixed Buildings

LAST AMENDED
6/6/2024

In C2 Districts, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply in lieu of Section 32-421 (Limitation on floors occupied by commercial uses). In addition, the provisions of Section 32-422 shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

125-20 - FLOOR AREA REGULATIONS

LAST AMENDED
11/13/2008

125-21 - East River Subdistrict

LAST AMENDED

In the East River Subdistrict, the basic maximum #residential# #floor area ratio# for #zoning lots# containing standard #residences# shall be as set forth in the following table. On Parcels B, C, and F, the maximum #residential# #floor area ratio# for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing# shall be as set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) for R10 Districts. For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Parcel	Maximum #Floor Area#
A	12.0
B	10.0
C	10.5
D	12.0
E	12.0
F	10.0

G	12.0

125-22 - Newtown Creek Subdistrict

LAST AMENDED
12/5/2024

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 3.15, and may be increased only as set forth in this Section.

(a) #Floor area# bonus for public amenities

For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 3.15 to a maximum permitted #floor area ratio# of 4.15, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Sections 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and 125-45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

(b) #Floor area# for #qualifying affordable housing# or #qualifying senior housing#

In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the maximum #residential# #floor area ratio# for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing# shall be 5.0.

125-30 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

The underlying height and setback regulations shall be modified by the provisions of this Section, inclusive. All heights shall be measured from the #base plane#.

125-31 - Permitted Obstructions

LAST AMENDED
12/5/2024

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Southern Hunters Point District#, except that dormers provided in accordance with paragraph (b) of Section 23-413 (Permitted obstructions in certain districts) shall be a permitted obstruction in a required setback.

125-32 - Balconies

LAST AMENDED
12/5/2024

Balconies shall not be permitted below a height of 70 feet. Above a height of 70 feet, balconies are permitted in accordance with the provisions of Section 23-62 (Balconies).

125-33 - Required Street Walls

LAST AMENDED
12/5/2024

(a) #Street wall# location

The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to all designated #street# frontages shown on Map 3 (Street Wall Locations) in Appendix A of this Chapter, except that at the intersection of certain #street lines#, such map designates areas where the #street wall# shall be chamfered, and where the #street wall# shall be located within 25 feet of the #street line#. The #street walls# shall extend up to the minimum base height specified in paragraph (b), as applicable, or the height of the #building#, whichever is less. For the purposes of applying the height and setback provisions, all #streets# shall be considered #wide streets#.

Additionally, wherever a #building# fronts upon any #public park#, or any sidewalk widening, #publicly accessible open area# or private street provided in accordance with the design requirements of Sections 125-41 through 125-46, inclusive, the boundary of such #public park#, sidewalk widening, #publicly accessible open area# or private street shall be considered a #wide# #street line#.

(b) Minimum base heights

All #street walls# shall extend up to at least a minimum base height of 50 feet or the height of the #building#, whichever is less, except that a minimum base height of 40 feet shall be permitted in the locations specified on Map 4 (Minimum Base Heights of 40 Feet) in Appendix A of this Chapter.

(c) Maximum base heights

The maximum height of a #street wall# before setback shall be 70 feet, except in the locations specified on Map 5 (Maximum Base Heights Other Than 70 Feet) in Appendix A of this Chapter.

(d) Required setbacks and maximum #building# heights

Setbacks are required for all portions of #buildings# that exceed the applicable maximum base height, except #schools#. All required setbacks shall be provided at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that the depth of such setbacks may include the depth of any permitted recesses in the #street wall#. For the purposes of this paragraph (c), the following shall be considered #wide streets#:

(1) Second Street between 54th Avenue and Borden Avenue

(2) 55th Avenue between Center Boulevard and Second Street

(3) Center Boulevard between 50th Avenue and 57th Avenue.

Above the applicable maximum base height, the maximum height of a #building or other structure# shall be 125 feet, except where towers are permitted, pursuant to Section 125-34.

125-34 - Towers

Any portion of a #building# that exceeds a height of 125 feet shall comply with the following provisions:

(a) Tower location and maximum tower height

All towers shall be located entirely within a Tower Area as designated on Map 6 (Tower Areas), in Appendix A of this Chapter. The maximum height of such towers shall be as indicated for the specified location on Map 6. For #buildings# higher than 165 feet, the gross area of all #stories# entirely within 40 feet of the highest roof level of the #building# shall be at least 50 percent and shall not exceed 90 percent of the gross area of that #story# located directly below the #stories# within 40 feet of the highest roof level.

(b) Orientation and maximum tower size

The outermost walls of each #story# located entirely above a height of 125 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street or Center Boulevard, whichever is closest, shall be 100 feet. The maximum length of any other side of such rectangle shall be 170 feet. Each #story# of a tower located entirely above a height of 125 feet shall not exceed a gross area of 11,000 square feet.

However, on Parcel G in the East River Subdistrict, the maximum length of the side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street shall not exceed 170 feet.

(c) Tower and base integration

Notwithstanding the setback provisions of paragraph (c) of Section 125-33 (Required Street

Walls), up to 50 percent of the #street wall# width of a tower may rise sheer from grade without setback. The underlying dormer provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts) shall be superseded by this Section for tower portions of #buildings#.

125-35 - Authorization for Height and Setback Modifications

LAST AMENDED
2/2/2011

Within the #Special Southern Hunters Point District#, for any #development# or #enlargement#, the City Planning Commission may modify the regulations set forth in Section 125-30, inclusive, provided the Commission finds that such modifications:

(a) will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;

(b) are consistent with the goals of the Special District to provide flexibility of architectural design and encourage more attractive #building# forms; and

(c) will result in a #development# or #enlargement# that enhances the streetscape and is compatible with development in the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.

125-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED
11/13/2008

125-41 - Sidewalk Widenings

LAST AMENDED
11/13/2008

Map 7 (Mandatory Sidewalk Widenings and Publicly Accessible Open Area), in Appendix A of this Chapter, shows locations of mandatory sidewalk widenings in the East River Subdistrict. The depth of such sidewalk widenings shall be as indicated on Map 7 and shall be measured perpendicular to the #street line# unless otherwise indicated. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalk, and shall be accessible to the public at all times.

125-42 - Publicly Accessible Open Area Requirements on

LAST AMENDED
11/13/2008

Parcels B, D, E and F

Map 7 (Mandatory Sidewalk Widenings and Publicly Accessible Open Area), in Appendix A of this Chapter, shows locations where open areas are permitted or required on Parcels B, D, E and F in the East River Subdistrict. Where any such area is provided, it shall be publicly accessible and comply with

the standards of Sections 37-741 (Seating), 37-743 (Lighting and electrical power), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-747 (Public space signage), 37-76 (Mandatory Allocation of Frontages for Permitted Uses) and 37-77 (Maintenance).

In addition, the provisions of Section 37-742 (Planting and trees) shall apply to such open areas, and shall be modified to require that:

(a) at least 30 percent of each open area be comprised of planting beds;

(b) at least two four-inch caliper trees or three ornamental trees be provided within such open areas on Parcels D and F; and

(c) no trees shall be required within the open areas on Parcels B and E.

125-43 - Publicly Accessible Open Area Requirements on

LAST AMENDED
11/13/2008

A publicly accessible private open area shall be provided within the area of Parcel G in the East River Subdistrict as shown on Map 7 (Mandatory Sidewalk Widenings and Publicly Accessible Open Area) in Appendix A of this Chapter. No excavation or building permit shall be issued for any #development# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is consistent with the Department of Parks and Recreation design standards used for the development of the adjacent #public park#. A certification under this paragraph shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such

open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation.

In the event that Parcel G is not owned by the City, then, prior to design and development of the #publicly accessible open area#, the owner of Parcel G may make a request directed to the Office of the Mayor to transfer to the City its fee simple absolute interest, free and clear of any encumbrances in the open area. The City may accept the transfer request, provided that development of the open area is made in accordance with guidelines established by the Chairperson of the City Planning Commission and the Commissioner of the Department of Parks and Recreation, and transfer is made pursuant to such instruments as are necessary for implementation. In the event of a transfer, the #bulk# and parking computations for the #zoning lot# shall include the transferred property and such transfer shall not be deemed a #non-compliance#.

125-44 - Private Street Requirements in Newtown Creek Subdistrict

LAST AMENDED
11/13/2008

In the Newtown Creek Subdistrict, where a private street is provided pursuant to paragraph (a) of Section 125-22, such private street shall be constructed to minimum Department of Transportation standards for public #streets#, including lighting, curbs and curb drops. Such private street shall consist of a paved road bed with a minimum width of 34 feet from curb to curb with 13 foot wide sidewalks on each side along its entire length. Such private street shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict) in Appendix A of this Chapter. One tree shall be planted for every 25 feet of curb length of the private street. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street.

125-45 - Publicly Accessible Open Area in Newtown Creek Subdistrict

LAST AMENDED
2/2/2011

Where a publicly accessible private open area is provided pursuant to paragraph (a) of Section 125-22, such open area shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict) in Appendix A of this Chapter. No excavation or building permit shall be issued for any #development# or #enlargement# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is either:

(a) consistent with the Department of Parks and Recreation design standards for the #public park# located on 55th Avenue between Center Boulevard and Second Street; or

(b) in the event that design standards have not been developed for the #public park# located on 55th Avenue between Center Boulevard and Second Street, acceptable to the Chairperson of the City Planning Commission and the Department of Parks and Recreation.

A certification under this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation. Such approved plan shall allow for pedestrian access from 55th Avenue to the #residential# entrance of a #building# bounding the publicly accessible private open area. The paved width of such access shall not exceed 13 feet, and its location shall be within the area shown on Map 8.

125-46 - Newtown Creek Waterfront Access Plan

LAST AMENDED
6/6/2024

Map 9, in Appendix A of this Chapter, shows the boundaries of the area comprising the Newtown Creek Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area consists of Block 11, Lot 1, as established on November 13, 2008.

(a) Modification of #use# requirements

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed under Use Group IV(B), shall be permitted #uses# within the Newtown Creek Waterfront Access Plan.

(b) Area-wide modifications

The requirements for #waterfront public access area#, as defined in Section 62-11, pursuant to Sections 62-53 through 62-57, inclusive, are modified at the following designated locations:

(1) #Upland connection#

An #upland connection#, as defined in Section 62-11, shall be provided through Block 11, Lot 1, abutting the prolongation of 5th Street and extending from the #shore public walkway#, as defined in Section 62-11, northerly to 54th Avenue.

(2) #Supplemental public access area#

#Supplemental public access areas#, as defined in Section 62-11, shall be provided as indicated on Map 9.

125-47 - Phased Implementation of Publicly Accessible Areas

LAST AMENDED
2/2/2011

In the Newtown Creek Subdistrict, the Chairperson of the City Planning Commission shall allow for the phased implementation of all required publicly accessible areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of public access area proportionate to the amount of #floor area# being #developed# or #enlarged# in each phase. For any #development# or #enlargement# located within 100 feet of a #shoreline#, the initial phase shall provide, at a minimum, the required #shore public walkway# and any adjacent #supplemental public access areas# located between such #development# or #enlargement# and such #shore public walkway#, as defined in Section 62-11. For any #development# or #enlargement# that fronts upon 54th Avenue, the initial phase shall provide, at a minimum, the required publicly accessible private street.

125-50 - PARKING REGULATIONS

LAST AMENDED
5/8/2013

The regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area) and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply, except as set forth in this Section.

125-51 - General Regulations

LAST AMENDED
11/13/2008

For the purposes of Section 125-50 (PARKING REGULATIONS), inclusive, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#.

No #public parking garages# or #public parking lots# shall be permitted.

125-52 - Rooftop Landscaping

LAST AMENDED
6/6/2024

Any roof area of a parking garage not otherwise covered by a #building# and larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational #use# of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area. #Schools# shall be exempt from the provisions of this paragraph (b).

125-53 - Maximum Size of Permitted Accessory Group Parking Facilities

LAST AMENDED
5/8/2013

In the East River Subdistrict, Section 16-13 (Permitted Parking for Zoning Lots With Multiple Uses) shall apply, except that the maximum number of spaces shall be 780. Additionally, the restrictions for off-site parking pursuant to Section 16-21 (Public Use and Off-site Parking) shall not apply.

In the Newtown Creek Subdistrict, Section 16-13 shall apply except that the maximum number of spaces shall not exceed 40 percent of the number of #dwelling units# within the #development# or #enlargement#.

125-54 - Off-site Facilities in the East River Subdistrict

LAST AMENDED
11/13/2008

In the East River Subdistrict, all #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided such parking facilities are located within the #Special Southern Hunters Point District#, and the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each off-site #zoning lot# using such facility, less the number of any spaces provided on such #zoning lots#.

125-55 - Location of Curb Cuts

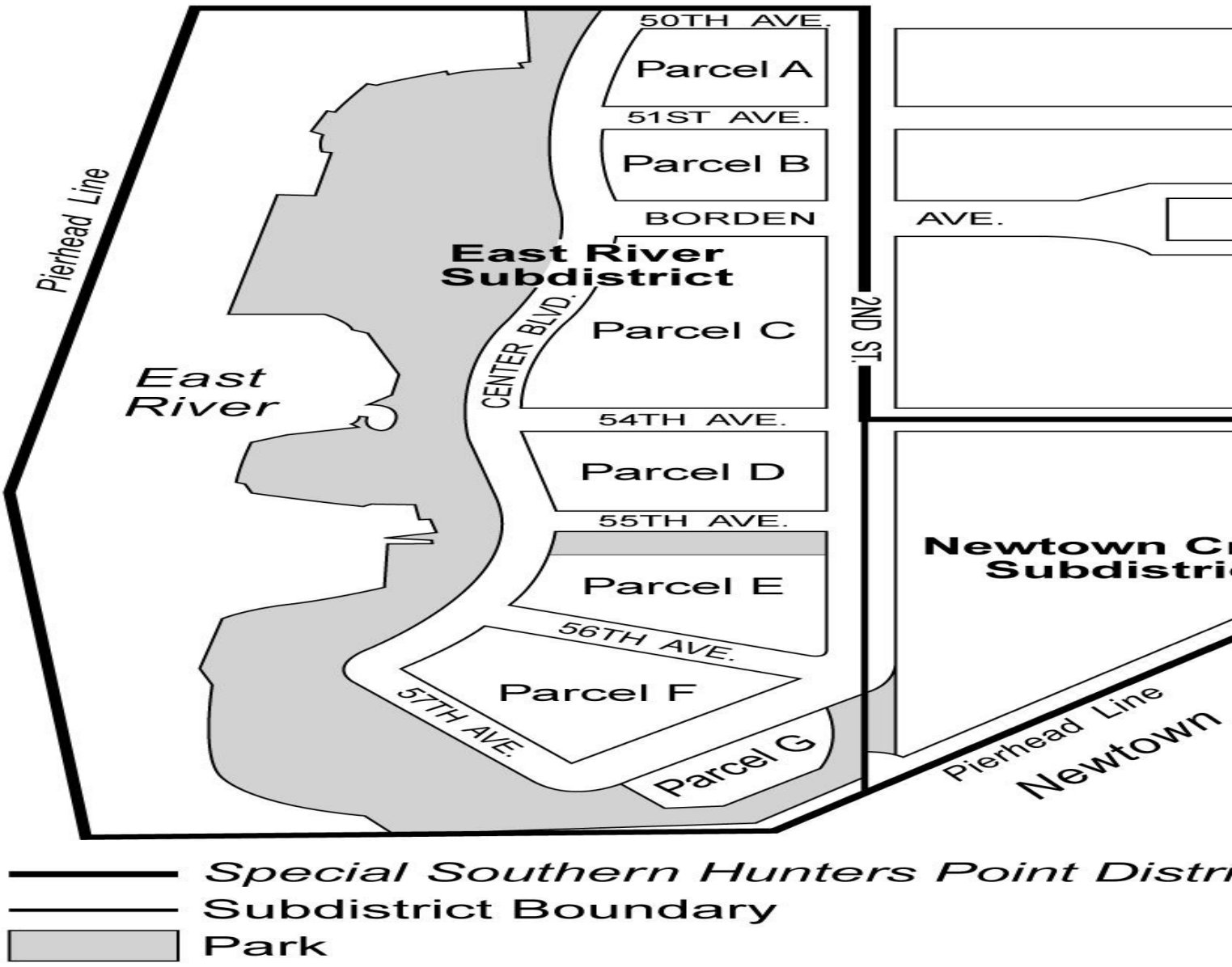
LAST AMENDED
2/2/2011

Curb cuts are permitted only in the locations indicated on Map 10 (Permitted Curb Cut Locations) in Appendix A of this Chapter. The aggregate width of all curb cuts provided for any #building# shall not exceed 50 feet.

Appendix A - Special Southern Hunters Point District Plan

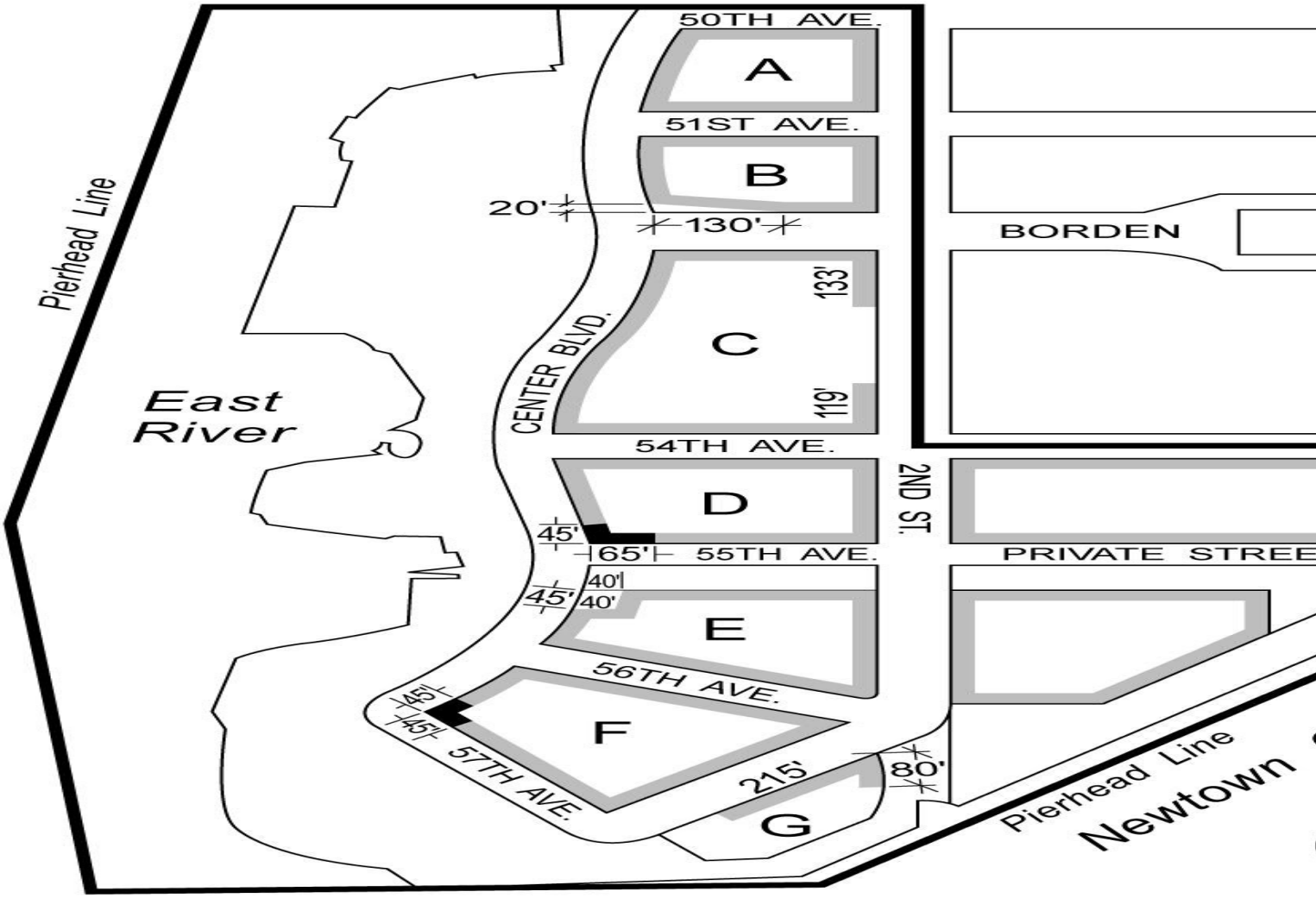
LAST AMENDED
6/6/2024

Map 1 – Special Southern Hunters Point District, Subdistricts and Parcels

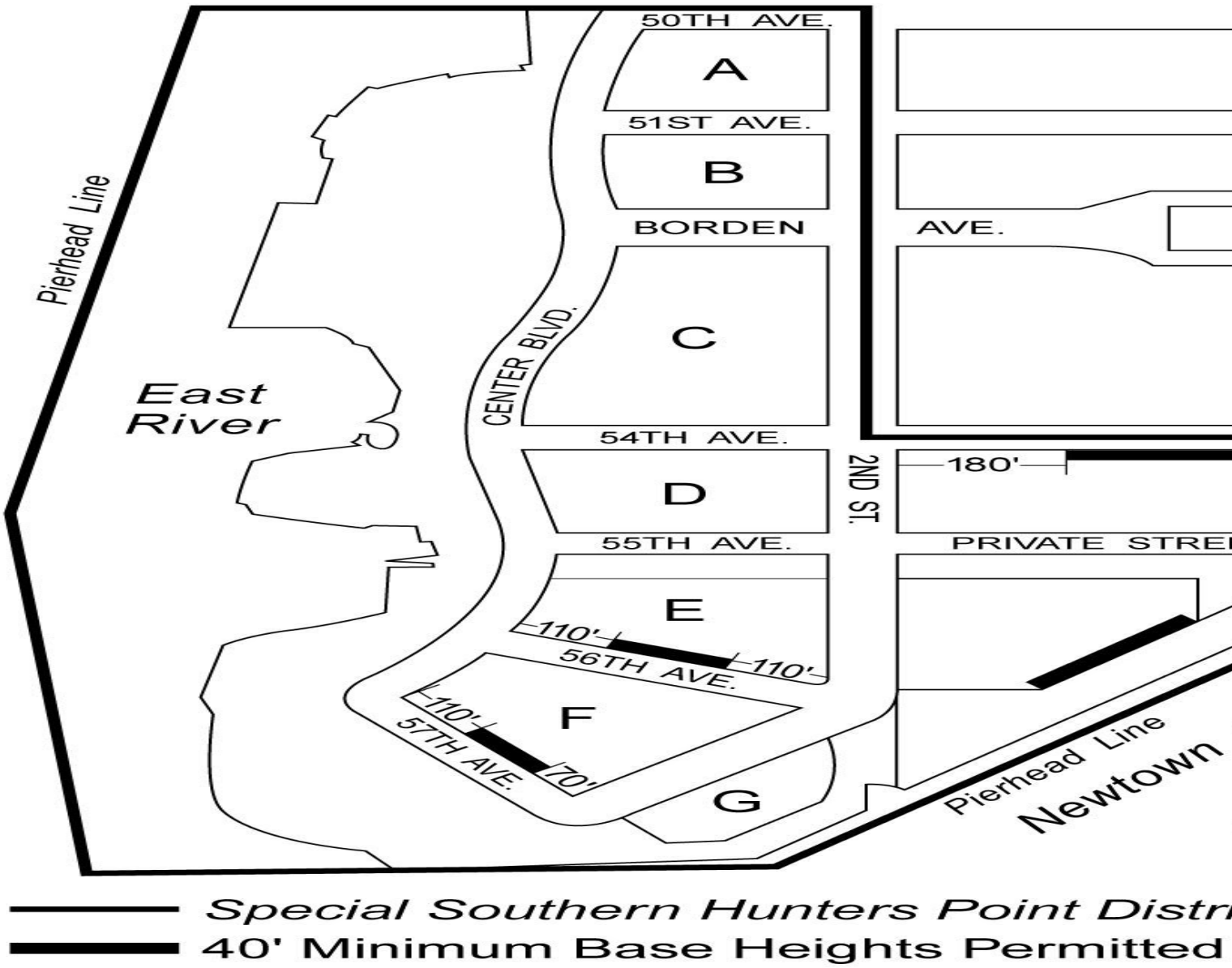

50TH AVE.
Parcel A
51ST AVE.
Parcel B
BORDEN
AVE.
East River Subdistrict
Parcel C
CENTER BLVD.
2ND ST.
Pierhead Line
East River
54TH AVE.
Parcel D
55TH AVE.
Parcel E
56TH AVE.
Parcel F
57TH AVE.
Parcel G
Pierhead Line
Newtown
Special Southern Hunters Point Distri
Subdistrict Boundary
Park

Map 2 – Special Ground Floor Use Regulations

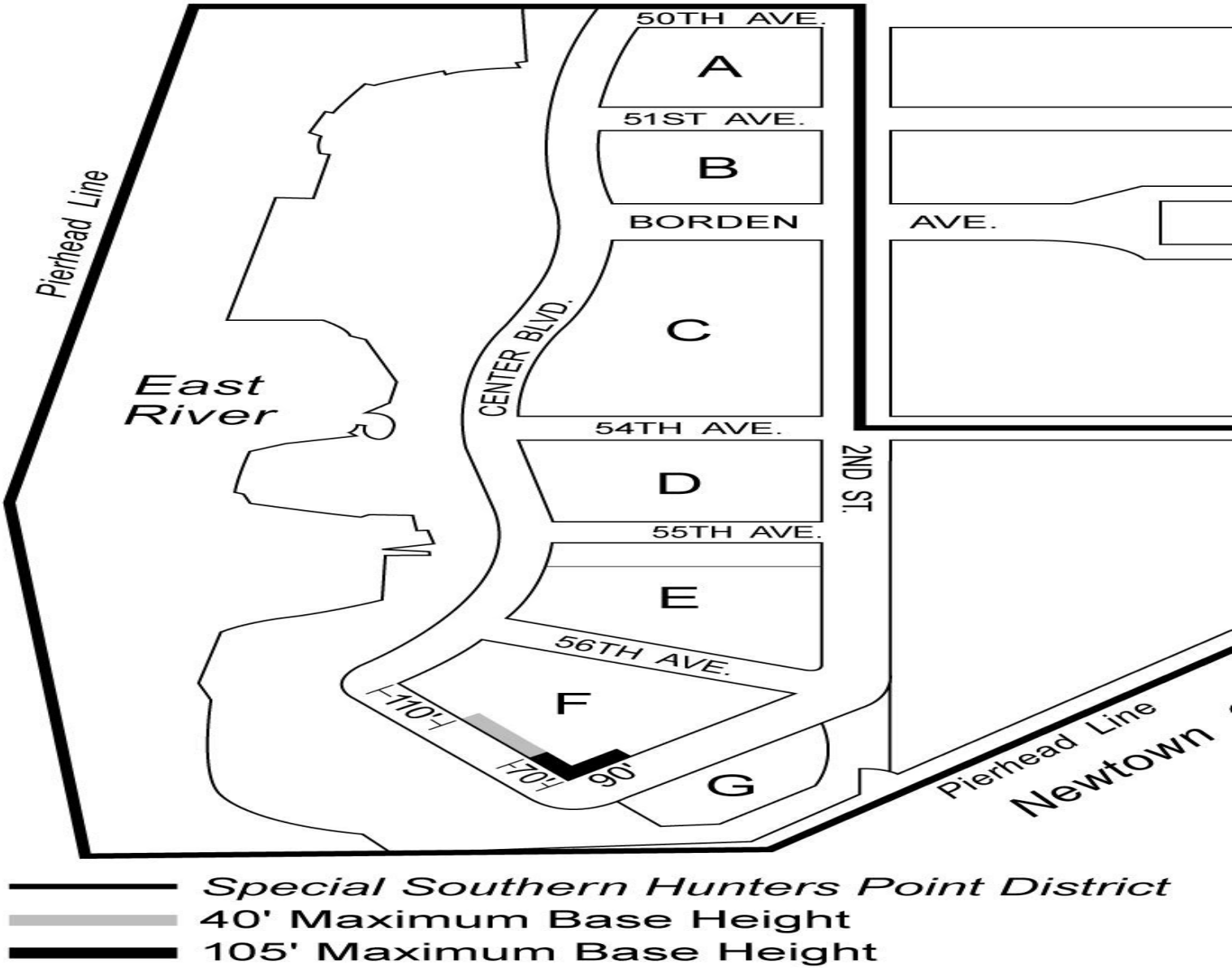
Map 3 – Street Wall Locations


50TH AVE.
A
51ST AVE.
B
20'
130'
BORDEN
Pierhead Line
133'
C
119'
CENTER BLVD.
East
River
54TH AVE.
D
2ND ST.
45'
65'
55TH AVE.
PRIVATE STREE
45'
40'
40'
E
56TH AVE.
45'
45'
F
57TH AVE.
215'
80'
G
Pierhead Line
Newtown
Special Southern Hunters Point Distri
Mandatory Street Wall Location
Street Wall Required Within 25' of Str

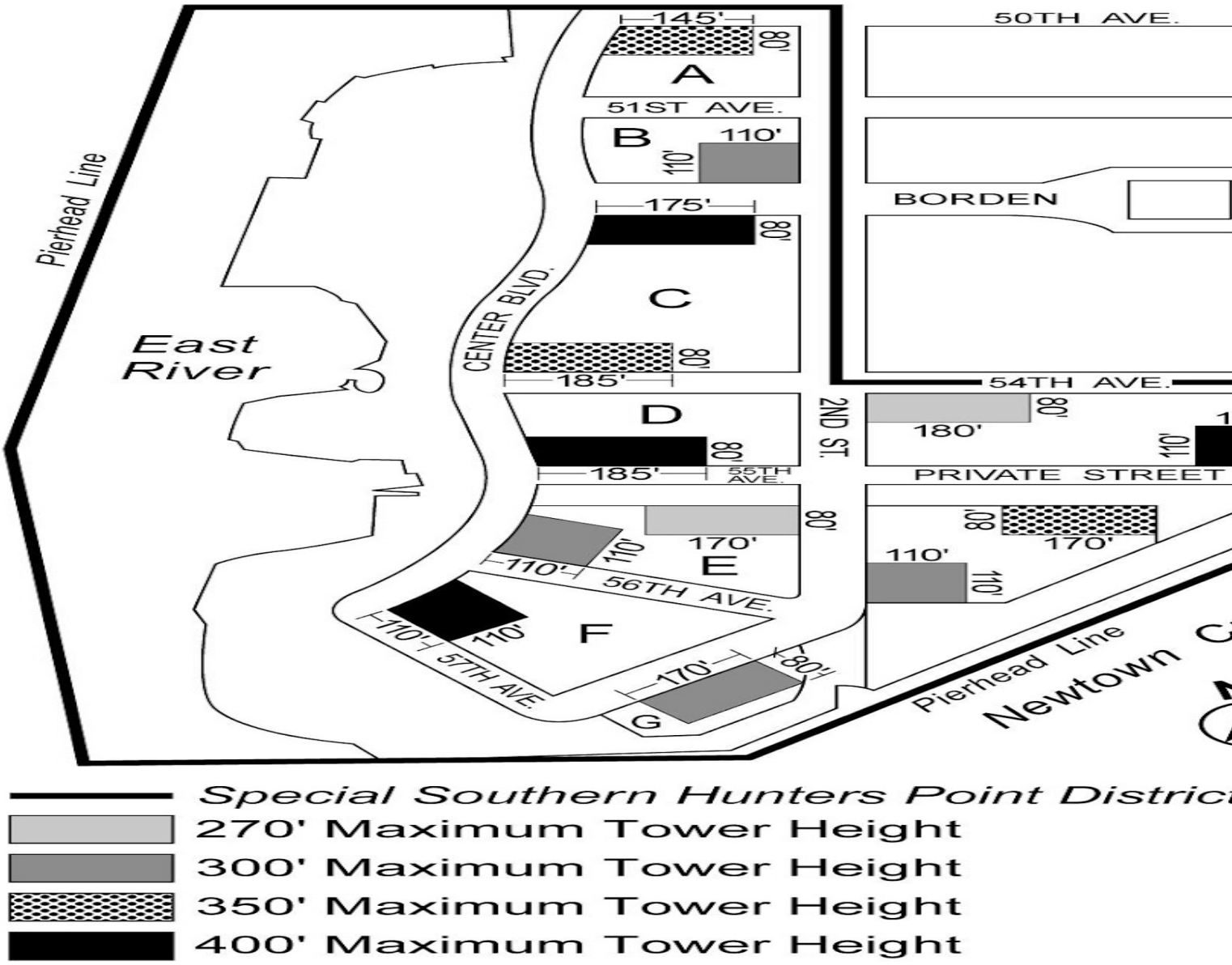
Map 4 – Minimum Base Heights of 40 Feet



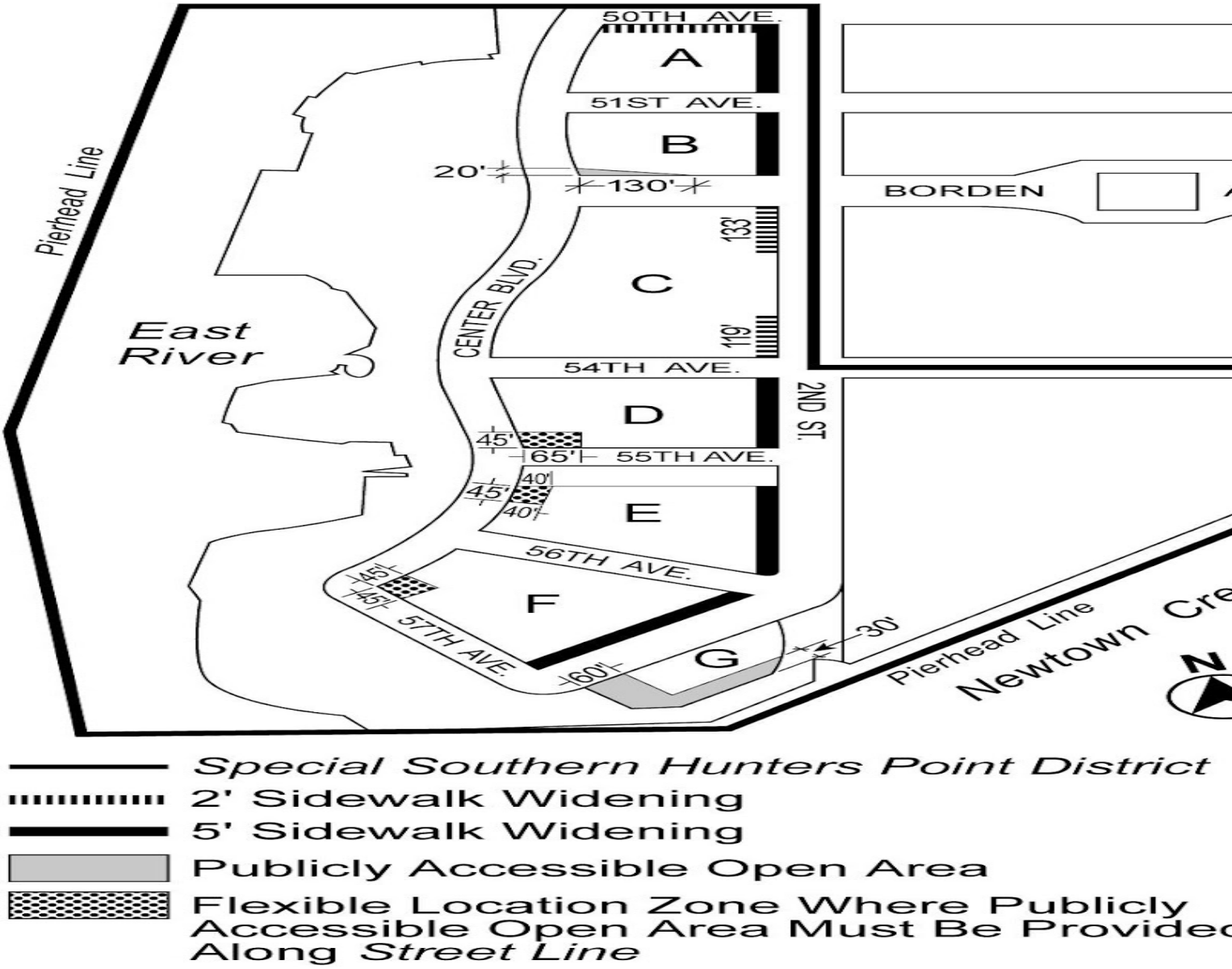
Map 5 – Maximum Base Heights other than 70 Feet



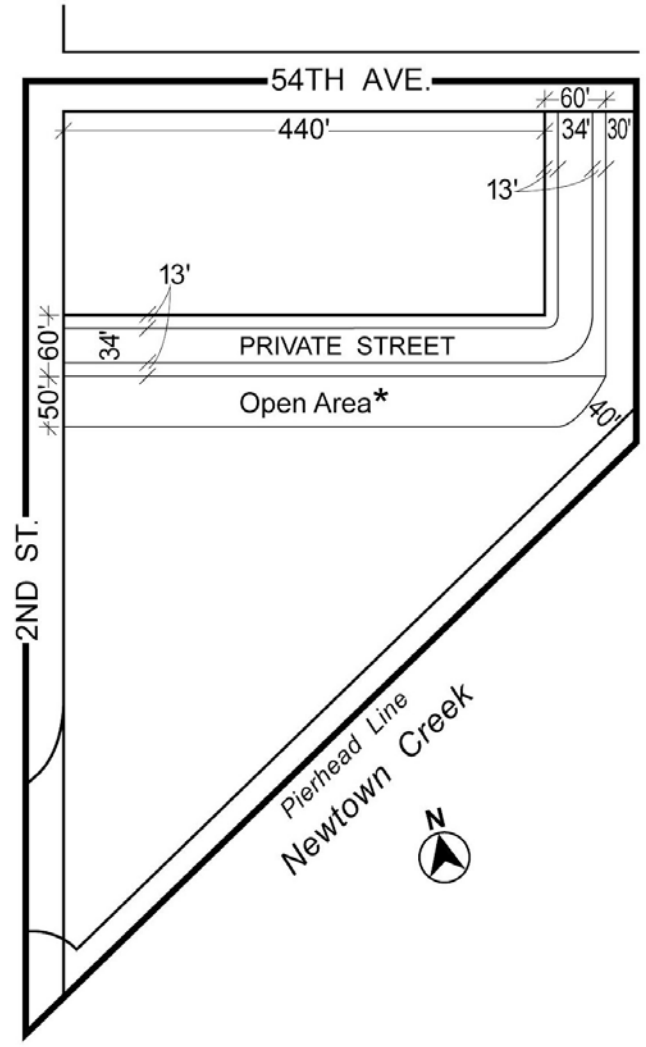
Map 6 – Tower Areas



Map 7 – Mandatory Sidewalk Widenings and Publicly Accessible Open Area



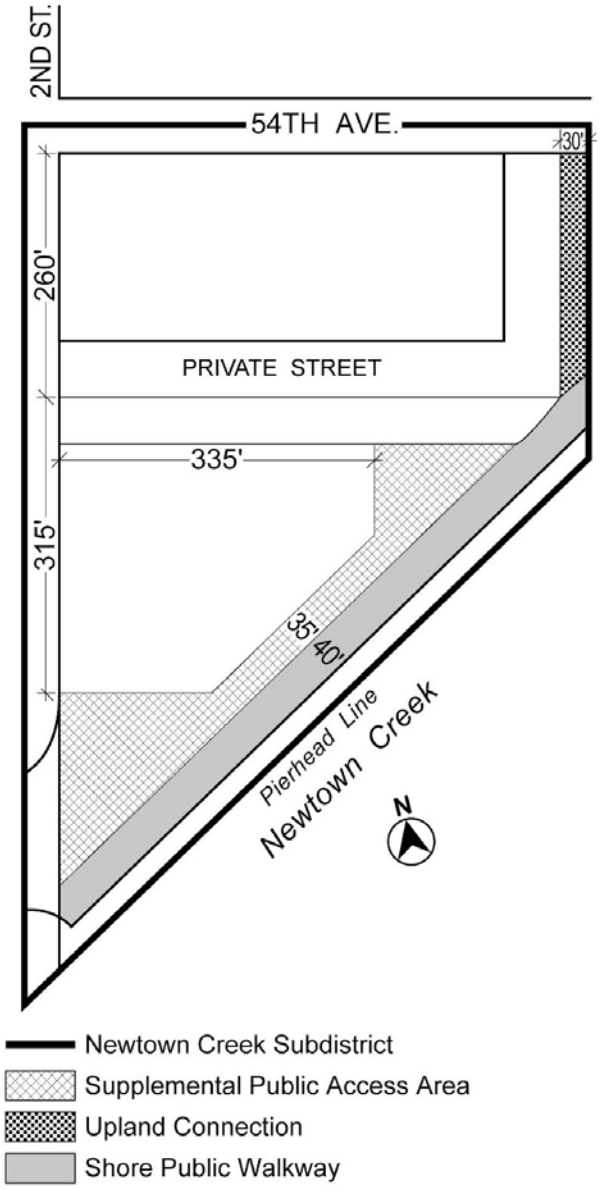
Map 8 – Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict



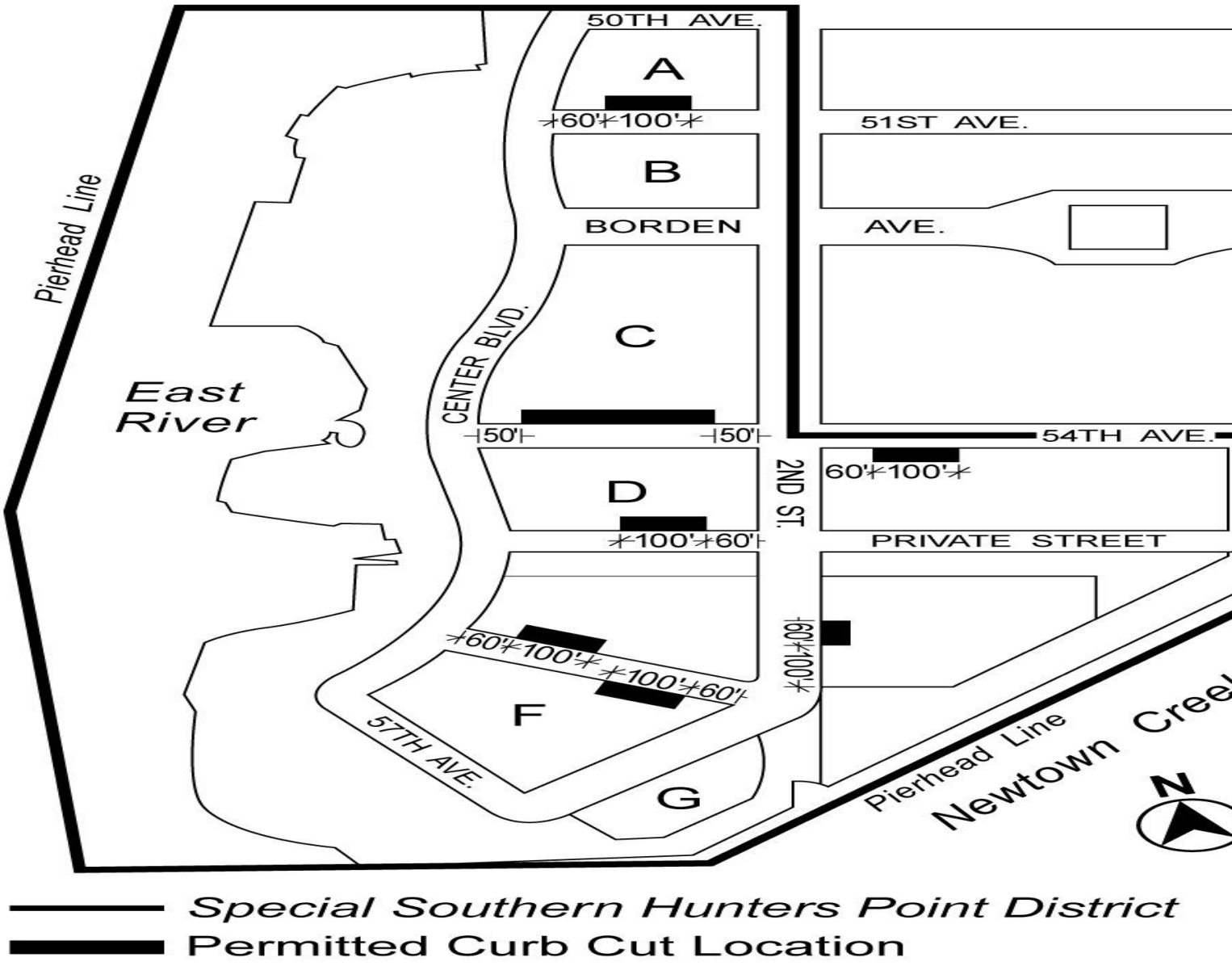
Newtown Creek Subdistrict

*One 13' wide walkway connecting sidewalk of private street and residential building entrance may traverse Open Area beyond 200' of 2nd St.

Map 9 – Newtown Creek Waterfront Access Plan (Q-3)



Map 10 – Permitted Curb Cut Locations



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special College Point District (CP)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 6 - Special College Point District (CP)

126-00 - GENERAL PURPOSES

LAST AMENDED
7/29/2009

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

(a) to encourage and retain high performance manufacturing establishments in New York City;

(b) to maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and

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

126-01 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented

or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

126-02 - District Plan and Map

LAST AMENDED
7/29/2009

The District Map is located within the Appendix to this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

126-10 - SPECIAL USE REGULATIONS

LAST AMENDED
7/29/2009

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-11 - Recreational Uses

LAST AMENDED
6/6/2024

The regulations of Section 42-10 (USE ALLOWANCES), shall be modified to allow the following #uses# as-of-right within the #Special College Point District#:

From Use Group I

Golf courses

Outdoor racket courts

Outdoor skating rinks

#Public parks#, playgrounds or private parks

From Use Group III

Non-commercial recreation centers.

126-12 - Performance Standards

LAST AMENDED
6/6/2024

Section 42-40 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

126-13 - Enclosure Regulations

LAST AMENDED
6/6/2024

The following provisions supersede Sections 42-51 (Enclosure of Commercial or Manufacturing Activities) and 42-52 (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-street Loading Berths).

126-131 - Special enclosure regulations for specific uses previously prohibited under the former College Point Urban Renewal Plan

LAST AMENDED
6/6/2024

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed building#:

From Use Group IV

Electric power or steam generating plants

Incineration or reduction of garbage, offal or dead animals

Radioactive waste disposal services involving the handling or storage of radioactive waste

Sewage disposal plants

Dumps, marine transfer stations for garbage or slag piles

From Use Group IX

Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments

Wholesale establishments that include produce or meat markets

Scrap metal, junk, paper or rags storage, sorting, or baling

From Use Group X

Animal slaughtering and processing.

All #commercial# or #manufacturing uses# specified in this Section shall be permitted, provided the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board and Borough President for review and comment for a period of no less than 45 days prior to such certification.

126-132 - Enclosure regulations in M1-1 Districts

LAST AMENDED
7/29/2009

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-133 - Enclosure regulations in M2-1 Districts near Residence Districts

LAST AMENDED
7/29/2009

Within 300 feet of a #Residence District# boundary, all #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#. However, #commercial# #uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-134 - Enclosure of storage in M1-1 Districts near Residence Districts

LAST AMENDED
7/29/2009

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

126-135 - Screening of storage in M2-1 Districts near Residence Districts

LAST AMENDED
7/29/2009

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

(a) shall not be located within a #front yard# ;

(b) shall be maintained in good condition at all times; and

(c) shall have no #signs# hung or attached thereto other than those permitted in Sections 42-52 (Permitted Signs), and 126-14 (Sign Regulations), inclusive.

126-136 - Screening of storage

LAST AMENDED
6/6/2024

(a) At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees which are 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

(2) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

(b) In addition, such screening provided pursuant to paragraphs (a)(1) or (a)(2) of this Section:

(1) shall not be located within a #front yard# ;

(2) shall be maintained in good condition at all times;

(3) may be interrupted by normal entrances or exits; and

(4) shall have no #signs# hung or attached thereto other than those permitted in Sections 42-62 (Permitted Signs) and 126-14 (Sign Regulations).

126-14 - Sign Regulations

LAST AMENDED
6/6/2024

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section 32-671 (Special provisions applying along district boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, and no #signs# shall be permitted on the roof of any #building#.

126-141 - Special sign regulations in M2-1 Districts

LAST AMENDED
7/29/2009

In M2-1 Districts, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

(a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of eight feet, and shall not extend to a height greater than 20 feet above #curb level# ; and

(b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.

126-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
7/29/2009

The #bulk# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-21 - Street Tree Planting

LAST AMENDED
2/2/2011

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

126-22 - Floor Area Ratio

LAST AMENDED
7/29/2009

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0.

However, within the M2-1 District south of 30th Avenue and its prolongation, the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district, for:

(a) portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard; or

(b) #zoning lots# with frontage on the Whitestone Expressway.

126-23 - Modification of Yard Regulations

LAST AMENDED
7/29/2009

126-231 - Minimum required front yards

LAST AMENDED
7/29/2009

#Front yards# shall be provided with a depth of 15 feet, except for:

(a) #zoning lots# with frontage along the Whitestone Expressway, where #front yards# shall be provided with a depth of 20 feet; and

(b) #corner lots#, where one #front yard# may have a depth of 10 feet.

126-232 - Minimum required side yards

LAST AMENDED
7/29/2009

#Side yards# shall be provided with a width of 10 feet.

126-233 - Special provisions along district boundaries

LAST AMENDED
4/14/2010

The following regulations shall modify the provisions of Section 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

(a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #Residence District#.

(b) Within the areas depicted on the #Special College Point District# Map as 60-foot buffer areas, an open area not higher than #curb level# shall be provided within the #Manufacturing District#, as follows:

(1) where such buffer area is adjacent to a #street#, a #front yard# at least 60 feet in depth shall be provided; or

(2) where such buffer area is not adjacent to a #street#, an open area at least 60 feet wide shall be provided along the boundary of the #Manufacturing District#. Such open area may be reduced to a width of not less than 25 feet where there is an open area in an adjacent #Residence District# so that, in combination with the open area within the #Manufacturing District#, there is an open area totaling at least 60 feet in width. The open area in the #Residence District# shall be subject to a restrictive declaration

requiring that such area be maintained pursuant to the standards of this Section, in a form approved by the New York City Department of Buildings, and subsequently recorded in the Office of the City Register of the City of New York against all tax lots comprising such restricted open area. Proof of recordation of the restrictive declaration in a form acceptable to the New York City Department of Buildings shall be submitted.

All such open areas shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

(c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that the option described in paragraph (a)(2) of Section 126-136 shall not be a permitted form of screening.

126-234 - Planting requirement in front yards

LAST AMENDED
7/29/2009

#Front yards# shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

126-235 - Storage of materials within yards

LAST AMENDED
7/29/2009

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

126-24 - Height and Setback Regulations

LAST AMENDED
7/29/2009

Within the #Special College Point District#, the height and setback regulations of an M1-1 District shall apply.

However, within the M2-1 District south of 30th Avenue and its prolongation, the height and setback regulations shall be as permitted in the underlying district, for:

(a) portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard; or

(b) #zoning lots# with frontage on the Whitestone Expressway.

126-30 - SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
7/29/2009

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

126-31 - Parking Regulations

LAST AMENDED
6/6/2024

(a) #Accessory# off-street parking shall not be permitted within a required #front yard#.

(b) The provisions of Section 44-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial# #uses# shall be modified as follows:

> #Transient hotels#, for the #floor area# used for sleeping accommodations, shall be required to provide one parking space per two guest rooms or suites and, for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios, shall be required to provide one parking space per four persons-rated capacity
>
> For #uses# with parking requirement category B1, or when permitted by special permit, shall be required to provide one parking space per four persons-rated capacity

(c) For #commercial# #uses# within the commercial areas identified on the #Special College Point District# Map, the parking requirements of a C4-1 District shall apply.

(d) Section 37-90 (PARKING LOTS), inclusive, shall apply to all open parking areas #accessory# to #uses# listed under Use Group X. Perimeter landscaping, required pursuant to Section 37-921, may overlap with required #yards#, pursuant to Section 126-231.

(e) The provisions of Section 44-232 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on July 29, 2009, and on the date of application for a building permit.

126-32 - Loading Regulations

LAST AMENDED
6/6/2024

(a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#. However, the City Planning Commission may authorize off-street loading berths located between a #street wall# and a #street line#, provided that the Commission finds that such loading berths can not be located elsewhere on the #zoning lot# and that such loading berths shall be enclosed or screened to the greatest extent practicable.

(b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section 44-565 (Screening).

126-33 - Curb Cut Restrictions on 15th Avenue

LAST AMENDED
7/29/2009

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one-sixteenth inch to a foot, showing the size and location of the proposed curb cut.

126-40 - SPECIAL APPROVALS

LAST AMENDED
7/29/2009

126-41 - Modification of Planting Requirements

LAST AMENDED
7/29/2009

The requirements of Section 126-234 (Planting requirement in front yards) and paragraph (c) of Section 126-233 (Special provisions along district boundaries) may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are infeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or 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.

126-42 - Authorization for Reduction of Required Parking

LAST AMENDED
7/29/2009

Within the commercial areas identified on the #Special College Point District# Map, the City Planning Commission may authorize a reduction of the parking requirement of Section 44-21 (General Provisions) and paragraphs (b) and (c) of Section 126-31 (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

126-43 - Special Permit to Modify Use or Bulk Regulations

LAST AMENDED
2/2/2011

For any #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission finds that such:

(a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;

(b) #use# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;

(c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot# ;

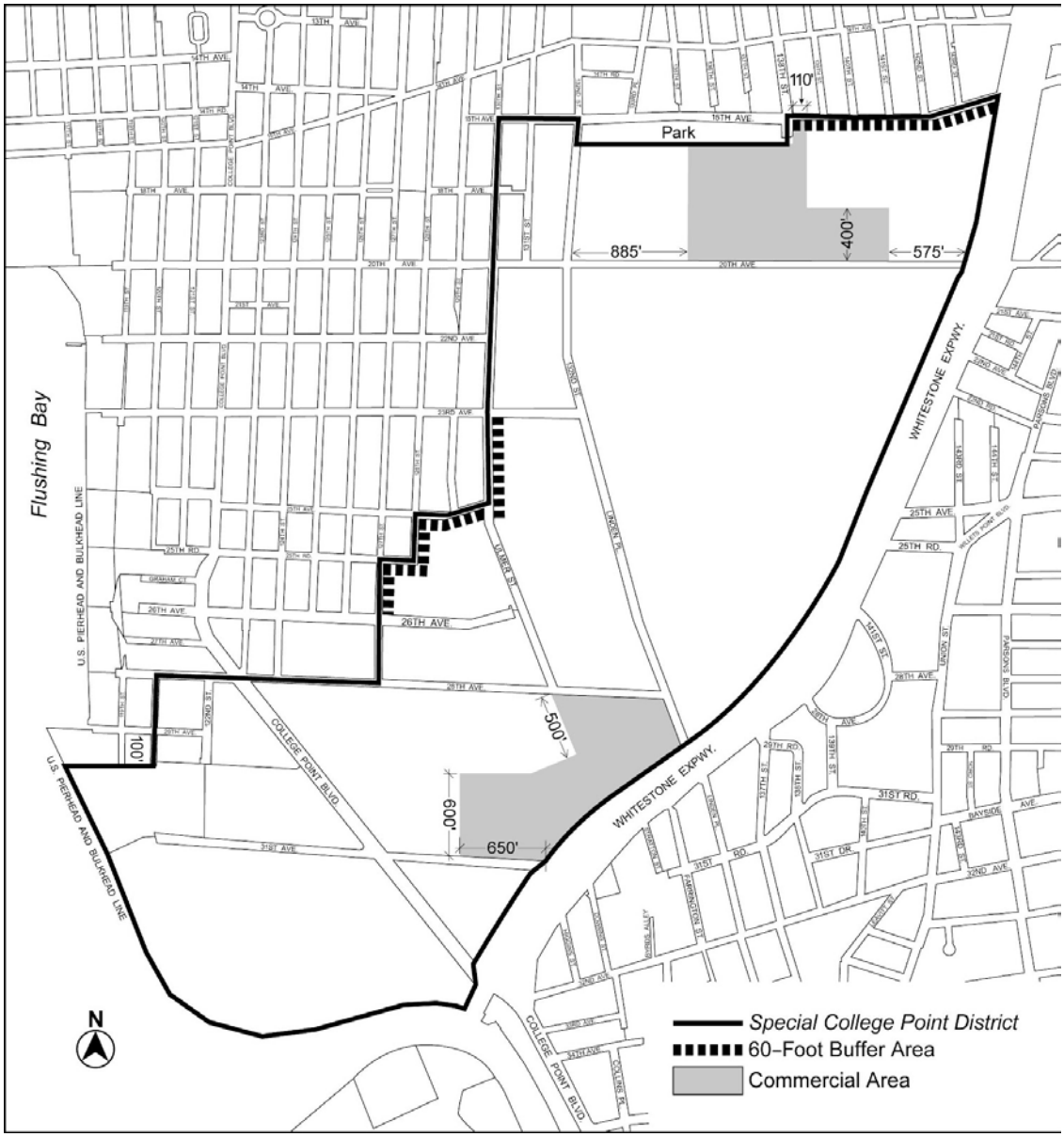
(d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and

(e) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

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

Appendix - Special College Point District Map

LAST AMENDED7/29/2009


Flushing Bay
U.S. PIERHEAD AND BULKHEAD LINE
Park
110'
400'
885'
575'
500'
600'
650'
100'
WHITESTONE EXPWY.
COLLEGE POINT BLVD
20TH AVE
26TH AVE
28TH AVE
31ST AVE
25TH RD.
31ST RD.
N
Special College Point District
60-Foot Buffer Area
Commercial Area

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Special Flushing Waterfront District (FW)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 7 - Special Flushing Waterfront District (FW)

127-00 - GENERAL PURPOSES

LAST AMENDED12/10/2020

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

(a) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;

(b) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(c) to encourage well-designed development that complements the pedestrian experience and enhances the built character of the neighborhood;

(d) to establish and maintain physical and visual public access to and along Flushing Creek;

(f) to make use of the waterfront by providing public access via private street network, direct connections to the water and to promote coordinated redevelopment of the area in a manner consistent with waterfront access and internal circulation within the Special District; and

(g) to promote the most desirable use of land and building development in accordance with the District Plan for Downtown Flushing and thus conserve the value of land and buildings and

thereby improve the City's tax revenues.

127-01 - General Provisions

LAST AMENDED12/10/2020

The provisions of this Chapter shall apply within the #Special Flushing Waterfront District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control unless expressly stated otherwise.

127-02 - District Plan and Maps

LAST AMENDED12/10/2020

In order to carry out the purposes and provisions of this Chapter, district maps are located in the Appendix to this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1: Special Flushing Waterfront District and Subdistricts

Map 2: Publicly Accessible Private Street Network

Map 3: Requirements Along Street Frontages

Map 4: Waterfront Access Plan: Parcel Designation

Map 5: Waterfront Access Plan: Visual Corridors

Map 6: Waterfront Access Plan: Public Access Areas

Map 7: Waterfront Access Plan: Phase I Waterfront Public Access Improvements

Map 8: Waterfront Access Plan: Phase II Waterfront Public Access Improvements

127-03 - Subdistricts

LAST AMENDED12/10/2020

In order to carry out the provisions of this Chapter, three subdistricts, Subdistrict A, Subdistrict B and Subdistrict C, are established.

The location and boundaries of these subdistricts are shown on Map 1 (Special Flushing Waterfront District and Subdistricts) in the Appendix to this Chapter.

127-04 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 32-301 (Definitions) and within this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Conceptual plan

A "conceptual plan" is a plan that sets forth the proposed final design, in compliance with the requirements of Section 127-421 (Requirements for publicly accessible private streets), for the remaining portions of the #publicly accessible private street# or #upland connection# certified pursuant to paragraph (b)(1)(i) of Section 127-422 (Certification for publicly accessible private streets), or paragraph (a)(1)(i) of Section 127-542 (Supplemental provisions), respectively. The plan shall include the proposed location, dimensions and grading for such remaining portions on adjoining #zoning lots# and shall be considered by the Chairperson of the City Planning Commission in reviewing the proposed #final site plan# for such remaining portions, if and when they become the subject of a certification pursuant to paragraph (b)(2) of Section 127-422 or paragraph (a)(2) of Section 127-542.

Final site plan

A "final site plan" is a plan that specifies the final design for the location, dimensions, and grading of all or portions of the #publicly accessible private streets# or #upland connection# that are the subject of a certification pursuant to paragraphs (a) or (b) of Section 127-422 or paragraphs (a)(1) or (a)(2) of Section 127-542. Where applicable, the design of such plan shall be consistent with any #conceptual plan# for the same portion of the #publicly accessible private street# or #upland connection# and, once certified and implemented in accordance with paragraph (b) of Section 127-422 or paragraph (a) of Section 127-542, such plan shall supersede any #interim plan# for the same portion of a #publicly accessible private street# or #upland connection#.

Interim site plan

An “interim site plan” is a plan that specifies, for an interim period, the design for the location, dimensions, and grading of portions of the #publicly accessible private street# or #upland connection# that are the subject of a certification pursuant to paragraph (b)(1) of Section 127-422 or paragraph (a)(1) of Section 127-542 and located on the applicant’s #zoning lot#. A design for an interim period is necessary where it is not feasible to implement the final design for such portions until build-out of the remaining portions of the #publicly accessible private street# or #upland connection# occurs. Such #interim site plan#, once certified, shall remain in effect until implementation of the #final site plan# in accordance with paragraph (b) of Section 127-422 or paragraph (a) of Section 127-542, at which time the certified #final site plan# shall supersede the #interim site plan#.

Publicly accessible private street

A “publicly accessible private street” is a way specified on Map 2 in the Appendix to this Chapter that functions as a #street# for the purposes of general public use, including vehicular and pedestrian traffic, and is open and unobstructed from its ground level to the sky, except by streetscape elements required or permitted by the provisions of this Chapter.

127-05 - Applicability of District Regulations

LAST AMENDED12/10/2020

127-051 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Flushing Waterfront District# are shown in APPENDIX F (Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas) of this Resolution.

127-052 - Applicability of Article VI, Chapter 1

LAST AMENDED
12/5/2024

The provisions of Article VI, Chapter I (Special Regulations Applying Around Major Airports) shall apply, except as modified in accordance with the provisions of this Chapter.

127-053 - Applicability of Article VI, Chapter 2

LAST AMENDED
12/5/2024

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified in accordance with the provisions of this Chapter.

127-054 - Applicability of Article VI, Chapter 4

LAST AMENDED
12/5/2024

The provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones) shall apply. In the event of a conflict between the provisions of this Chapter and Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

127-055 - Applicability of Article XII, Chapter 3

LAST AMENDED
12/5/2024

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except as modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence District# or M1 District, as applicable.

127-10 - SPECIAL USE REGULATIONS

LAST AMENDED12/10/2020

Within the #Special Flushing Waterfront District#, the #use# regulations of the underlying zoning districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

127-11 - Location of Residential Use Within Buildings

LAST AMENDED
6/6/2024

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

127-12 - Sign Regulations

LAST AMENDED12/9/2021

For M1 Districts paired with a #Residence District#, the provisions regulating #signs# in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply for any #signs#.

127-20 - SPECIAL BULK REGULATIONS

LAST AMENDED12/10/2020

For the purpose of applying the #bulk# regulations of this Section, inclusive, Subdistricts A, B and C, as shown on Map 1 in the Appendix to this Chapter, shall be considered #waterfront blocks#.

Within Subdistricts A and B, the applicable #bulk# regulations of the underlying districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

Within Subdistrict C, the applicable #bulk# regulations of the underlying districts and of Article VI, Chapter 2 shall apply.

All #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets#, shall be considered #streets# and their boundaries shall be considered #street lines# for the purposes of applying all #bulk# regulations, except that such #streets# shall not subdivide a #zoning lot#. Furthermore, such #streets# shall be considered part of the #zoning lot# for the purpose of applying the #floor area# regulations of this Section, inclusive.

127-21 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

The #floor area# provisions of Section 62-32 (Floor Area Regulations on Waterfront Blocks) and applicable regulations shall apply except as modified in this Section, inclusive.

(a) Floor space for accessory off-street parking

The #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

(b) Special floor area regulations for mixed use districts

For M1 Districts paired with a #Residence District#, located inside a #Mandatory Inclusionary Housing area#, the maximum #floor area ratio# shall be 4.8 for #community facility# #uses#, 3.0 for #commercial# #uses# and 3.0 for #manufacturing# #uses#.

127-22 - Special Yard Regulations

LAST AMENDED
12/5/2024

On #waterfront zoning lots#, the #waterfront yard# provisions of Section 62-33 (Special Yard and Lot Coverage Regulations on Waterfront Blocks) shall apply, except as modified as follows:

(a) for all #waterfront zoning lots#, as defined in Section 62-11 (Definitions), whose #developments# are comprised #predominantly#, as defined in Section 62-11, of #uses# in

listed under Use Groups IV(B), IX or X, a #waterfront yard#, as also defined in Section 62-11, shall be provided in accordance with the provisions of Section 62-332 (Rear yards and waterfront yards); and

(b) the grading requirements of paragraph (b) of Section 62-332 (Rear yards and waterfront yards) may be modified pursuant to a certification by the Chairperson of the City Planning Commission as set forth in Section 127-61 (Certification for Interim Grading Conditions).

On #zoning lots# that are not #waterfront zoning lots#, no #yard# regulations shall apply.

127-23 - Special Height and Setback Regulations

LAST AMENDED
12/5/2024

The height and setback provisions of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall be modified by the provisions of this Section, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#, except where modified by specific provisions of this Section, inclusive, or by the provisions of Article VI, Chapter 4.

Sidewalk widenings shall be provided along specified #street# frontages and at specified depths as set forth on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter. Such sidewalk widening shall be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining sidewalk.

127-231 - Permitted obstructions

LAST AMENDED
12/5/2024

The permitted obstruction provisions of paragraph (c) of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall be modified as follows:

(a) the applicable dormer provisions shall be modified pursuant to the provisions of paragraph (c)(1) of Section 127-233 (Base heights and setback regulations);

(b) the penthouse regulations of paragraph (c)(1) of Section 62-34 shall not apply; and

(c) the maximum height of any permitted obstructions shall be determined in accordance with the provisions of Article VI, Chapter 1 (Special Regulations Applying Around Major Airports), except where modified by certification of the Chairperson of the City Planning Commission pursuant to Section 127-236 (Certification to modify maximum height of building or other structure).

127-232 - Street wall location regulations

LAST AMENDED
12/5/2024

Along #street# frontages where a sidewalk widening is required pursuant to Map 3 in the Appendix to this Chapter, the #street wall# location requirements of this Section shall apply from the interior boundary of such sidewalk widening.

(a) Along primary #street# frontages

The #street wall# location provisions of paragraph (b) of Section 35-631 shall apply along primary #street# frontages, as shown on Map 3, except that the #street wall# shall rise to at least the minimum base height as specified in Section 127-233 (Base heights and setback regulations), or the height of the building, whichever is lower. The requirements of this paragraph shall not apply to the portion of a #building# adjacent to the major portion of a publicly accessible area, as specified in Section 127-43 (Publicly Accessible Area).

(b) Along secondary #street# frontages

Along #street# frontages that are not designated as primary #street# frontages, #street walls# may be located at any distance from the #street line#.

127-233 - Base heights and setback regulations

LAST AMENDED
12/5/2024

(a) Along primary #street# frontages

Along primary #street# frontages, as shown on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter, the following shall apply:

(1) The minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 105 feet along College Point Boulevard and 75 feet along all other primary #street# frontages.

(2) Along Type 1 primary #street# frontages, at a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:

(i) the depth of such required setback may be reduced in accordance with the provisions of paragraph (a) of Section 23-433 (Standard setback regulations). However, where a sidewalk widening is required pursuant to this Section, as indicated on Map 4 (Waterfront Access Plan: Parcel Designation), the minimum depth of the required setback above the maximum base height may be reduced to five feet, as measured from the #street wall# ; and

(ii) the depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback of less than seven feet, as applicable, does not exceed 40 percent of the #aggregate width of street wall# at any level.

(3) Along Type 2 primary #street# frontages, a #building# may rise without any setback above the maximum base height.

(b) Along secondary #street# frontages

Along secondary #street# frontages, as shown on Map 3, the following shall apply:

(1) Along the #shore public walkway#, the maximum base height shall be 75 feet, and any portion of a #building# that exceeds the maximum base height shall be set back at least 10 feet from the #street line#. Wherever a #supplemental public access area# is provided

as a widened #shore public walkway#, such widened area shall be included in such setback distance.

(2) Along other secondary #street# frontages, the minimum base height shall be 25 feet, or two #stories#, whichever is lower, and the maximum base height shall be 75 feet. However, along secondary #street# frontages facing an #upland connection# with a width of less than 30 feet pursuant to the applicable provisions of paragraph (a) of Section 127-532 (Upland connections), the minimum base height shall be 15 feet. At a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet, as measured from the #street wall#, shall be provided, except that:

(i) the depth of such required setback may be reduced in accordance with the provisions of paragraph (a) of Section 23-433. However, where a sidewalk widening is required pursuant to this Section, as specified on Map 3, the portion of a #building# located above the maximum base height need not set back more than 10 feet from the #street line#, provided such #building# portion meets the requirements of paragraph (d) of Section 127-234 (Tower regulations), as applicable; and

(ii) the depth of such required setback may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback of less than 10 feet, or the reduced setback distance pursuant to the provisions of paragraph (b)(2)(i) of this Section, as applicable, does not exceed 40 percent of the #aggregate width of street wall# at any level; and

(c) Additional allowances along all #street# frontages

(1) Within a required setback area, dormers provided in accordance with the provisions of paragraph (b)(1) of Section 23-413, shall be considered permitted obstructions, provided that:

(i) the height of such dormers does not exceed 135 feet in Subdistrict A and 175 feet in Subdistrict B, as measured above the #base plane#; and

(ii) no dormers shall be permitted along #street walls# fronting on the #shore public walkway#.

(2) Notwithstanding the applicable setback regulations in paragraphs (a) and (b) of this Section, portions of #buildings or other structures# located:

(i) within 150 feet of a publicly accessible area, and either

(ii) adjacent to such publicly accessible area, or

(iii) along a #street# across from such publicly accessible area located on the same #zoning lot#,

may rise without a setback, provided that such publicly accessible area is in compliance with the provisions of Section 127-43 (Publicly Accessible Area). In addition, all #street walls# facing such publicly accessible area shall be subject to the articulation requirements of Section 127-235 (Supplemental articulation regulations).

127-234 - Tower regulations

For the purposes of applying the provisions of this Section, a “tower” shall be any portion of a #building or other structure# that is located above the maximum base height. Such portion of a #building or other structure# shall be subject to the following requirements:

(a) Maximum tower widths

Along the #shore public walkway#, the maximum width of a tower, or portion thereof, that is located within 110 feet of the pierhead line and facing the #shore public walkway#, shall not exceed 100 feet. Such width shall be determined by drawing perpendicular lines in plan view from the pierhead line to the outermost extents of the #street wall# of such tower, or portion thereof, within 110 feet of the pierhead line, exclusive of any permitted projections and dormers. However, in Subdistrict A, where the depth of a #zoning lot#, or portion thereof, is less than 220 feet, the maximum width of a tower within such shallow lot portion, shall not exceed 130 feet, provided that such depth was in existence both on December 10, 2020, and on the date of application for a building permit.

Along all other #streets#, the #aggregate width of street wall# in a tower shall not exceed 250 feet.

(b) Tower top regulations

For all #zoning lots# in Subdistrict A, and for each portion of a #zoning lot# in Subdistrict B, bounded entirely by #streets#, as such term is defined in Section 127-20, the following requirements shall apply:

(1) Where two or more towers are provided and any portion of such towers exceeds 175 feet, a height difference of at least 20 feet, or two #stories#, whichever is less, shall be provided between such towers.

(2) Where any portion of a tower exceeds 175 feet, the highest two #stories# shall not exceed 90 percent of the gross area of the #story# located directly below such #stories#.

(c) Maximum tower height

The maximum height of a #building or other structure# shall be determined in accordance with the provisions of Article VI, Chapter 1 (Special Regulations Applying Around Major Airports), except where modified by certification of the Chairperson of the City Planning Commission pursuant to Section 127-236 (Certification to modify maximum height of building or other structure).

(d) Additional requirements within Subdistrict B

Along Janet Place, where a sidewalk widening is required pursuant to Map 3, the width of each individual tower portion located within 50 feet of the #street line# of Janet Place shall not exceed 70 feet, exclusive of any permitted projections and dormers. Such width shall be determined by drawing perpendicular lines in plan view from the #street line# to the outermost extents of the #street wall# of such tower, or portion thereof, within 50 feet of the #street line#, exclusive of any permitted projections and dormers. Such tower portion and any other such tower portion within the same or an #abutting# #building# shall be separated by at least 40 feet.

127-235 - Supplemental articulation requirements

In addition to all other provisions of Section 127-23 (Special Height and Setback Regulations), inclusive, for #street wall# widths exceeding 150 feet, as measured parallel to the #street line#, articulation shall be provided in accordance with the provisions of this Section.

The depth of required recesses or projections of a #building# shall be measured from the #street wall#. For the purpose of applying the provisions of this Section, the base height of such #building# shall be either the maximum base height or the height of such #building# where a required setback pursuant to the provisions of Section 127-233 (Base heights and setback regulations) is provided, whichever is lower. However, if such #building# provides multiple setbacks, the highest of such multiple setbacks shall be considered the base height of such #building#.

The portion of a tower #street wall# subject to the tower top regulations of paragraph (b) of Section 127-234 (Tower regulations) shall not be included for the purposes of determining or satisfying the articulation requirements of this Section. In addition, setbacks provided in accordance with the provisions of Section 127-233 shall not constitute recesses.

(a) Along all #streets# other than #shore public walkways#

For #street walls# fronting #streets# other than the #shore public walkway#, a minimum of 15 percent of the entire surface area of each #street wall# shall either recess or project a minimum of two feet from the #street wall# with no individual recess or projection exceeding 50 percent of such surface area of the #street wall#.

Along each #street wall# frontage, at least one-third of such overall 15 percent requirement shall be provided in the form of articulation below the base height of such #building#, and at least one-third shall be provided above the base height, respectively. The remaining one-third of such 15 percent requirement may be located anywhere on the #street wall#. Where a #street wall# frontage does not exceed the maximum base height, the overall 15 percent requirement

shall be provided in the #building# base.

Within the articulation provided in the #building# base, the aggregate width of articulation at each level where provided shall achieve a #street wall# width that is equivalent to at least 10 percent of the #aggregate width of street wall# at that level, and no individual recess or projection shall have a #street wall# width of less than 10 feet.

In no event shall the total amount of projections above the base height exceed the thresholds permitted pursuant paragraph (c)(1) of Section 127-233.

(b) Along the #shore public walkway#

For #street walls# fronting the #shore public walkway#, at least five percent of the entire surface area of the #street wall# below the base height shall either recess or project a minimum of two feet from the #street wall# with no individual recess or projection exceeding 50 percent of such surface area of the #street wall#.

Within the articulation provided in the #building# base, the aggregate width of articulation at each level where provided shall achieve a #street wall# width that is equivalent to at least 10 percent of the #aggregate width of street wall# at that level, and no individual recess or projection shall have a #street wall# width of less than 10 feet.

127-236 - Certification to modify maximum height of building or other structure

LAST AMENDED12/10/2020

The special permit provisions of Section 73-66 (Height Regulations Around Airports) shall not apply. In lieu thereof, the height restrictions of Sections 61-21 (Restriction on Highest Projection of Building or Structure) or 61-22 (Permitted Projection within any Flight Obstruction Area), may be modified where the Chairperson of the City Planning Commission has certified to the Department of Buildings that the provisions of this Section have been met. An application for such certification shall include:

(a) a site plan and elevations, showing the proposed #building or other structure# in relation to the underlying maximum height limits;

(b) separate verification letters from the Federal Aviation Administration and the Port Authority of New York and New Jersey that such #building or other structure#, including the location of temporary structures such as construction cranes, will not constitute a danger to the safety of air passengers or disrupt established airways or runway operations, respectively; and

(c) materials sufficient to demonstrate that the modified height of a #building or other structure# does not exceed 200 feet above mean sea level within Subdistrict A, and 245 feet above mean sea level within Subdistrict B.

127-30 - SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
12/5/2024

Within the #Special Flushing Waterfront District#, the applicable parking and loading regulations set forth in Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations), Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), and Article XII, Chapter 3 (Special Mixed Use District) shall apply, inclusive, except as modified in this Section. For the purpose of applying the provisions of this Section, all #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets#, as specified in Section 127-42 (Publicly Accessible Private Streets), shall be considered #streets# and their boundaries shall be considered a #street line#

127-31 - Accessory Off-street Parking Regulations

LAST AMENDED
6/6/2024

The underlying parking regulations shall be modified as follows:

(a) In M1 Districts paired with a #Residence District# in Subdistrict A, the following shall apply:

(1) #Commercial# and #manufacturing uses# shall provide either one parking space for every 1,000 square feet of #floor area#, or shall provide parking spaces at the rate required for M1-2 Districts pursuant to Section 44-21 (General Provisions), whichever requires a smaller number of spaces.

In addition, the provisions of Sections 44-232 (Waiver of Requirements for Spaces

Below Minimum Number) and 44-231 (Exceptions to application of waiver provisions) shall not apply to #manufacturing uses#. In lieu thereof, #accessory# off-street parking spaces may be waived for #manufacturing# and #commercial# #uses# if the number of spaces for all applicable uses is at or below 40 spaces.

(2) #Residential# and #community facility# #uses# shall be subject to the parking requirements of R7-1 Districts, as set forth in Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations).

(b) In C4-2 Districts within Subdistricts B and C, the parking requirements applicable to C4-4 Districts, as set forth in Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall apply.

127-32 - Loading Regulations

LAST AMENDED
6/6/2024

The provisions of the underlying loading regulations shall be modified so that in C4-2 Districts, the loading requirements applicable to C4-4 Districts, as set forth in Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall apply.

127-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED
6/6/2024

Within Subdistrict A and Subdistrict B, the district plan element provisions of this Section shall apply.

127-41 - Special Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply except that #ground floor level# #street frontages# within the 50 feet of the intersection of two primary #street# frontages, as shown on Map 3 (Requirements Along Street Frontages) in the Appendix to this Chapter shall be considered #Tier C street frontages#.

For the purpose of applying such streetscape regulations, #upland connections#, #visual corridors#, #shore public walkways# and #publicly accessible private streets# shall be considered #streets# and #shore public walkways# shall be considered #wide streets.

127-42 - Publicly Accessible Private Streets

LAST AMENDED12/10/2020

The provisions of this Section, inclusive, shall apply to any #development#, as defined in Section 62-11 (Definitions), on a #zoning lot# that contains any portion of a required #publicly accessible private street#.

127-421 - Requirements for publicly accessible private streets

LAST AMENDED12/10/2020

#Publicly accessible private streets# shall be:

(a) accessible to the public at all times, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area. Where an #upland connection# is designated on a #publicly accessible private street# as specified on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter, the provisions of this paragraph shall supersede the hours of access provisions applicable to an #upland connection#;

(b) constructed to the dimensions specified on Map 2 (Publicly Accessibly Private Street Network) in the Appendix to this Chapter and be constructed to Department of Transportation standards for public #streets# including, but not limited to, sidewalks, curb design, lighting, traffic signage, pavement materials, drainage and crosswalks. In addition, where an #upland connection# is designated on a #publicly accessible private street# as specified on Maps 7 and 8 (Phase I and Phase II Waterfront Public Access Improvements, respectively) in the Appendix to this Chapter, the #upland connection# design requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply; and

(c) constructed with sidewalks that have a minimum clear path of eight feet along their #street lines#, except where an #upland connection# is designated on a #publicly accessible private street#. Such sidewalks shall be provided with street trees in accordance with the provisions of Section 26-41 (Street Tree Planting), except that such street trees shall be planted within a street tree pit or a raised planting bed, with at least 180 cubic feet of soil for each tree, and with a minimum horizontal width of four feet and vertical depth of 3 feet 6 inches, and such planting pit or raised planting bed shall be located adjacent to, and extend along the curb.

127-422 - Certification for publicly accessible private streets

LAST AMENDED12/10/2020

Where a #publicly accessible private street# is designated entirely within a #zoning lot#, the provisions of paragraph (a) of this Section shall apply. Where a #publicly accessible private street# is designated on two or more #zoning lots# and the design and construction of adjoining portions of the #publicly accessible private street# may not be finalized, the provisions of paragraph (b) of this Section shall apply. The provisions of paragraph (b) provide for certification of such portions of a #publicly accessible private street# in accordance with an #interim site plan# that satisfies the requirements of the New York City Fire Code; a #conceptual plan# for portions of the #publicly accessible private street# on other #zoning lots# that will be certified and constructed at a later time; and a #final site plan#, which will either supersede an #interim site plan# or be guided by a #conceptual plan#. The provisions of paragraph (c) shall apply to #development# on a #zoning lot# that contains any portion of a required #publicly accessible private street#.

No building permit shall be issued for a #development# on a #zoning lot#, containing any portion of a #publicly accessible private street#, until the Chairperson of the City Planning Commission certifies, in conjunction with a certification pursuant to Section 127-54 (Special Review Provisions) to the

Department of Buildings that:

(a) where the #publicly accessible private street# is designated on one #zoning lot#, or where the #publicly accessible private street# is designated on two or more #zoning lots# and such #publicly accessible private street# will be constructed in its entirety concurrently with the applicant's #development#, a #final site plan# has been submitted;

(b) where the #publicly accessible private street# is designated on two or more #zoning lots# and the portion of such #publicly accessible private street# located outside of the applicant's property will not be or has not been constructed concurrently with the applicant's #development#:

(1) if no prior certification pursuant to this Section was issued for a portion of the #publicly accessible private street# on another #zoning lot#, the Chairperson shall certify that:

(i) a #conceptual plan# has been submitted for the #publicly accessible private street#. In addition, certified mailing of notification that the applicant is seeking to commence construction of such #publicly accessible private street# shall be given to all other owners whose property contains any remaining portion of such #publicly accessible private street#, along with a copy of such #conceptual plan#;

(ii) a #final site plan# for the applicant's #zoning lot# has been submitted showing compliance with the design standards of Section 127-421 (Requirements for publicly accessible private streets). In addition, where compliance with the fire apparatus access road requirements, set forth in the New York City Fire

Code, require modifications to the design standards of Section 127-421, an #interim site plan# has been submitted that deviates from such design standards to the minimum extent necessary; and

(iii) the grading proposed in the #final site plan#, #conceptual plan# and #interim site plan# have been certified pursuant to Section 127-61.

Property owners of #zoning lots# containing any remaining portion of the #publicly accessible private street# shall have up to 30 days from the date of the applicant's certified mailing of the notification required in paragraph (b)(1)(i) of this Section to respond to the applicant and to confirm for the Chairperson that the construction of the entire #publicly accessible private street# is not feasible concurrently with the applicant's #development#. In the event that such notified property owners do not respond to the applicant and the Chairperson within the 30-day period, the applicant may proceed with completing this certification. Where a notified property owner responds that it is feasible to complete the portion of the #publicly accessible private street# on such owner's #zoning lot# concurrently with the applicant's portion, such property owner shall commence certification pursuant to the applicable provisions of this Section within 45 days from the date of submitting such response. In the event such notified property owners do not commence such certification within the 45-day period, the applicant may proceed with completing this certification.

In addition, where construction of #publicly accessible private streets# will not occur concurrently on the adjoining #zoning lot#, property owners of #zoning lots# containing any remaining portion of the #publicly accessible private street# shall have up to 45 days from the date of submitting their response to comment on any anticipated practical difficulties associated with the proposed location, dimensions and grading specified in the #conceptual plan# that would preclude the reasonable development of such owner's property. Any submission of comments to the applicant

and Chairperson shall include documentation from a licensed architect, landscape architect, or engineer, as applicable, that demonstrates the reason for such anticipated practical difficulties.

Copies of the approved #conceptual plan#, as well as the certified #interim site plan# and #final site plan# shall be forwarded to all property owners of a #zoning lot# containing any remaining portion of the #publicly accessible private street#.

Any portion of the #publicly accessible private street# constructed in compliance with a certified #interim site plan# shall be converted to the final design in compliance with the certified #final site plan# for such portion upon receiving notice from an adjoining property owner as set forth in paragraph (b)(2) of this Section that the remaining portion of the #publicly accessible private street# has been substantially completed and opened to the public.

(2) If a prior certification pursuant to paragraph (b)(1) of this Section was issued for a portion of a #publicly accessible private street# on another #zoning lot#, the Chairperson shall certify that:

(i) a #final site plan# for the applicant's #zoning lot# has been submitted that is consistent with the #conceptual plan# from the prior certification; and

(ii) the proposed amenities and design elements within the #final site plan# in the applicant's portion of a #publicly accessible private street# shall match or complement those that were previously constructed.

Upon substantial completion by applicant of its portion of the #publicly accessible private street# that has been constructed pursuant to a certified #interim site plan#

and the opening of such portion to the public, notice shall be provided to any property owner of a #zoning lot# containing a portion of such #publicly accessible private street#. Such notice shall be provided to enable such other owner sufficient time, as shall be specified in the restrictive declaration required pursuant to paragraph (c) of this Section, to convert any constructed interim condition and complete the #publicly accessible private street# in compliance with the previously approved #final site plan#; and

(c) a restrictive declaration has been executed and recorded against the applicant's #zoning lot# in accordance with the provisions of Section 127-423 (Restrictive declaration). Required site plans, the #conceptual plan# and a maintenance and capital repair plan for the #publicly accessible private street# shall be included as exhibits to the restrictive declaration.

No temporary or final certificate of occupancy shall be issued until the Chairperson of the City Planning Commission notifies the Department of Buildings that the proposed #publicly accessible private street#, or portion thereof, has been substantially completed in compliance with the certified #interim site plan# or #final site plan#, and is open to the public. In addition, where a property owner seeks certification pursuant to paragraph (b)(2) of this Section, no temporary or final certificate of occupancy shall be issued until interim portions of the #publicly accessible private street# are completed in compliance with the previously approved #final site plan# for such portions.

127-423 - Restrictive declaration

LAST AMENDED12/10/2020

For any #publicly accessible private street# proposed for certification pursuant to Section 127-422 (Certification for a publicly accessible private street), a restrictive declaration shall be provided to ensure the proper construction, improvement, operation, maintenance and repair of the roadbed and

any sidewalk adjacent to the roadbed. Adequate security shall be specified in such declaration to ensure that the #publicly accessible private street# is maintained in accordance with the declaration. The restrictive declaration shall further specify that the #publicly accessible private street# shall not be used for any other purposes than #street#-related purposes, including, but not limited to, pedestrian and vehicular circulation, and shall be publicly accessible at all times. To ensure proper #street# use and provide enforcement, in accordance with the parking provisions set forth in the restrictive declaration, executed contracts with a security monitoring and a towing company shall be required prior to the issuance of a temporary certificate of occupancy. In addition, a reserve account with sufficient funds for the maintenance and capital repair of the constructed #publicly accessible private street# shall be maintained at all times. Such reserves, contracts, and the required maintenance and repair shall be the responsibility of a Property Owner's Association that will oversee the management and maintenance of the #publicly accessible private streets#, upon the development on two or more #zoning lots#, and include as members all property owners of #zoning lots# bordering or containing the completed #publicly accessible private streets#. Filing and recording of the restrictive declaration shall be a precondition to the Chairperson's certification under Section 127-422.

Such restrictive declaration shall be prepared in a form acceptable to the Department of City Planning, filed and duly recorded in the Borough Office of the Register of the City of New York, and indexed against the property. The restrictive declaration and any maintenance and operation agreement shall run with the land and be binding on the owners, successors and assigns.

In addition, the portions of the #publicly accessible private streets# on a #developed# #zoning lot# shall be recorded on the certificate of occupancy for such #building# by the Department of Buildings. The recording information of the restrictive declaration shall be included on the certificate of occupancy for any #building#, or portion thereof, issued after the recording date.

127-424 - Certification for zoning lot subdivision

LAST AMENDED12/10/2020

In conjunction with a certification pursuant to Section 62-812 (Zoning lot subdivision), a #zoning lot# that existed before December 10, 2020, containing any portion of #publicly accessible private street# may be subdivided into two or more #zoning lots# or reconfigured in a manner that would reduce its area or dimension, provided that the Chairperson of the City Planning Commission certifies that the provisions of paragraph (a), (b) or (c) of such Section are satisfied as to #waterfront public access area#, #visual corridors# and #publicly accessible private streets#, respectively. For the purposes of applying such provisions, the regulations pertaining to #waterfront public access areas# and #visual corridors# shall also be applied to #publicly accessible private streets#.

127-43 - Publicly Accessible Area

LAST AMENDED
6/6/2024

Where a tower rises sheer in accordance with the provisions of paragraph (c)(2) of Section 127-233 (Base heights and setback regulations), no #building# permit shall be issued by the Department of Buildings until the Chairperson of the City Planning Commission certifies a site plan demonstrating that a publicly accessible area, in compliance with the following requirements, will be provided.

(a) Minimum size and location

A publicly accessible area shall contain a minimum area of at least 2,000 square feet. Such publicly accessible area shall be located at the intersection of two #streets#, and shall have a minimum width of 20 feet along each #street line#. A publicly accessible area shall in no event include area within a #publicly accessible private street#.

In addition, the major portion of a publicly accessible area shall occupy no less than 75 percent of the total publicly accessible area. The major portion is the largest area of the publicly accessible area and is the area of primary use. Major portions shall be generally regular in shape, easily and directly accessible from adjoining #buildings# and public spaces, and continuously visible from all portions of the publicly accessible area and from adjoining public spaces.

(b) Design requirements

All publicly accessible areas shall comply with the following provisions:

(1) a minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least two feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;

(2) one linear foot of seating shall be provided for each 60 square feet of publicly accessible area. For the purposes of such calculation, moveable seating or chairs may be credited as 24 inches of linear seating per chair;

(3) permitted obstructions within such area shall be subject to the provisions of Section 37-726 (Permitted obstructions), and any kiosk or open air cafe provided shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes);

(4) the provisions of Section 37-722 (Level of plaza) and 37-728 (Standards of accessibility for persons with disabilities) shall apply to such area, and any steps provided shall be subject to the provisions of Section 37-725 (Steps);

(5) entry plaques and information plaques shall be provided in accordance with the provisions of paragraphs (a) and (b) of Section 37-751 (Public space signage systems); and

(6) all ground floor level #building# walls located within a distance of 150 feet from and facing a publicly accessible area provided on the same #zoning lot# shall either be glazed with transparency in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements) or provide visual mitigation elements in accordance with the provisions for Type 2 blank walls set forth in Section 37-361 (Blank wall thresholds).

(c) Design changes

Any modification to a publicly accessible area certified pursuant to the provisions that, in the aggregate, results in design changes impacting more than 20 percent of the area of such publicly accessible area as compared to the certified plans, shall require a new certification pursuant to the provisions of this Section. Where a design change does not exceed 20 percent, the modifications made to the publicly accessible area shall not reduce the amount of amenities provided or otherwise creates a non-compliance with the provisions of this Section.

(d) Hours of public access

Such publicly accessible area shall be accessible to the public between the hours of 6:00 a.m. and 10:00 p.m. seven days of the week.

No certificate of occupancy shall be issued until the Chairperson of the City Planning Commission determines that the publicly accessible area is substantially completed in compliance with the certified plan and that such space has been made available for use by the public in compliance with the requirements of this Section.

127-50 - FLUSHING WATERFRONT ACCESS PLAN

LAST AMENDED12/10/2020

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive. Map 4 (Waterfront Access Plan: Parcel Designation), Map 5 (Waterfront Access Plan: Visual Corridors), and Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter show the boundaries of the area comprising the Flushing Waterfront Access Plan, boundaries of parcels within the Plan and the location of certain features mandated or permitted by the Plan.

The Plan has been divided into parcels consisting of tax blocks and lots and other lands as established on December 10, 2020, as follows:

Subdistrict A

Parcel 1: Block 4963, Lots 212 and 249

Parcel 2: Block 4963, Lot 210

Parcel 3: Block 4963, Lot 200

Subdistrict B

Parcel 4: Block 4963, Lot 85

Parcel 5: Block 4963, Lot 65

Parcel 6: Block 4963, Lot 75

Parcel 7: Block 4963, Lots 7, 8 and 9

Parcel 8: Block 4963, Lot 1

Subdistrict C

Parcel 9: Block 5066, Lots 7503 and 7507

Any #development# on a #zoning lot# within the parcels listed above shall be subject to the requirements of Section 127-51 (Modified Applicability for Visual Corridors and Waterfront Public Access Areas), Section 127-52 (Special Requirements for Visual Corridors), Section 127-53 (Special Requirements for Waterfront Public Access Areas) and Section 127-54 (Special Review Provisions).

For the purposes of this Section, inclusive, defined terms shall include those listed in Sections 12-10 and 62-11, but #development# shall be as defined in Section 62-11.

127-51 - Modified Applicability for Visual Corridors and Waterfront Public Access Areas

LAST AMENDED
6/6/2024

The applicability provisions for #visual corridors# pursuant to Section 62-51 (Applicability of Visual Corridor Requirements) and #waterfront public access areas# pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall apply, except as modified as follows:

(a) #developments# comprised predominantly of #uses# listed under Use Groups IV(B), IX or X, except for docks, are subject to the special requirements for #visual corridors# set forth in Section 127-52; and

(b) #developments# comprised predominantly of #uses# listed under Use Groups IV(B), IX or X shall provide a minimum amount of #waterfront public access area# in accordance with the provisions of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments). Within such #waterfront public access area#, a circulation path shall be provided with a minimum clear width of at least 10 feet and shall connect with either an adjoining #shore public walkway# or additional circulation paths on adjoining #zoning lots#.

127-52 - Special Requirements for Visual Corridors

LAST AMENDED12/10/2020

For #developments# within Parcels 3, 5 and 7, #visual corridors# shall be provided in the locations designated on Map 5 in the Appendix to this Chapter and pursuant to the requirements of Sections 62-51 (Applicability of Visual Corridor Requirements) and 62-65 (Public Access Design Reference Standards).

127-53 - Special Requirements for Waterfront Public Access Areas

LAST AMENDED12/10/2020

#Waterfront public access areas# shall be provided pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), and 62-70 (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, except as modified in this Section, inclusive.

For all such #waterfront public access areas#, as designated on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter, the minimum seat depth requirement of paragraph (b) of Section 62-652 (Seating) shall be modified to 16 inches.

127-531 - Shore public walkways

LAST AMENDED12/10/2020

For #zoning lots# #developed# within Parcels 1, 3, 4, 5, 7 and 8, a #shore public walkway# shall be provided in the location designated on Map 6 in the Appendix to this Chapter. The applicable provisions of Section 62-53 (Requirements for Shore Public Walkways) and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply except as modified in this Section:

(a) the circulation and access provisions of paragraph (a) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be modified as follows:

(1) the required circulation path within a #shore public walkway# shall be provided at a minimum elevation of 5 feet, 6 inches above the #shoreline#, except that such requirement need not include portions of a circulation path that slope downward to meet the elevation of an existing publicly accessible sidewalk;

(2) where secondary circulation paths are provided, such paths may count as a part of the required circulation path for satisfying the locational requirement of being within 10 feet of the #shoreline# for at least 20 percent of the length of such #shoreline#. However, such secondary circulation paths may comply with the paving requirements

of paragraph (a)(2) of Section 62-656; and

(3) where a #shore public walkway# is on a #zoning lot# that is adjacent to a #waterfront zoning lot# without a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning# #lot line# shall be located within 40 feet of the shoreline;

(b) the minimum width of the screening buffer pursuant to paragraph (c)(2)(ii) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be four feet. No screening buffer shall be required where there is a pathway connecting a required circulation path towards a publicly accessible sidewalk or entry to a commercial or community facility use; and

(c) the grade level of required planting areas pursuant to paragraph (d)(2) of Section 62-61 (General Provisions Applying to Waterfront Public Access Areas) shall be increased to no more than three feet higher or lower than the adjoining level of the pedestrian circulation path.

127-532 - Upland connections

LAST AMENDED
6/6/2024

For #developments# within Parcels 1, 2, 3, 4, 5 and 7, #upland connections# shall be provided as specified on Map 6 (Waterfront Access Plan: Public Access Areas) in the Appendix to this Chapter. The applicable provisions of Section 62-56 (Requirements for Upland Connections) and Section 62-

60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall apply except as modified in this Section.

(a) Flexible location zone

For #developments# on Parcels 1, 2 and 3, a single #upland connection# shall be provided pursuant to the following provisions:

(1) If Parcel 1 #develops# before Parcels 2 or 3, a Type 1 #upland connection# shall be provided with a minimum width of 20 feet. The requirements of paragraph (a)(2) of Section 62-561 (Types of upland connections) shall not apply and the minimum planting area requirements shall be reduced to 25 percent. Where such #upland connection# is provided without a 20-foot-wide open area, an average maintained level of illumination of not less than one and a half horizontal foot candles (lumens per foot) shall be provided throughout all walkable areas;

(2) If Parcels 1 and 2 are #developed# jointly before Parcel 3, an #upland connection# shall be provided on Parcels 1 and 2, along their southerly boundary, pursuant to the requirements of Sections 62-561 and 62-64 (Design Requirements for Upland Connections). The 20-foot-wide open area required pursuant to paragraph (a)(2) of Section 62-561 shall be provided on Parcel 3, along its northerly boundary, at the time Parcel 3 #develops#. In any event, the required open area shall abut such required upland connection;

(3) If Parcel 3 #develops# before Parcels 1 or 2:

(i) where a #development# is comprised predominantly of #uses# other than those listed under Use Groups IV(B), IX or X, an #upland connection# shall be

provided on Parcel 3 pursuant to the requirements of Section 62-561 and Section 62-64. If such #upland connection# is provided along the northerly boundary of such Parcel, the required 20-foot-wide open area pursuant to paragraph (a)(2) of Section 62-561 shall be satisfied on Parcels 1 and 2, along the southerly boundary, at the time these parcels #develop#. However, in any event, the required open area shall abut such required upland connection;

(ii) where a #development# is comprised predominantly of #uses# listed under Use Groups IV(B), IX or X, a Type 1 #upland connection# shall be provided with a minimum width of 20 feet. The requirements of paragraph (a)(2) of Section 62-561 shall not apply and the minimum planting area requirements shall be reduced to 25 percent; or

(4) If Parcels 2 and 3 are #developed# jointly before Parcel 1, an #upland connection# shall be provided pursuant to the requirements of Sections 62-561 and 62-64.

For any other sequencing or combination of #developments#, a single #upland connection# shall be provided pursuant to the provisions of Sections 62-561 and 62-64 within the flexible location zone on Map 6.

(b) Minimum standards for interim condition

Where an #upland connection# is designated on two or more parcels and only a portion of such #upland connection# can be constructed pursuant to a specific certification, such portion of the #upland connection# may be provided independently to satisfy the requirements of Section 62-56. Where the New York City Fire Department determines that such requirements conflict with the provision of unobstructed width for fire apparatus access roads pursuant to the New York City Fire Code, the design requirements of Section 62-60 shall be modified to the minimum extent necessary to accommodate such fire apparatus access roads requirements.

However, all interim conditions shall meet the following requirements:

(1) provide public access from the first upland #street# to the #shore public walkway#; and

(2) for every tree pit required pursuant to the provisions of paragraph (c)(1) of Section 62-64 (Planting) that is not provided, a moveable planter shall be provided.

Such interim condition shall be certified pursuant to paragraph (a)(1) of Section 127-542 (Supplemental provisions) and Section 127-61 (Certification for Interim Grading Conditions).

127-533 - Phased development of waterfront public access areas

LAST AMENDED12/10/2020

When a parcel is undergoing partial #development# or the #zoning lot# corresponding to a parcel is subdivided or reconfigured pursuant to Section 62-812 (Zoning lot subdivision), the City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements pursuant to paragraph (c) of Section 62-822 (Modification of waterfront public access area and visual corridor requirements).

However, in Subdistrict B, when partial #development# occurs on the upland portion of Parcels 4, 5 and 7 that is bounded by #publicly accessible private streets# or #streets#, a phasing plan to implement #waterfront public access areas# may be certified pursuant to Section 127-54 (Special Review Provisions), provided that the following requirements are met:

(a) the #waterfront public access area# shall be provided according to the phasing specified in Map 7 (Waterfront Access Plan: Phase I Waterfront Public Access Area Improvements) and Map 8 (Waterfront Access Plan: Phase II Waterfront Public Access Area Improvements). The requirements of Phase I shall apply when #development# occurs on the upland portion of the

parcel bounded by #publicly accessible private streets# and other #streets# as shown on Map 6 (Waterfront Access Plan: Public Access Areas). The requirements of Phase II shall apply when #development# occurs on the seaward portion of the parcel bounded by both the #shoreline# and #publicly accessible private streets#; and

(b) any #upland connection# provided pursuant to Phase I shall meet the design requirements of paragraph (b) of Section 127-532 (Upland connections). For portions of the #shore public walkway# that are provided in Phase I, the requirements of Sections 62-53 (Requirements for Shore Public Walkways) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) may be modified to the minimum extent necessary to accommodate a temporary waterfront viewing area.

Such phasing plan shall also be certified pursuant to Section 127-61 (Certification for Interim Grading Conditions).

127-54 - Special Review Provisions

LAST AMENDED12/10/2020

The applicable provisions of Section 62-80 (SPECIAL REVIEW PROVISIONS), inclusive, shall apply, except as specifically modified or supplemented by the provisions of this Section, inclusive.

127-541 - Applicability

LAST AMENDED
6/6/2024

The provisions of Section 62-81, inclusive, shall apply to #zoning lots# containing predominantly #uses# listed under Use Groups IV(B), IX or X, subject to the modified #waterfront public access area# provisions of Section 127-50 (FLUSHING WATERFRONT ACCESS PLAN), inclusive.

127-542 - Supplemental provisions

LAST AMENDED12/10/2020

In conjunction with a certification pursuant to Section 62-811 (Waterfront public access and visual corridors), the Chairperson of the City Planning Commission shall further certify that:

(a) where an #upland connection# is designated on two or more parcels and the portion of such #upland connection# located outside of the applicant's parcel will not be constructed concurrently with the applicant's #development#:

(1) if no prior certification pursuant to this Section was issued for a portion of an #upland connection# on another parcel, the Chairperson shall certify that:

(i) a #conceptual plan# has been submitted for the #publicly accessible private street#. In addition, notification that the applicant is seeking to commence construction of such #publicly accessible private street# shall be given to any other owner whose property contains any remaining portion of the #publicly accessible private street#, along with a copy of such #conceptual plan#;

(ii) a site plan has been submitted, specifying the location, dimensions and grading of the portion of the #upland connection# to be constructed on the applicant's #zoning lot#. Such site plan shall demonstrate compliance with the requirements of paragraph (b) of Section 127-532 (Upland connections); and

(iii) the grading proposed in the #conceptual plan# has been certified pursuant to Section 127-61.

Property owners of the parcel containing a remaining portion of the #upland connection# shall have up to 30 days from the applicant's certified mailing of the notification required in paragraph (a)(1)(i) of this Section to respond to the applicant and to confirm for the Chairperson that the construction of the entire #upland connection# is not feasible concurrently with the applicant's #development#. In the event such notified property owners do not respond to the applicant and the Chairperson within the 30-day period, the applicant may proceed with completing this certification. Where a notified property owner responds that it is feasible to complete the portion of the #upland connection# on their parcels concurrently with the applicant's #development#, such property owner shall commence certification pursuant to the applicable provisions of this Section within 45 days from the date of submitting such response. In the event such notified property owners do not commence such certification within the 45-day period, the applicant may proceed with completing this certification.

In addition, where construction of the #upland connection# will not occur concurrently, property owners of parcels containing a remaining portion of the #upland connection# shall have up to 45 days from the date of submitting their response to comment on any anticipated practical difficulties associated with the proposed location, dimensions and grading specified in the #conceptual plan# that

would preclude the reasonable #development# of such owner's parcel. Any submission of comments to the applicant and Chairperson shall include documentation from a licensed architect, landscape architect, or engineer, as applicable, that demonstrates the reason for such anticipated practical difficulties.

Copies of the approved #conceptual plan#, as well as the certified #interim site plan# and #final site plan# shall be forwarded to any property owner of a parcel containing the remaining portion of the #upland connection#.

Any portion of the #upland connection# constructed in compliance with a certified #interim site plan# shall be converted to the final design in compliance with the certified #final site plan# for such portion upon receiving notice from an adjoining property owner as set forth in paragraph (a)(2) of this Section that the remaining portion of the #upland connection# has been substantially completed and is accessible to the public.

(2) If a prior certification pursuant to paragraph (a)(1) of this Section was issued for a portion of the #upland connection# on another parcel, the Chairperson shall certify that:

(i) a #final site plan# for the applicant's parcel has been submitted that is consistent with the #conceptual plan# from the prior certification; and

(ii) the proposed amenities and design elements within the #final site plan# for the applicant's portion of the #upland connection# shall match or complement those that were previously constructed.

Notice shall be provided to any property owner of a parcel containing a portion of the #upland connection# that has been constructed pursuant to a certified #interim site plan# upon the applicant substantially completing its portion of the #upland connection# and making such portion accessible to the public. Such notice shall be provided to enable such other owner sufficient time, as shall be specified in the restrictive declaration required pursuant to this paragraph (a), to convert any constructed interim condition and complete the #upland connection# in compliance with the previously approved #final site plan#.

A restrictive declaration shall be executed and recorded against the corresponding #zoning lot# of the applicant's parcel, in accordance with the provisions of Section 62-74 (Requirements for Recordation). Required site plans, the #conceptual plan# and a maintenance and capital repair plan for the #upland connection# shall be included as exhibits to the restrictive declaration.

No temporary or final certificate of occupancy shall be issued until the Chairperson of the City Planning Commission notifies the Department of Buildings that the proposed #upland connection#, or portion thereof, has been substantially completed in compliance with the certified #interim site plan# or #final site plan#, and is open to the public. In addition, where a property owner sought certification pursuant to paragraph (a)(2) of this Section, no temporary or final certificate of occupancy shall be issued until interim portions of the #upland connection# are completed in compliance with the previously approved the #final site plan# for such portions.

(b) For phased implementation of #waterfront public access areas# pursuant to Section 127-533 (Phased development of waterfront public access areas), a plan has been submitted that complies with the required amount of #waterfront public access area# at each development phase pursuant to Section 127-533.

To ensure the provision of #waterfront public access areas# for phased #developments# occurring in Phase I, as specified on Map 7 (Waterfront Access Plan: Phase I Waterfront Public Access Improvements) in the Appendix to this Chapter, no temporary certificate of occupancy shall be issued for any #development# on the upland portion of each parcel that is bounded by #publicly accessible private streets# or #streets# until all required sections of #waterfront public access areas# designated on Map 7 have been substantially completed pursuant to the design requirements of Section 127-533.

For Phase II subsequent #development# occurring on the seaward portion of Parcels 4, 5 or 7, bounded by both the #shoreline# and #publicly accessible private streets#, all remaining #waterfront public access areas#, as specified on Map 8 (Waterfront Access Plan: Phase II Waterfront Public Access Improvements), shall be substantially completed pursuant to the design requirements of Section 127-533, prior to the issuance of a temporary or final certificate of occupancy. However, 50 percent of the #floor area# of any subsequent #development# on Parcels 4 and 5 may receive a temporary certificate of occupancy upon the completion of the required #shore public walkway# as designated on such parcel. A temporary or final certificate of occupancy for the remaining 50 percent of the #floor area# on Parcels 4 and 5 shall not be issued until all required #waterfront public access areas# pursuant to Map 8 are substantially complete.

An alternate location for the required section of an #upland connection# on Parcel 4 may be provided in Phase I, as specified in Map 7, in the event that Parcel 5 has substantially completed all of the required #waterfront public access areas# prior to partial #development# on the upland portion of Parcel 4. Where such alternate location is provided in Phase I, any subsequent #development# on Parcel 4 may only receive a temporary or final certificate of occupancy upon substantial completion of all required #waterfront public access areas# designated on Map 8.

A certification will be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

127-60 - ADDITIONAL REVIEW REQUIREMENTS

LAST AMENDED12/10/2020

127-61 - Certification for Interim Grading Conditions

LAST AMENDED12/10/2020

For any #development# or #enlargement# seeking:

(a) modification to the level of #waterfront yard# provisions of Section 127-22 (Special Yard Regulations);

(b) a certification pursuant to paragraph (b)(1) of Section 127-422 (Certification for a publicly accessible private street); or

(c) a certification pursuant to Section 127-542 (Supplemental provisions),

the Chairperson of the City Planning Commission shall certify that a site survey has been conducted and sufficient documentation has been submitted, demonstrating that the proposed grades of a

#waterfront yard#, interim plan for a #publicly accessible private street# or #upland connection# would not preclude #developments# or #enlargements# on adjacent parcels from complying with the provisions of this Chapter as part of an integrated public realm.

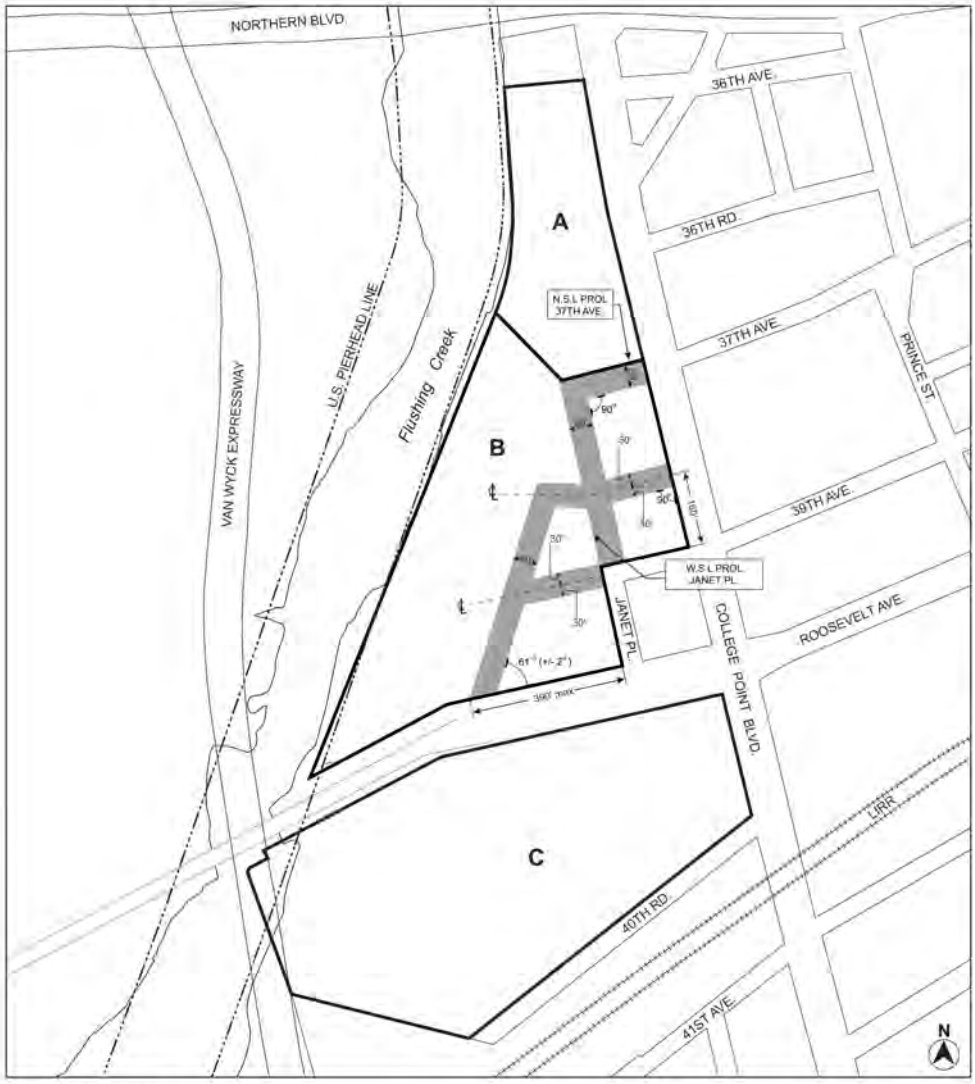
Appendix - Special Flushing Waterfront District Plan

LAST AMENDED12/10/2020

Map 1. Special Flushing Waterfront District and Subdistricts

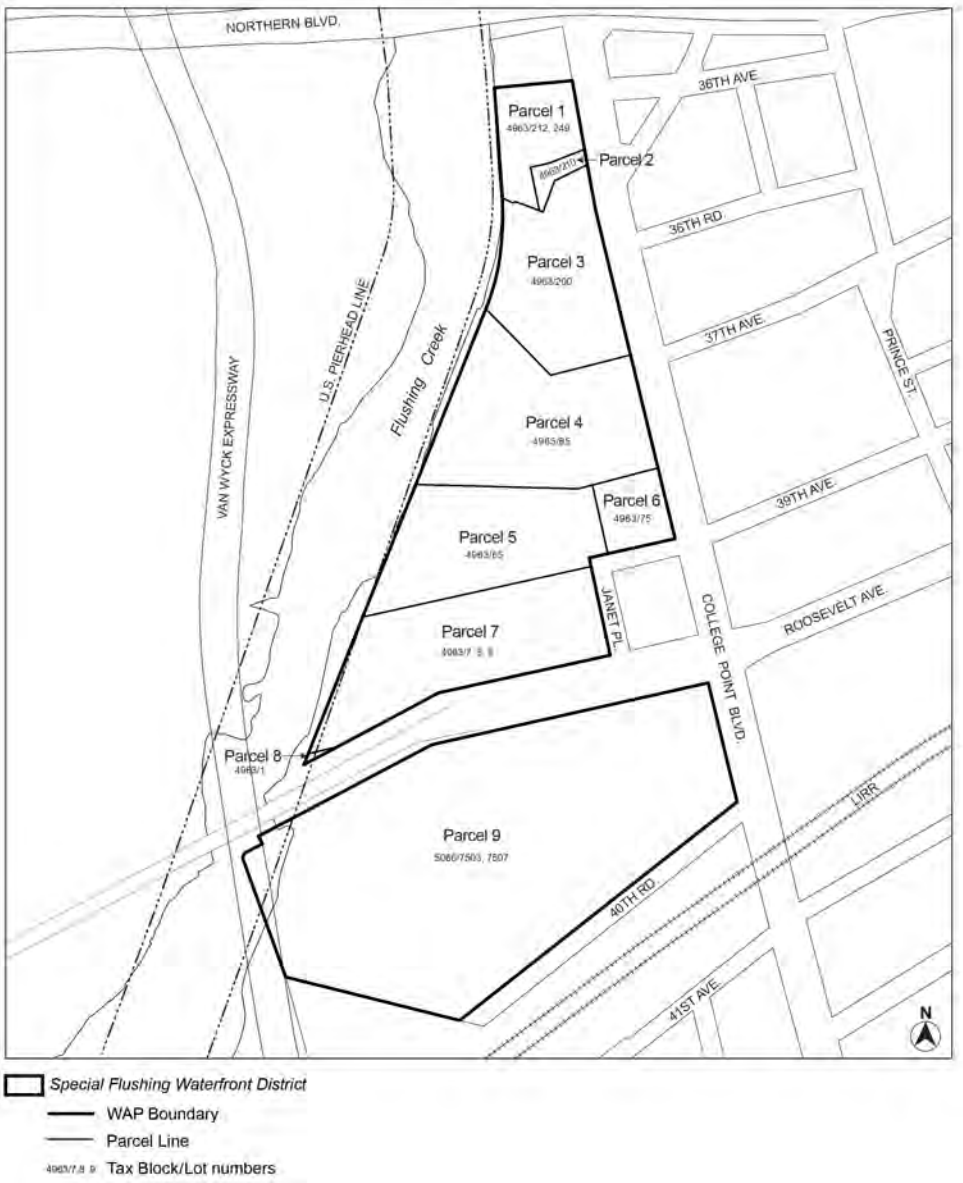


Map 2. Publicly Accessible Private Street Network



? Map 3. Requirements Along Street Frontages

Map 4. Waterfront Access Plan: Parcel Designation



Map 5. Waterfront Access Plan: Visual Corridors

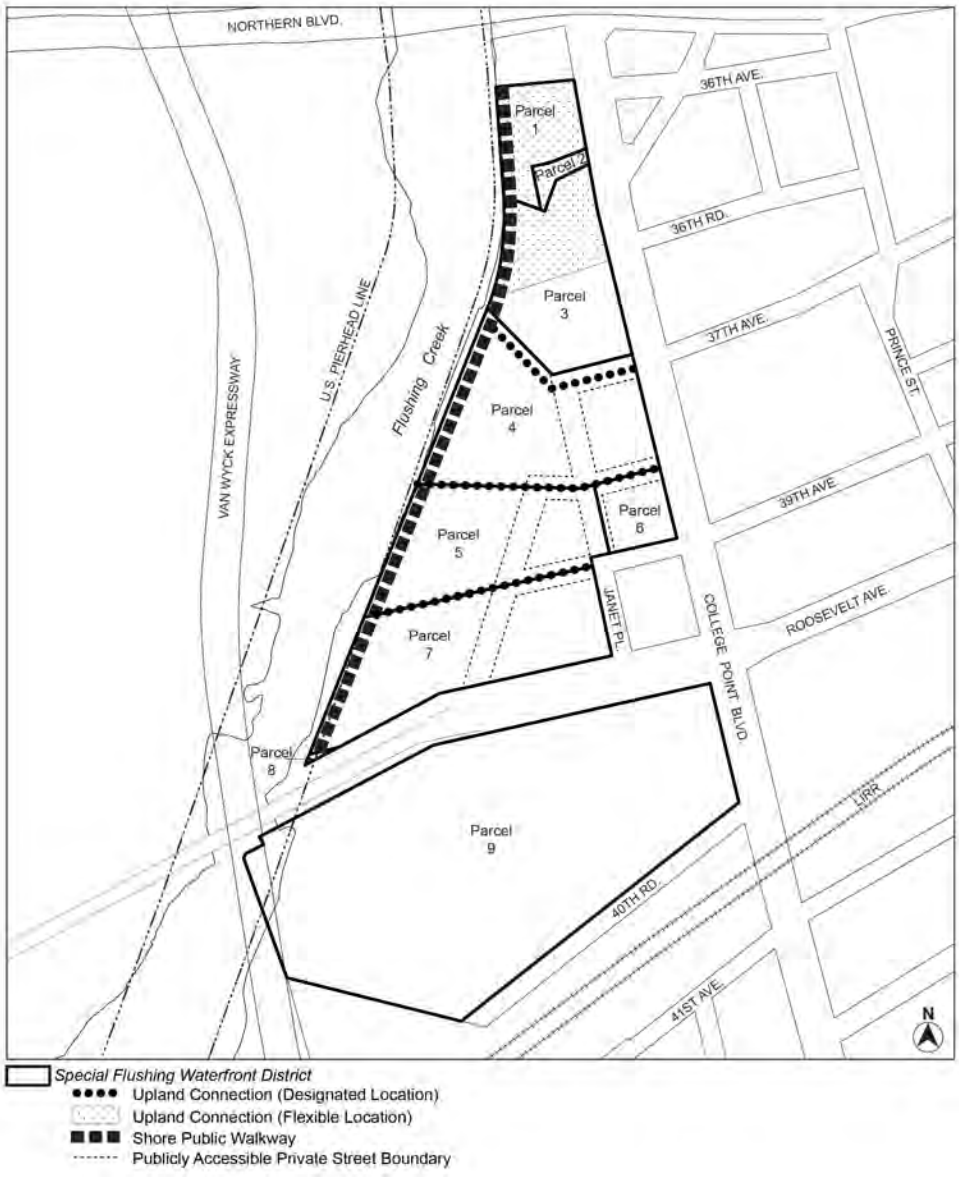


Special Flushing Waterfront District

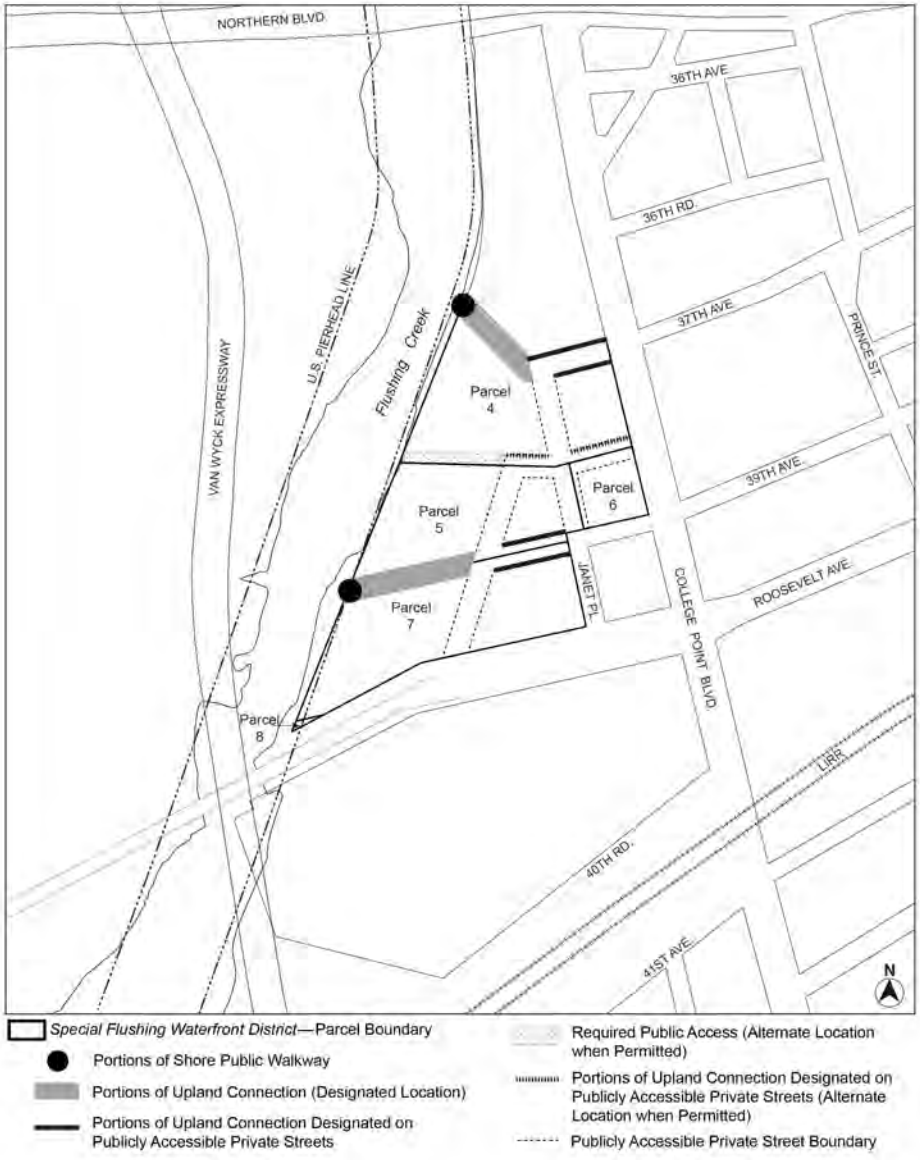
Visual Corridor

Publicly Accessible Private Street Boundary

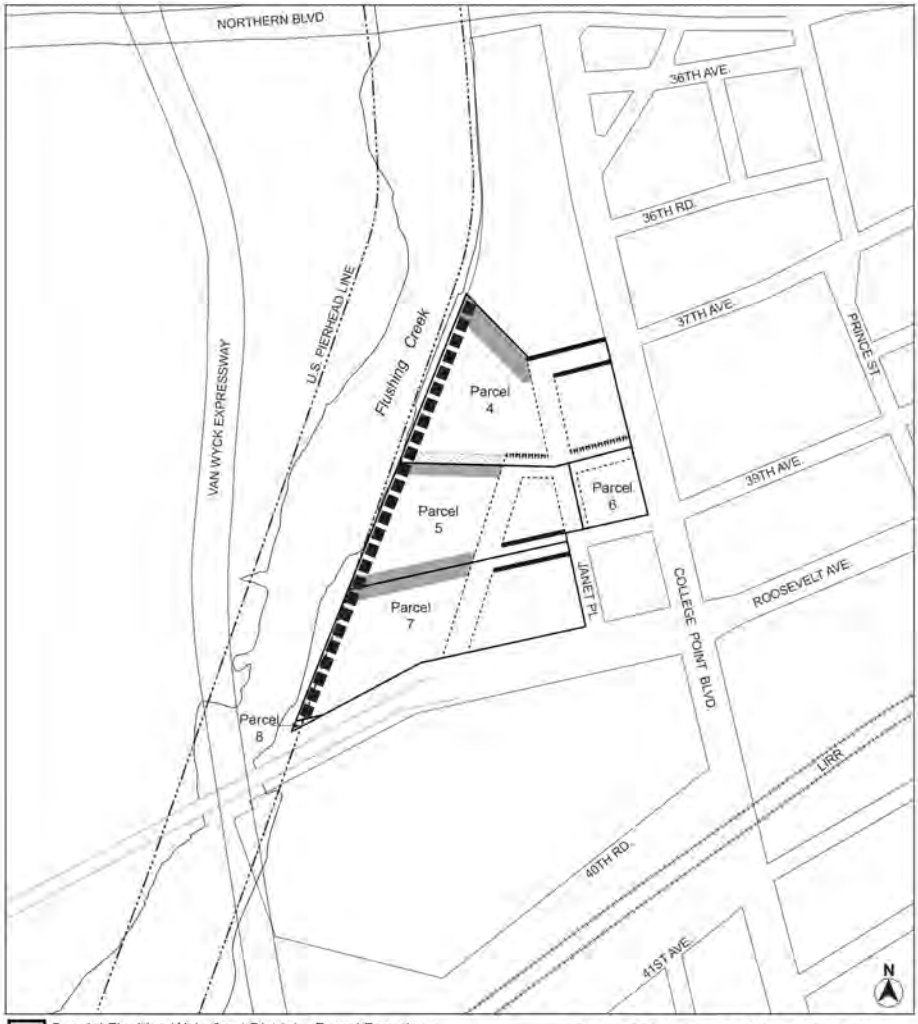
Map 6. Waterfront Access Plan: Public Access Areas



Map 7. Waterfront Access Plan: Phase I Waterfront Public Access Improvements



Map 8. Waterfront Access Plan: Phase II Waterfront Public Access Improvements



Special Flushing Waterfront District—Parcel Boundary

Shore Public Walkway

Required Public Access (Designated Location)

Portions of Upland Connection Designated on Publicly Accessible Private Streets

Required Public Access (Alternate Location when Permitted)

Portions of Upland Connection Designated on Publicly Accessible Private Streets (Alternate Location when Permitted)

Publicly Accessible Private Street Boundary

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 8 - Special St. George District (SG)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 8 - Special St. George District (SG)

128-00 - GENERAL PURPOSES

LAST AMENDED
10/23/2008

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

(a) to build upon St. George's existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian-friendly business and residence district;

(b) to establish zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract and sustain a broader mix of uses;

(c) to require a tall, slender building form that capitalizes on St. George's hillside topography and maintains waterfront vistas;

(d) to encourage the reuse and reinvestment of vacant office buildings;

(e) to accommodate an appropriate level of off-street parking while reducing its visual impact;

(f) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes; and

(g) to promote the most desirable use of land and building development in accordance with the District Plan for St. George and thus conserve the value of land and buildings and thereby

protect the City's tax revenues.

128-01 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS) or 32-301 (Definitions).

128-02 - General Provisions

LAST AMENDED
10/7/2021

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

However, the regulations of this Chapter shall not apply to any property that is the subject of a site selection for a court house and #public parking garage# pursuant to application C080379 PSR. Such property shall be governed by the underlying regulations of this Resolution.

Furthermore, any property that is the subject of a site selection and acquisition for the use of a lot for open parking pursuant to application C080378 PCR may be governed by the regulations of this Chapter or the underlying regulations of this Resolution for a period of two years after October 23, 2008. After October 23, 2010, such property shall be subject to the regulations of this Chapter.

In the North Waterfront Subdistrict, "publicly accessible waterfront open space" shall include on-site and off-site areas, as applicable, as set forth in the approved Proposed Plans, pursuant to Section 128-61 (Special Permit for North Waterfront Sites).

128-03 - District Plan and Maps

LAST AMENDED
10/30/2013

The regulations of this Chapter are designed to implement the #Special St. George District# Plan.

The District Plan includes the following five maps:

Map 1. Special St. George District and Subdistricts

Map 2. Designated Street Frontages

Map 3. Minimum and Maximum Base Heights

Map 4. Tower Restriction Areas

Map 5. Visual Corridors and Parcels

The maps are located in the Appendix to this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

128-04 - Subdistricts

LAST AMENDED
10/30/2013

In order to carry out the purposes and provisions of this Chapter, the #Special St. George District# shall include three subdistricts: the Upland Subdistrict, the North Waterfront District and the South Waterfront Subdistrict, as shown on Map 1 (Special St. George District and Subdistricts) in the Appendix to this Chapter.

128-05 - Applicability of District Regulations

LAST AMENDED
10/23/2008

128-051 - Applicability of Article I, Chapter 2

LAST AMENDED
3/28/2012

The definition of "lower density growth management area" in Section 12-10 (DEFINITIONS) shall be modified to exclude all districts within the #Special St. George District#.

128-052 - Applicability of Article III, Chapter 6

LAST AMENDED
12/5/2024

The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special St. George District#.

128-053 - Applicability of Article VI, Chapter 2

LAST AMENDED
12/5/2024

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply in the North Waterfront Subdistrict of the #Special St. George District#, as modified in this Chapter. In such Subdistrict, such provisions shall not apply to improvements to the publicly accessible waterfront open space, or to #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites). However, the regulations of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply to such #developments#, #enlargements#, alterations and changes of #use#, as modified pursuant to such special permit. In addition, the special requirements for #visual corridors# set forth in Section 128-43 (Visual Corridors in the North Waterfront Subdistrict) shall apply.

128-054 - Applicability of Article VII, Chapter 4

LAST AMENDED

12/5/2024

Within the North Waterfront Subdistrict of the #Special St. George District#, the following special permits shall not apply:

Section 74-194 (Public parking garages or public parking lots outside high density areas)

Section 74-61 (Development on Lots that Include Railroad Right-of-Ways).

In addition, the provisions of the following special permits, as applicable, shall be deemed to be modified when an application pursuant to Section 128-61 (Special Permit for North Waterfront Sites) for Parcel 1 or Parcel 2, as shown on the maps in the Appendix to this Chapter, under application numbers C130317ZSR or C130318ZSR, as applicable, has been approved:

C000012ZSR

C000013ZSR

C000014ZSR

C000016(A)ZSR

128-055 - Applicability of Article VII, Chapter 5

LAST AMENDED
12/5/2024

Within the North Waterfront Subdistrict of the #Special St. George District#, the following authorization by the City Planning Commission and certifications by the Chairperson of the City Planning Commission, shall not apply:

Section 75-411 (Developments on or over railroad rights-of-way)

Section 75-412 (Developments on lots under one and a half acres that include railroad right-of-ways)

128-10 - USE REGULATIONS

LAST AMENDED
10/23/2008

128-11 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

(a) #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 (Designated Street Frontages) in the Appendix of this Chapter shall be considered #Tier C street frontages#, and

(b) remaining #ground floor level# #street# frontages shall be considered #Tier B street frontages#. However, in lieu of the parking wrap and enclosure provisions of Section 32-32, inclusive, the provisions for #Tier A street frontages# set forth in Section 32-312 (Ground floor level parking restrictions) may be applied.

128-12 - Location of Uses in Mixed Buildings

LAST AMENDED
6/6/2024

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#. In addition, the provisions of paragraph (d) of Section 32-422 shall be modified such that eating or drinking establishments listed under Use Group VI shall be permitted on a #story# above #dwelling units#.

128-20 - FLOOR AREA AND YARD REGULATIONS

LAST AMENDED
12/5/2024

The underlying #floor area ratio# and #yard# regulations shall apply, except as modified pursuant to the provisions of this Section, inclusive.

128-21 - Maximum Floor Area Ratio

LAST AMENDED
12/5/2024

In C4-2 Districts within the Upland Subdistrict, the maximum #floor area ratio# shall be modified as follows:

(a) for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a #commercial street#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 2.64. No #floor area# bonuses shall apply; or

(b) for all other #zoning lots#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4. However, for #qualifying affordable housing# or #qualifying senior housing#, the maximum #floor area ratio# shall be 4.08. No #floor area# bonuses shall apply.

128-22 - Rear Yard Equivalents

LAST AMENDED
12/5/2024

In C4-2 Districts within the Upland Subdistrict, the #rear yard equivalent# regulations for #residential uses# on #through lots#, or the #through lot# portion of a #zoning lot#, are modified as set forth in this Section. Such #yards# shall be provided within 45 feet of the centerline of the #through lot# or #through lot# portion, and the level of such #yards# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# that face such #yards#. Furthermore, no #rear yard equivalent# regulations shall apply to any #through lot# or #through lot# portion of a #zoning lot# on which a tower is #developed# or #enlarged#, pursuant to Section 128-35.

128-30 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

In the Upland Subdistrict, underlying height and setback regulations shall apply, except as modified pursuant to the provisions of this Section, inclusive.

In the South and North Waterfront Subdistricts, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except that:

(a) in the South Waterfront Subdistrict, permitted obstructions shall be allowed pursuant to Section 128-31 (Permitted Obstructions); and

(b) in the North Waterfront Subdistrict, #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) shall instead be subject to the Proposed Plans, as set forth in Section 128-61, as approved pursuant to such special permit.

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street# frontages, such heights shall be determined separately for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

128-31 - Permitted Obstructions

LAST AMENDED
12/5/2024

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts). However, where towers are provided in

accordance with Section 128-35 (Towers), the allowance in paragraph (f) of such Section shall supersede the underlying dormer provisions.

128-32 - Street Wall Location

LAST AMENDED
12/5/2024

The following #street wall# location provisions shall apply:

(a) #Street walls# along designated #street frontages#

For #street walls# fronting #streets# designated on Map 2 (Designated Street Frontages) in the Appendix to this Chapter, the #street wall# location provisions of paragraph (b) Section 35-631 shall apply.

(b) #Street walls# along other #streets#

For #street walls# fronting other #streets#, the #street wall# shall extend along at least 50 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line# or sidewalk widening line, whichever is applicable.

Such #street walls# shall rise without setback to the minimum height specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, or the height of the #building#, whichever is less. When a #building# fronts on two intersecting #streets# for which different minimum base heights apply, the higher base height may wrap around to the #street# with the lower base height, for a distance of up to 100 feet.

128-33 - Maximum Base Height

LAST AMENDED
12/5/2024

The maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet. At a height not lower than the minimum base height, and not higher than the maximum base height, a setback shall be provided in accordance with the provisions of Section 23-433 (Standard setback regulations).

128-34 - Maximum Building Height

LAST AMENDED
12/5/2024

After the required setback, a #building# may rise to the maximum #building# height set forth in Section 23-43 (Height and Setback Requirements in R6 Through R12 Districts), inclusive, for the applicable #residential equivalent#. However, in C4-2 Districts, towers shall be permitted as an alternative to such maximum #building# height, where provided in accordance with the provisions of Section 128-35 (Towers).

128-35 - Towers

LAST AMENDED
12/5/2024

In C4-2 Districts, tower provisions of this Section shall apply, as an option, to any #zoning lot# with a #lot area# of at least 10,000 square feet. Any portion of a #building# #developed# or #enlarged# on such #zoning lots# that exceeds the applicable maximum base height shall comply with the following:

(a) Maximum footprint

Each #story# located entirely above the maximum base height shall not exceed a gross area of 10,000 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet.

(b) Tower top articulation

The highest three #stories# shall have a #lot coverage# of at least 50 percent of the #story# located directly below such #stories#, provided that the gross area of any such #story# does not exceed 90 percent of the gross area of that #story# located directly below such #stories#.

(c) Orientation of all towers

The maximum length of the outermost walls of any side of each #story# of a tower facing the #shoreline# shall not exceed 80 feet. For the purposes of this Section, the #street line# of St. Marks Place shall be considered to be a line parallel to the #shoreline#, and any side of such rectangle facing St. Marks Place from which lines perpendicular to the #street line# of St Marks Place may be drawn, regardless of intervening structures, properties or #streets#, shall not exceed 80 feet.

(d) Location of all towers

Any portion of a tower shall be no closer to a #side lot line# than eight feet, and any #story# of a #building# that is entirely above a height of 70 feet shall be located within 25 feet of a #street line# or sidewalk widening line, where applicable.

(e) Maximum tower height

The maximum height of any #building# utilizing the tower provisions of this Section shall be 200 feet. The height of the tower portion of the #building# shall be measured from the #base plane#.

(f) Tower and base integration

The underlying setback provisions may be modified as follows: up to 50 percent of the #street wall# of the tower portion of the #building# need not be set back from the #street wall# of the #building#, and may rise without setback from grade, provided such portion of the #building# is set back at least 10 feet from a #wide# #street line# or sidewalk widening line, where applicable, and at least 15 feet from a #narrow# #street line# or sidewalk widening line, where applicable. On frontages where such allowance is taken, no dormers shall be permitted.

(g) Tower exclusion areas

No towers shall be permitted within the areas designated on Map 4 (Tower Restriction Areas) in the Appendix to this Chapter.

128-40 - MANDATORY IMPROVEMENTS

LAST AMENDED
10/23/2008

128-41 - Sidewalks

LAST AMENDED
10/23/2008

Sidewalks with a depth of at least 12 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire #street# frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 12 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 12 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

128-42 - Visual Corridors in the North Waterfront Subdistrict

LAST AMENDED
12/5/2024

The designated locations for #visual corridors#, as defined in Article VI, Chapter 2, are shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be provided in accordance with the standards of Sections 62-512 (Dimensions of visual corridors) and 62-513 (Permitted obstructions in visual corridors), except that:

(a) lighting fixtures in #visual corridors# shall be considered permitted obstructions; and

(b) within the #visual corridor# provided through Parcel 2 to the Pierhead line within the flexible location zone indicated on Map 5, a portion of a #building# shall be a permitted obstruction, provided that such obstruction is located no more than 14 feet above the reference plane of the #visual corridor#, and that such obstruction occupies no more than 185,000 cubic feet in total above the reference plane of the #visual corridor#.

128-50 - PARKING REGULATIONS

LAST AMENDED
10/23/2008

In the #Special St. George District#, the underlying regulations governing permitted and required #accessory# off-street parking spaces are modified as set forth in this Section.

128-51 - Required Off-street Parking and Loading

LAST AMENDED
12/5/2024

In the #Special St. George District#, the following modifications to underlying parking and loading regulations shall apply:

In C4-2 Districts:

(a) For #commercial# #uses#, the off-street parking and loading requirements of a C4-3 District shall apply, except that grocery and convenience retailers listed under Use Group VI with 2,500 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area# and, for #uses# subject to PRC-B or PRC-F off-street parking requirements, the requirements of a C4-2 District shall apply.

(b) For ambulatory diagnostic or treatment health care facilities listed under Use Group III, the off-street parking requirements of a C4-3 District shall apply.

128-52 - Special Floor Area Regulations

LAST AMENDED
10/23/2008

The #floor area# of a #building# shall not include floor space used for off-street parking spaces provided in any #story# that complies with the provisions of Section 128-54 (Location of Accessory Off-street Parking Spaces).

128-53 - Use of Parking Facilities

LAST AMENDED
10/23/2008

All #accessory# off-street parking spaces may be provided within parking facilities, including #public parking garages#, on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

(a) such parking facilities are located within the #Special St. George District# ;

(b) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot# ; and

(c) the number of #accessory# parking spaces within such facility shall not exceed the combined number of spaces permitted on each #zoning lot# using such facility, less the number of spaces provided on each #zoning lot# using such facility.

128-54 - Special Requirements for Roofs of Parking Facilities

LAST AMENDED
6/6/2024

The roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. No parking spaces shall be provided on the roof of such facility. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. No less than 75 percent of such roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located; and no more than 25 percent may be accessible solely from an adjacent #dwelling unit#. Hard surfaced areas shall not cover more than 60 percent of such roof area.

128-55 - Curb Cuts on Commercial Streets

LAST AMENDED
6/6/2024

No curb cuts shall be permitted on #streets# designated on Map 2 in the Appendix to this Chapter. However, if access to a required #accessory# parking facility or loading berth is not possible because of such restriction, a curb cut may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such location is the only possible location for the facility or loading berth, is not hazardous to traffic safety, is at least 50 feet from the intersection of two #street lines#, and is constructed so as to have minimal effect on the streetscape.

128-60 - SPECIAL APPROVALS

LAST AMENDED
10/30/2013

The special permit for North Waterfront sites set forth in Section 128-61 is established in order to guide and encourage appropriate #use# and #development# in a unique location within the #Special St. George District# that serves as a gateway between Staten Island and Manhattan for both visitors and daily commuters. Redevelopment of the North Waterfront sites pursuant to this special permit provides an appropriate means to address the special characteristics of these sites, while accommodating their continuing transportation function, as part of their transformation into a regional destination that will contribute to the revitalization of the #Special St. George District# and surrounding area.

The special permit for #buildings# in R7-3 Districts set forth in Section 128-62 is established to allow modification of #bulk# regulations and mandatory improvements, except #floor area ratio# provisions, in order to encourage better site planning, and streetscapes that are consistent with the goals of the Special District.

128-61 - Special Permit for North Waterfront Sites

LAST AMENDED
12/5/2024

In the North Waterfront Subdistrict, for Parcels 1 and 2, and for improvements to the publicly accessible waterfront open space, provided in connection with the #development# of such parcels, as applicable, the City Planning Commission may approve, by special permit, a development plan for each such parcel and an improvement plan for the publicly accessible waterfront open space. For any application for such special permit, the applicant shall provide plans to the Commission, including but not limited to a site plan, interim parking plan, signage plan, lighting plan and an improvement plan for the publicly accessible waterfront open space (the "Proposed Plans"). Such Proposed Plans shall be subject to the conditions set forth in paragraphs (a) through (e) and the findings set forth in paragraph (f) of this Section.

Pursuant to such Proposed Plans, the Commission may:

(a) permit the following #use# modifications:

(1) #commercial# #uses# listed under Use Group VI, with a size limitation, as denoted in the Use Group table with an "S", may be permitted without size limitation;

(2) #outdoor amusement parks# listed under Use Group VIII may be permitted without size limitation;

(3) #public parking garages# with more than 150 spaces may be permitted;

(4) temporary #public parking lots# or #public parking garages# with more than 150 spaces, supplied in connection with an interim parking plan, may be permitted, provided that:

(i) the applicable findings of Section 74-51 Public Parking Garages of Public Parking Lots Outside High Density Central Areas) are met by each such temporary public parking facility;

(ii) such temporary #public parking lots# or #public parking garages# with more than 150 spaces, may be located off-site or beyond the boundaries of the #Special St. George District# only as set forth in the interim parking plan. Any change in the location of such temporary #public parking# facility with more than 150 spaces, or any increase in the number of spaces in a temporary #public parking# facility to more than 150 spaces, or any addition of a #public parking# facility with more than 150 spaces provided in connection with such interim parking plan, shall be subject to further approval by the City Planning Commission and referred to the applicable Community Board(s) for review; and

(iii) the permit to operate such #public parking lots# or #public parking garages# shall expire 30 days after the Department of Buildings issues a certificate of occupancy for all permanent public parking facilities on Parcel 2;

(b) where such #development# is located partially or entirely on or over a railroad right-of-way or #former railroad right-of-way#:

(1) permit that portion of the #railroad right-of-way# which will be completely covered over by a permanent platform to be included in the calculations of #lot area# for such #development# ; and

(2) establish, in lieu of #base plane#, an appropriate level or levels as the reference plane for the entire #zoning lot# for the applicable regulations pertaining to, but not limited to, height and setback, #floor area# and #yards#;

(c) permit #signs# pursuant to a signage plan, subject to the following conditions:

(1) the #sign# regulations of a C4 District, as set forth in Section 32-60, shall apply, except as specifically modified by the conditions set forth in paragraphs (c)(2) through (c)(7), inclusive, of this Section;

(2) #flashing signs# shall not be permitted;

(3) the height of #signs# shall be measured from the #base plane#;

(4) flags, banners or pennants, other than those that are #advertising signs#, shall be permitted without limitation;

(5) on Parcel 1:

(i) the total #surface area# of a #sign# affixed to a #building# frontage facing the #shoreline# or affixed to the base of a structure facing the #shoreline# shall not exceed 1,120 square feet, provided that for a #sign# with a #surface area# larger than 500 square feet, all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign#, shall be separate elements, individually cut and separately affixed to the structure. No perimeter or background surfaces shall be applied or affixed to the structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for the structure; and

(ii) #signs# shall be permitted to be located on the deck of the #railroad right-of-way#, provided that the #surface area# of such #signs# shall be included in the calculations of total #surface area# of #signs#;

(6) on Parcel 2:

(i) open pedestrian pathways of at least 20 feet in width shall be considered #streets# for the purposes of #sign# regulations;

(ii) #signs# shall not extend to a height greater than 60 feet above the #base plane#; and

(iii) the total #surface area# of #signs# on the #building# frontage facing Richmond Terrace, the prolongation of Wall Street, or on the #building# frontage or other structure facing the access route into the Ferry Terminal for buses, may exceed the limitations for total #surface area# for #signs# permitted in a C4 District, pursuant to an approved signage plan; and

(7) the total #surface area# of all #signs# on Parcel 2 facing the #shoreline#, or that are within 15 degrees of being parallel to the #shoreline#, shall not exceed:

(i) 500 square feet for #signs# located above the level of the first #story# ceiling of #buildings#; or

(ii) 250 square feet for #signs# located below the level of the first #story# ceiling of #buildings#;

(d) through approval of the Proposed Plans, establish appropriate requirements in lieu of the following #Special St. George District# regulations:

Section 128-11 (Streetscape Regulations);

Section 128-54 (Special Requirements for Roofs of Parking Facilities); and

(e) through approval of the Proposed Plans:

(1) establish appropriate requirements for the height and setback of #buildings or other structures#, permitted obstructions in #yards#, off-street parking and loading; and

(2) permit #floor area# to be distributed within the North Waterfront Subdistrict without regard for #zoning# #lot lines#, provided that if distribution is made to a #zoning lot#, subject to a special permit granted under this Section, from a #zoning lot# not subject

to such special permit, Notices of Restriction in a form acceptable to the Department of City Planning shall be filed against such #zoning lots# setting forth the increase and decrease in the #floor area# on such #zoning lots#, respectively.

(f) The Commission shall find that the Proposed Plans:

(1) include #uses# that are appropriate, considering the unique location of the site in relation to the Staten Island Ferry Terminal, the Staten Island Rail Road, and the land #uses# in and around the #Special St. George District#;

(2) provide a distribution of #floor area#, locations and heights of #buildings or other structures#, primary business entrances and open areas, that will result in a superior site plan, providing a well-designed relationship between #buildings and other structures# and open areas on the #zoning lot#; and shall also provide a well-designed relationship between the site and adjacent #streets#, surrounding #buildings#, adjacent off-site open areas and #shorelines# and will thus benefit the users of the site, the neighborhood and the City as a whole;

(3) provide a distribution of #floor area# and locations and heights of #buildings or other structures# that will not unduly increase the #bulk# of #buildings or other structures# in the North Waterfront Subdistrict or unduly obstruct access of light and air to the detriment of the users of the site or nearby #blocks# or of people using the public #streets#, and that will provide waterfront vistas from nearby #streets# and properties on nearby #blocks#;

(4) provide useful and attractive publicly accessible open space, with sufficient public amenities, including but not limited to seating, landscaping and lighting, that results in a superior relationship with surrounding neighborhood destinations, #streets#, #buildings#, open areas, public facilities and the waterfront;

(5) improve public access to the waterfront;

(6) improve, as applicable, the publicly accessible waterfront open space sufficiently to ensure that emergency vehicles will have adequate access to the waterfront and adjacent #developments#;

(7) in connection with the improvement of the applicable portions of the publicly accessible waterfront open space, restore planted areas, trees and lighting in a way that is attractive and compatible with the design of the Waterfront Esplanade existing on October 30, 2013;

(8) provide adequate parking and loading to meet the demand for all users during peak utilization;

(9) provide adequate parking for commuters at locations convenient and accessible to the Staten Island Ferry Terminal at all times and during all phases of construction;

(10) provide signage and lighting that are compatible with the scenic and historic character of the harbor and that will not adversely affect the character of the surrounding neighborhood;

(11) for a #public parking garage# with more than 150 parking spaces, will ensure that:

(i) entrances are proposed in locations and with design features that minimize traffic congestion and conflicts with pedestrians;

(ii) adequate reservoir space has been provided at the vehicular entrances; and

(iii) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and

(12) for a #development# located partially or entirely on or over a #railroad right-of-way# or #former railroad right-of-way#

(i) the distribution of #floor area# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development#, including any portion of the #development# located beyond the boundaries of such #railroad right-of-way#; and

(ii) if such #railroad right-of-way# is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, for a #development# located partially or entirely on or over a #railroad right-of-way#, the Commission may require that the structural design of such #development# makes due allowance for changes within the layout of tracks or other structures within any #railroad right-of-way# which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority to indicate whether said agency has any plan to use that portion of any #former railroad right-of-way#.

The execution and recordation of a restrictive declaration acceptable to the Commission, binding the owners, successors and assigns to maintain such #developments#, #enlargements#, alterations, changes of #use#, and any temporary parking facilities, in accordance with the approved Proposed Plans, and in a manner consistent with any additional conditions and safeguards prescribed by the Commission, shall be a condition to exercise of the special permit. Such restrictive declaration shall be recorded in the Office of the County Clerk. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a #development#, #enlargement# or change of #use#.

128-62 - Special Permit for Buildings in R7-3 Districts

LAST AMENDED11/10/2021

For any #zoning lot# in an R7-3 District, the City Planning Commission may permit modification of #bulk# regulations, except #floor area ratio# provisions, and modification of mandatory improvements, provided the Commission shall find that such modifications:

(a) will aid in achieving the general purposes and intent of the Special District;

(b) will enhance the distribution of #bulk# on the #zoning lot#;

(c) will not unduly obstruct access to light and air from surrounding #streets# and properties; and

(d) will result in a better site plan and urban design relationship with adjacent #streets#, open areas, and the surrounding neighborhood.

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

Appendix - Special St. George District Plan

LAST AMENDED
7/16/2026

Map 1 - Special St. George District and Subdistricts (7/16/26)

Map 2 – Designated Street Frontages (7/16/26)

Map 3 – Minimum and Maximum Base Heights (7/16/26)

Map 4 – Tower Restriction Areas (7/16/26)

Map 5 – Visual Corridors and Parcels (7/16/26)

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article XIII - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 9/21/2026

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Special Coney Island District (CI)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Special Coney Island District (CI)

131-00 - GENERAL PURPOSES

LAST AMENDED
7/29/2009

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

(a) to preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;

(b) to facilitate and guide the development of a year-round amusement, entertainment and hotel district;

(c) to facilitate and guide the development of a residential and retail district;

(d) to provide a transition to the neighboring areas to the north and west;

(e) to provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;

(f) to control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;

(g) to promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

131-01 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

NOTE: Self-certification of sewer connection applications will not be permitted by the Department of Buildings or Department of Environmental Protection in connection with any proposed #development# or #enlargement# in the #Special Coney Island District# for which sewer connection approval is required. Prior to filing a House or Site Connection application, all applicants will be required to submit a site-specific hydraulic analysis to the Department of Environmental Protection for its review and approval, to establish the adequacy of existing sanitary and storm sewers to serve the proposed #development# or #enlargement#.

131-02 - District Plan and Maps

LAST AMENDED
7/29/2009

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix to this Chapter.

Map 1. Special Coney Island District and Subdistricts

Map 2. Mandatory Ground Floor Use Requirements

Map 3. Coney East Subdistrict Floor Area Ratios

Map 4. Street Wall Location

Map 5. Minimum and Maximum Base Heights

Map 6. Coney West Subdistrict Transition Heights

131-03 - Subdistricts

LAST AMENDED
7/29/2009

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

Coney East Subdistrict (CE)

Coney North Subdistrict (CN)

Coney West Subdistrict (CW)

Mermaid Avenue Subdistrict (MA)

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix to this Chapter.

131-04 - Applicability

LAST AMENDED
7/29/2009

131-041 - Applicability of Article VI, Chapter 2

LAST AMENDED
12/5/2024

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the #Special Coney Island District#.

131-042 - Applicability of Article VII, Chapter 4

LAST AMENDED
12/5/2024

The provisions of Section 74-194 (Public parking garages or public parking lots in high density central areas) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-043 - Modification of use and bulk regulations

LAST AMENDED
12/5/2024

(a) For zoning lots fronting upon Riegelmann Boardwalk, KeySpan Park and Highland View Park

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of Riegelmann Boardwalk, KeySpan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

(b) For multiple buildings on the same zoning lot

For the purposes of applying the special #use# and #bulk# regulations of this Chapter, #abutting# #buildings# on the same #zoning lot# may be considered one #building#.

131-05 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions), or in this Section.

Outdoor amusement parks

For the purposes of this Chapter, the definition of "outdoor amusement park" set forth in Section 12-10 shall be modified to also include recreational attractions, rides, games and other forms of entertainment for visitors of all ages, as found in North American Industry Classification System (NAICS) industry code 71311 (Amusement and Theme Parks) that are enclosed within a #building or other structure#.

131-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/6/2024

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying #Commercial Districts#, as applicable.

For the purposes of this Chapter, "ground floor level" shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open space.

In C7 Districts, #outdoor amusement parks# listed under Use Group VIII, of any size, shall be

permitted.

131-11 - Use Group V

LAST AMENDED
6/6/2024

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter, where permitted pursuant to Section 32-153 (Use Group V – uses subject to additional conditions).

131-12 - Use Groups A, B and C

LAST AMENDED
7/29/2009

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121 - Use Group A: Amusements

LAST AMENDED
6/6/2024

Use Group A consists of a group of #uses#, selected from Use Groups VI and VIII, as modified in this Section, and may be open or enclosed:

Use Group A1

From Use Group VIII

#Amusement or recreation facilities#

#Outdoor amusement parks#

Use Group A2

From Use Group VI

#Health and fitness establishments#

From Use Group VIII

Arenas or auditoriums, with capacity limited to 2,000 seats

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet, except that on #corner lots# one #street# frontage may extend up to 100 feet.

131-122 - Use Group B: Amusement and entertainment-enhancing uses

LAST AMENDED
6/6/2024

Use Group B consists of a group of #uses#, selected from Use Groups VI, VIII and X, as modified in this Section:

From Use Group VI

Eating or drinking establishments, without size limitations

From Use Group VIII

All #uses# listed under Art Galleries and Studios

All #uses# listed under Other Assembly Spaces

From Use Group X

Breweries, included under all other beverage manufacturing.

131-123 - Use Group C: Retail and service uses

LAST AMENDED
6/6/2024

Use Group C consists of a group of retail and service #uses#, selected from Use Group VI, as modified in this Section:

From Use Group VI

All remaining #uses# not otherwise permitted in Use Groups A and B.

131-13 - Special Use Regulations in Subdistricts

LAST AMENDED
7/29/2009

131-131 - Coney East Subdistrict

LAST AMENDED
6/6/2024

The #use# regulations of the underlying C7 District are modified as set forth in this Section. The provisions of Section 32-15 (Transient Accommodations) are modified to apply in a C7 District. The locations of the mandatory ground floor #use# regulations of paragraphs (b), (c), (d) and (f) of this Section are shown on the #streets#, or portions of #streets#, specified on Map 2 in the Appendix to this Chapter. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages#, shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder

Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

There shall be separate open establishments or enclosed ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

(1) on the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;

(2) on the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;

(3) on all other #block# fronts there shall be at least four establishments;

(4) the provisions of this paragraph (c) shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph (c), where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

(e) #Transient hotels#

(1) Where permitted pursuant to Section 32-15, #transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th and West 16th Streets south of the prolongation of the centerline of Bowery.

(2) #Transient hotel# #use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.

(3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.

(4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory# #uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.

(5) #Accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Depth of ground floor #uses# and transparency

All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from

the #street wall# of a #building#, located on #streets#, or portions of #streets#, shown on Map 2. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-12, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

However, in lieu of such transparency requirements, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.

(g) Parcel 2

On Parcel 2, as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

(h) Parcel 3

On Parcel 3, as shown on Map 2, the provisions of the underlying C7 District shall apply, except as modified in this paragraph, (h). Only open #uses# listed under Amusement and Recreation Facilities in Use Group VIII shall be permitted. Additionally, no size limitations shall apply to #outdoor amusement parks#.

131-132 - Coney North and Coney West Subdistricts

LAST AMENDED
6/6/2024

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section. For the purposes of this Section, the "building line" shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.

(a) #Use# modifications

The underlying district #use# regulations shall be modified as follows:

(1) any #use# listed in Use Groups A, B and C, as set forth in Section 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of Riegelmann Boardwalk and within 100 feet of all other designated #streets#, as shown on Map 2; and

(2) an enclosed ice skating rink, included under #amusement or recreation facilities# in Use Group VIII, shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

(b) Ground floor level regulations along Riegelmann Boardwalk

Along Riegelmann Boardwalk, only #uses# listed in Use Groups A, B and C and, where permitted pursuant to Section 32-153 (Use Group V – uses subject to additional conditions), #transient hotels# located above the ground floor level are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All

other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of the #building#. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

Each ground floor level #street wall# of a #commercial# or #community facility# #use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

However, in lieu of such transparency requirements, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 percent open during seasonal business hours.

(c) Ground floor level regulations along all other #streets

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix of this Chapter, shall be considered #Tier C street frontages#.

The underlying #Tier C street frontage# regulations shall be modified as follows: Along the boundary of KeySpan Park in the Coney West Subdistrict, in lieu of the underlying transparency requirements, at least 50 percent of the area of the ground floor level #street wall# of a #commercial# #use#, measured to a height of 12 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least

50 percent open during seasonal business hours.

131-14 - Location of Uses Within Buildings

LAST AMENDED
6/6/2024

The provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraphs (a), (b) and (e) of such Section shall not apply.

In the Coney North and Coney West Subdistricts, a #public parking garage# may occupy any #story# of a #mixed building# provided such garage complies with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-15 - Authorization for Use Modifications

LAST AMENDED
6/6/2024

Along #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter, other than Riegelmann Boardwalk, the City Planning Commission may authorize establishments containing Use Group A, B or C #uses# within #buildings# with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

131-16 - Special Permit for Certain Arenas

LAST AMENDED
2/24/2026

On Parcels B and G in the Coney West Subdistrict of the #Special Coney Island District#, the City Planning Commission may permit an arena in accordance with the provisions of paragraph (d) of Section 74-182 (Arenas, auditoriums, stadiums or trade expositions).

131-20 - SIGN REGULATIONS

LAST AMENDED
6/6/2024

(a) In the Coney East Subdistrict, in lieu of the underlying C7 #sign# regulations, the #sign# regulations for a C6-7 District shall apply, except that:

(1) no #advertising signs# shall be permitted above a height of 40 feet; and

(2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying Along District Boundaries) shall not apply.

(b) In the Coney North and Coney West Subdistricts, the underlying C2-4 District #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial# #use#.

131-30 - FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

LAST AMENDED
2/2/2011

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

131-31 - Coney East Subdistrict

LAST AMENDED
2/2/2011

(a) Except on Parcel 3, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios) in the Appendix to this Chapter, the maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block#, or portion thereof, as shown on Map 3. On Parcel 2, as shown on Map 3, the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

On Parcel 3, the maximum #floor area ratio# of the underlying C7 District shall apply. Furthermore, #floor area# attributable to Parcel 3 shall be used exclusively within Parcel 3.

(b) In the Coney East Subdistrict, no #rear yards# shall be required.

131-32 - Coney West, Coney North and Mermaid Avenue Subdistricts

LAST AMENDED

7/29/2009

131-321 - Special floor area regulations for residential uses

LAST AMENDED

12/5/2024

R7A R7D R7X

(a) Maximum #floor area ratio#

The maximum #floor area ratios# for #zoning lots# containing standard #residences# and maximum #floor area ratios# for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing# are set forth in the table in this Section. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict/Parcels	Zoning District	Maximum #floor area ratio# for standard #residences#	Maximum #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing#

Coney West Parcels: A, B, C, D	R7D	4.8	5.8
Coney West Parcels: E, F	R7D	4.6	5.5
Coney North	R7X	4.0	5.0
Mermaid Avenue	R7A	3.8	4.6

(b) Coney West #floor area# distribution

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

Parcels A and B

Parcels C and D

Parcels E and F.

In addition, #floor area# attributable to #block# 7071, lot 130, within Parcel B may be distributed anywhere within Parcels C or D.

131-322 - Special floor area regulations for community facility uses

LAST AMENDED
7/29/2009

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

131-323 - Special floor area ratio regulations for hotel uses

LAST AMENDED
7/29/2009

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

131-324 - Lot coverage

LAST AMENDED
10/10/2013

In the #Special Coney Island District#, the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.

131-40 - HEIGHT AND SETBACK REGULATIONS

LAST AMENDED
12/5/2024

The underlying height and setback regulations shall apply except as modified in this Section, inclusive. The height of all #buildings or other structures# shall be measured from the #base plane#.

131-41 - Rooftop Regulations

LAST AMENDED
12/5/2024

Within the #Special Coney Island District#, the provisions of Section 33-42 (Permitted Obstructions) shall apply to any #building or other structure#. In addition, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section 23-413 (Permitted obstructions in certain districts).

131-42 - Coney East Subdistrict

LAST AMENDED
2/2/2011

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. #Street wall# location rules and maximum base height rules shall apply only to #buildings#. Maximum heights shall apply to all #buildings or other structures#.

For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Maps 4 (Street Wall Location) and 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section.

A #building or other structure# that exceeds a height limit shall be permitted where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

131-421 - Coney East Subdistrict, south side of Surf Avenue

LAST AMENDED
5/12/2021

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street line# of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of a #building# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

(1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;

(2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such

#street lines# ; and

(3) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

(1) Surf Avenue, west of West 12th Street

West of West 12th Street, the #street wall# of a #building# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with the requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section.

Any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with the location requirements of paragraph (d) of this Section.

(2) Surf Avenue, east of West 12th Street

East of West 12th Street, the #street wall# of a #building# shall rise without setback to

a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

(c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section shall be set back from the #street line# at least 20 feet except that, where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

(1) West of West 12th Street

All portions of a #building# that exceed the maximum base height set forth in paragraph (b)(1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

(2) East of West 12th Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum #building# height after the required setbacks shall be 85 feet.

(3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c)(1) and (c)(2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use# or to #buildings# where the Chairperson of the Department of City Planning certifies to the Department of Buildings that additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Towers

All #stories# of a #building# located partially or wholly above a height of 65 feet shall be considered a "tower" and shall comply with the provisions of this paragraph (d).

(1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide

articulation in accordance with Section 131-46.

(3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

131-422 - Coney East Subdistrict, north side of Surf Avenue

LAST AMENDED
7/29/2009

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

131-423 - Along all other streets

LAST AMENDED
5/12/2021

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets#, and portions thereof, located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of the #building#, or portion thereof, shall be located within five feet of the #street line#;

(b) Maximum height

The #street wall# of a #building#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, provided that such portion is located within 150 feet of the intersection of two #street lines#. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall# may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

131-43 - Coney West Subdistrict

LAST AMENDED
7/29/2009

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

131-431 - Coney West District, Surf Avenue

LAST AMENDED
12/5/2024

(a) #Street wall# location

The #street wall# location provisions of paragraph (a) Section 35-631 shall apply along Surf Avenue and along all #street# frontages within 50 feet of their intersection with Surf Avenue. To allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

A #street wall# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the #block# front bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

All portions of a #building or other structure# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least 10 feet. Such setback may be modified in accordance with the provisions of Section 23-433 (Standard setback regulations).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the Surf Avenue #street line#. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Subdistrict towers).

131-432 - Along all other streets, other than Riegelmann Boardwalk

LAST AMENDED
12/5/2024

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of Riegelmann Boardwalk.

(a) #Street wall# location

The #street wall# location provisions of paragraph (b) Section 35-631 shall apply and extend up to base heights as defined in this Section. To allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower.

The entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial# #uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# at least 10 feet. Such setback may be modified in accordance with the provisions of Section 23-433 (Standard setback regulations).

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

(1) above the maximum base height, #street walls# are set back a minimum distance of 10 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), at least 40 percent of the #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;

(2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;

(3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least 10 feet, measured from the south-facing wall of the #story# directly below.

A #building or other structure# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

131-433 - Riegelmann Boardwalk and building line of Parcel F

LAST AMENDED
2/2/2011

A #street wall# shall be located on Riegelmann Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet, as shown on Map 5 (Minimum and Maximum Base Heights). Any #building or other structure# within 70 feet of Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of Riegelmann Boardwalk.

In addition, on Parcel F, a #street wall# shall be located on the Parachute Way building line and the portion of the Ocean Way building line that is within 100 feet of the Parachute Way building line, as shown on Map 4 (Street Wall Location). Such #street walls# shall extend along such entire frontages of Parcel F to a minimum height of 20 feet.

131-434 - Coney West Subdistrict towers

LAST AMENDED
2/2/2011

All #stories# of a #building# or portions of other structures located partially or wholly above an applicable transition height shall be considered a “tower” and shall comply with the provisions of this Section.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building or other structure# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum height of a #building or other structure# shall be 170 feet. Furthermore, the

outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

Where #qualifying affordable housing# or #qualifying senior housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided either:

(1) the outermost wall of all tower #stories# are inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or

(2) the outermost wall of all tower #stories# below a height of 120 feet are inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet and, above such height, no side of such rectangle shall exceed a length of 100 feet. In addition, above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# fronting upon Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that where #qualifying affordable housing# or #qualifying senior housing# is provided pursuant to Sections 27-10 and 131-321, no more than two towers shall be

permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, Parcel E may include two towers and, where #qualifying affordable housing# or #qualifying senior housing# is provided pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

131-44 - Coney North Subdistrict

LAST AMENDED
2/2/2011

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Maps 4 (Street Wall Location) and 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum #building# height provisions of this Section, inclusive.

131-441 - Coney North Subdistrict, Surf Avenue

LAST AMENDED
12/5/2024

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# location provisions of paragraph (a) Section 35-631 shall apply and extend up to minimum base heights as defined in this Section. To allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

The #street wall# of a #building# base fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the portion of the #block# bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# fronting on Surf Avenue shall rise without setback to a height of 85 feet.

All portions of a #building or other structure# that exceed a height of 85 feet shall be set back from the #street line# at least 10 feet, and shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers). Such setback may be modified in accordance with the provisions of Section 23-433 (Standard setback regulations).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the Surf Avenue #street line#. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-442 - Along all other streets, other than Stillwell Avenue

LAST AMENDED
12/5/2024

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) #Street wall# location

The #street wall# location provisions of paragraph (b) Section 35-631 shall apply and extend up to base heights as defined in the Section. To allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be recessed 10 feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower.

The entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to, and exits from, the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial# #uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is

less.

All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least 10 feet. Such setback may be modified in accordance with the provisions of Section 23-433 (Standard setback regulations).

(c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the #street line#. All portions of #buildings or other structures# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-443 - Mermaid and Stillwell Avenues

LAST AMENDED
12/5/2024

Within 100 feet of Mermaid Avenue and within 100 feet of the portion of Stillwell Avenue beyond 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of the underlying district, except as set forth by the provisions of this Section. The #street wall# location provisions of paragraph (a) Section 35-631 shall apply, except that the #street wall# of a #building# shall rise to a minimum height of 40 feet or the height of the #building#, whichever is less.

131-444 - Coney North Subdistrict towers

LAST AMENDED
2/2/2011

All #stories# of a #building# or portions of other structures located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a “tower” and shall comply with the provisions of this Section.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building or other structure# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building or other structure# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

Where #qualifying affordable housing# or #qualifying senior housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that either:

(1) the outermost wall of all tower #stories# are inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or

(2) the outermost wall of all tower #stories#, below a height of 120 feet, are inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet,

and above such height, no side of such rectangle shall exceed a length of 100 feet. In addition, above a height of 120 feet, the maximum floorplate shall be 80 percent of the #story# immediately below such height or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that where #qualifying affordable housing# or #qualifying senior housing# is provided pursuant to Sections 27-10 and 131-321, a second tower shall be permitted anywhere on the #zoning lot# where such tower is entirely beyond 175 feet of Surf Avenue and 10 feet from any other #street#. All towers shall be located at least 10 feet from a #side lot line#.

131-45 - Mermaid Avenue Subdistrict

LAST AMENDED
12/5/2024

All portions of a #building or other structure# shall comply with the height and setback regulations of the underlying district, except as set forth by the provisions of this Section. On Mermaid Avenue, and along all #street# frontages within 50 feet of Mermaid Avenue, the #street wall# location provisions of paragraph (a) Section 35-631 shall apply, except that the #street wall# shall rise to a minimum base

height of 40 feet or the height of the #building#, whichever is less.

131-46 - Tower Top Articulation

LAST AMENDED
7/29/2009

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

(a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. Such setbacks shall be located on

either the north-facing or south-facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north-facing or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least 18 inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

131-47 - Design Requirements for Ground Level Setbacks

LAST AMENDED
6/6/2024

Wherever a #building# base below a tower is set back from the #street line#, and the #building# walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(c) Wall treatments

All ground floor level #building# walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15, shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

(1) If such #building# wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

(2) All other #building# walls shall comply with one of the following provisions:

(i) such #building# walls shall be glazed with transparent materials in accordance with the transparency provisions of Section 37-34 (Minimum Transparency Requirements); or

(ii) such #building# walls shall be articulated with artwork or landscaping to a height of at least 10 feet.

(d) #Building# entrances

A public entrance to a #building# shall front upon such setback area. No ramps shall be

permitted within the setback area.

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

(f) Additional amenities

For setback areas of 500 square feet or more, there shall be the following additional amenities:

(1) an additional public entrance to the #building# that fronts upon such setback area; and

(2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

131-48 - Street Trees

LAST AMENDED
7/29/2009

The provisions of Section 33-04 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

131-49 - Authorization for Exterior Ramps

LAST AMENDED
5/12/2021

The City Planning Commission may authorize modifications of the #street wall# location provisions of this Chapter to allow exterior ramps for access from the public sidewalk to the lowest #story# above the #flood-resistant construction elevation#, as defined in Section 64-11 (Definitions), provided the Commission finds that the design of such ramps:

(a) maximizes visibility of interior ground floor space within the #building# from the public sidewalk;

(b) incorporates amenities such as seating and planting as the Commission may find appropriate; and

(c) relates harmoniously with the design and materials of the adjacent #building# and the surrounding streetscape.

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

131-50 - OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
7/29/2009

The special provisions of this Section shall apply to all off-street parking spaces and loading facilities within the #Special Coney Island District#.

131-51 - Amount of Required and Permitted Parking

LAST AMENDED
12/5/2024

(a) #Commercial# parking

The underlying regulations shall apply, except that:

(1) For Use Group A #uses#

One off-street parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-street parking spaces per 1,000 square feet of #floor area# shall be provided.

(2) For #transient hotels#

One off-street parking space shall be provided for every six guest rooms or suites.

(b) Public parking facilities

In accordance with the provisions of Section 131-042 (Applicability of Article VII, Chapter 4), #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-52 - Use and Location of Parking Facilities

LAST AMENDED
2/2/2011

The following provisions shall apply to all parking facilities:

(a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupants of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord. Furthermore, if #accessory# parking spaces and spaces within a #public parking garage# are provided on the same #zoning lot#, all such spaces may be provided within the same parking facility.

(b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-street parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:

(1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.

(2) In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:

Parcels A and B

Parcels C and D

Parcels E and F.

(3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.

(c) All off-street parking facilities shall be located within facilities that, except for entrances and exits, are:

(1) entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts; or

(2) wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, Surf Avenue, Stillwell Avenue, Ocean Way, Parachute Way and Riegelmann Boardwalk shall be considered designated retail streets, and the wrapping

provisions of paragraph (a) of Section 37-35 shall apply to such #street# frontages at all levels above grade. All such parking facilities shall be exempt from the definition of #floor area#.

(d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

131-53 - Curb Cuts

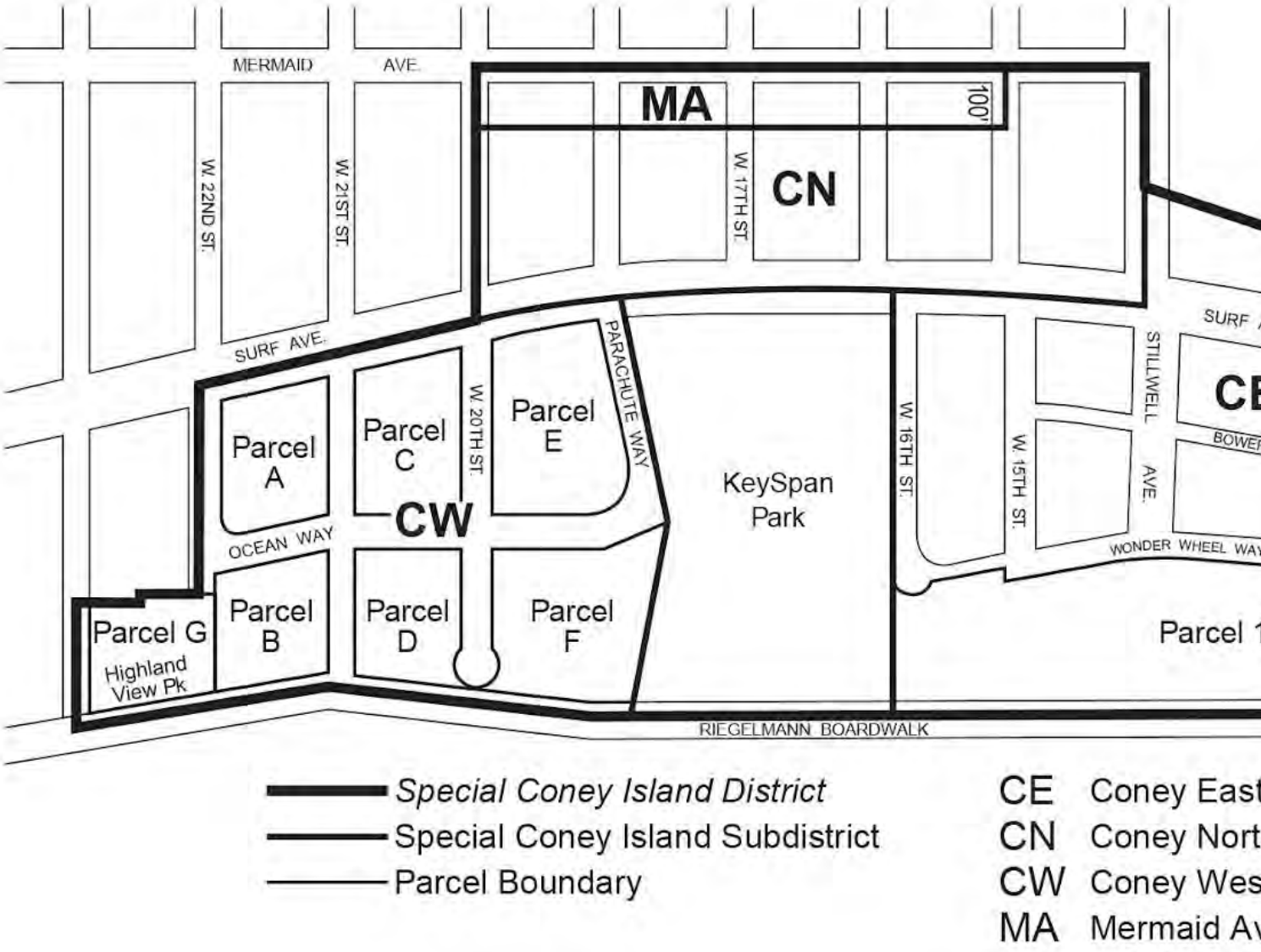
LAST AMENDED
12/5/2024

No curb cuts shall be permitted on Surf Avenue, Wonder Wheel Way or Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-57 shall apply.

Appendix A - Coney Island District Plan

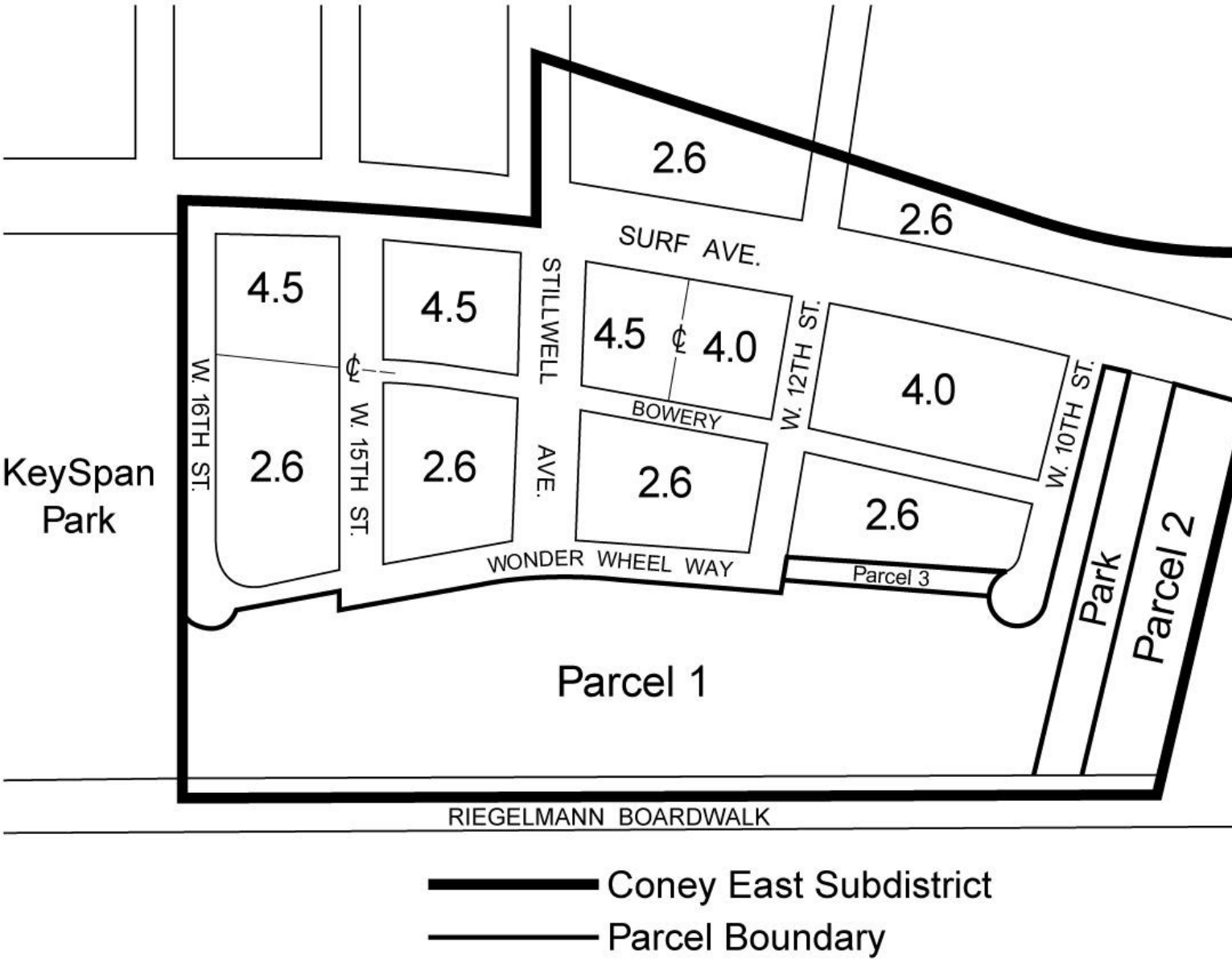
LAST AMENDED
6/6/2024

Map 1 - Special Coney Island District and Subdistricts

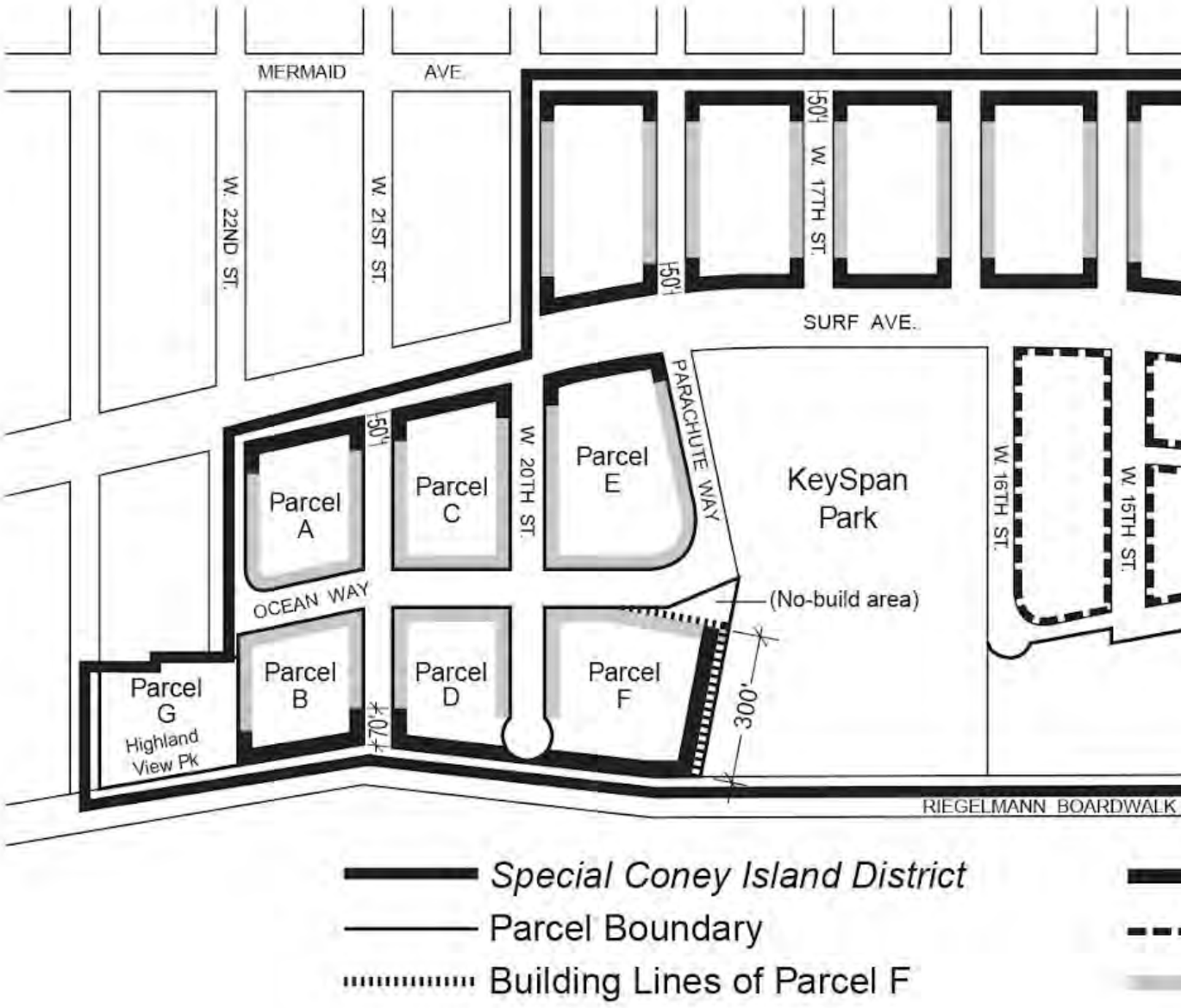


Map 2 - Mandatory Ground Floor Use Requirements

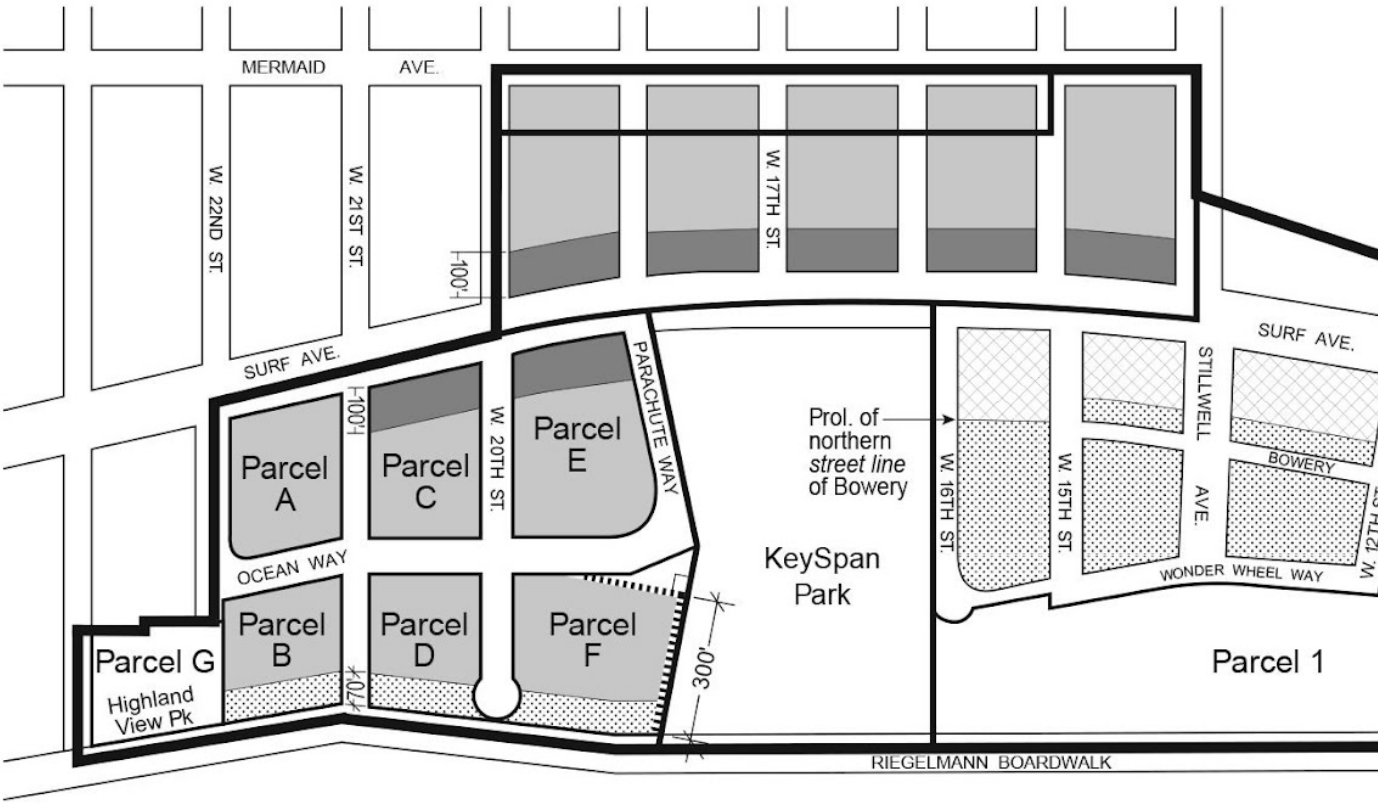
Map 3 - Coney East Subdistrict Floor Area Ratios


2.6
2.6
SURF AVE.
4.5
4.5
STILLWELL AVE.
4.5 ℄ 4.0
W. 12TH ST.
4.0
W. 10TH ST.
W. 16TH ST.
℄ W. 15TH ST.
2.6
2.6
BOWERY
2.6
2.6
KeySpan Park
WONDER WHEEL WAY
Parcel 3
Park
Parcel 2
Parcel 1
RIEGELMANN BOARDWALK
Coney East Subdistrict
Parcel Boundary

Map 4 - Street Wall Location


MERMAID
AVE.
W. 22ND ST.
W. 21ST ST.
W. 17TH ST.
50'
50'
SURF AVE.
PARACHUTE WAY
KeySpan
Park
W. 16TH ST.
W. 15TH ST.
W 20TH ST.
Parcel
A
Parcel
C
Parcel
E
OCEAN WAY
(No-build area)
Parcel
G
Highland
View Pk
Parcel
B
Parcel
D
Parcel
F
70'
300'
RIEGELMANN BOARDWALK
Special Coney Island District
Parcel Boundary
Building Lines of Parcel F

Map 5 - Minimum and Maximum Base Heights



Special Coney Island District

Special Coney Island Subdistrict

Parcel Boundary

Building Line of Parcel F

20' Minimum; 40' Maxim

35' Minimum; 45' Maxim

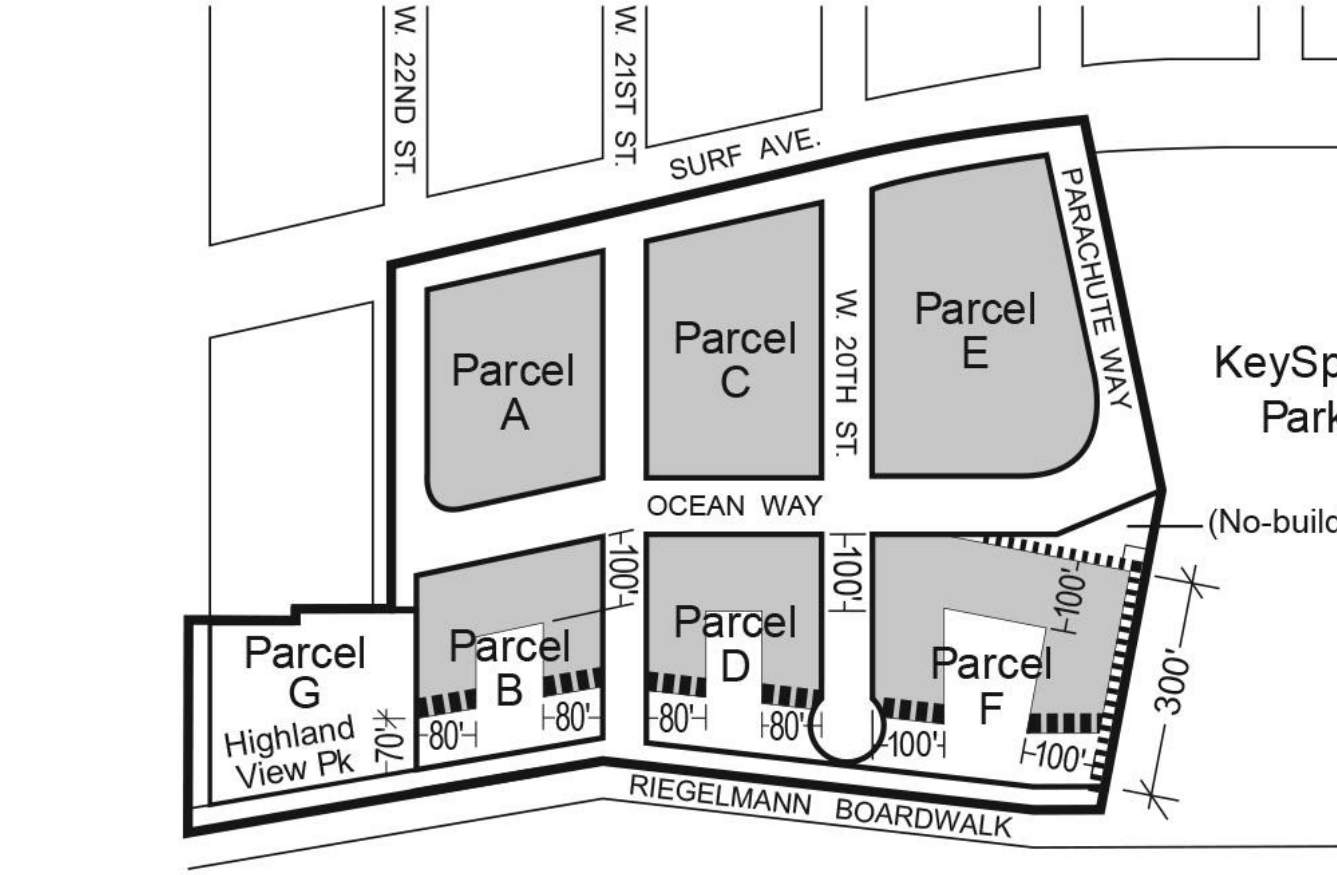
40' Minimum; 65' Maxim

35' Minimum; 65' Maxim

65' Minimum; 85' Maxim

(See Sections 131-42, 131-4

Map 6 - Coney West Subdistrict Transition Heights



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Special Enhanced Commercial District (EC)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 2 - Special Enhanced Commercial District (EC)

132-00 - GENERAL PURPOSES

LAST AMENDED
4/20/2016

The "Special Enhanced Commercial District," established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

(a) in "Special Enhanced Commercial District" 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;

(b) in "Special Enhanced Commercial District" 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks;

(c) in "Special Enhanced Commercial District" 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages;

(d) in "Special Enhanced Commercial District" 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages;

(e) in “Special Enhanced Commercial District” 5, to enhance the vitality of emerging commercial districts by limiting the ground floor presence of inactive street wall frontages;

(f) in “Special Enhanced Commercial District” 6, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to be occupied by active uses that enliven the pedestrian experience along the street; and

(g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

132-10 - GENERAL PROVISIONS

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply to all #buildings# with #street# frontage along a #designated commercial street#.

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

132-11 - Special Enhanced Commercial Districts Specified

LAST AMENDED
11/23/2021

The #Special Enhanced Commercial District# is mapped in the following areas:

(a) #Special Enhanced Commercial District# 1

The #Special Enhanced Commercial District# 1 (EC-1) is established on November 29, 2011, on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

(1) Fourth Avenue, in the Borough of Brooklyn, generally between 25th Street and 15th Street, and Pacific Street and Atlantic Avenue.

(b) #Special Enhanced Commercial District# 2

The #Special Enhanced Commercial District# 2 (EC-2) is established on June 28, 2012, on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

(1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and

(2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3

The #Special Enhanced Commercial District# 3 (EC-3) is established on June 28, 2012, the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

(1) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4

The #Special Enhanced Commercial District# 4 (EC-4) is established on October 11, 2012, the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

(1) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner Place and Monroe Street.

(e) #Special Enhanced Commercial District# 5

The #Special Enhanced Commercial District# 5 (EC-5) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

(1) Atlantic Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Euclid Avenue;

(2) Pitkin Avenue, in the Borough of Brooklyn, generally between Sheffield Avenue and Crescent Avenue;

(3) Fulton Street, in the Borough of Brooklyn, generally between Eastern Parkway and Van Sinderen Avenue; and

(4) Pennsylvania Avenue, in the Borough of Brooklyn, generally between Fulton Street and Atlantic Avenue.

(f) #Special Enhanced Commercial District# 6

The #Special Enhanced Commercial District# 6 (EC-6) is established on April 20, 2016, on the following #designated commercial streets# as indicated on #zoning map# 17c:

(1) Fulton Street, in the Borough of Brooklyn, between Sheffield Avenue and Euclid Avenue.

132-12 - Definitions

LAST AMENDED
6/6/2024

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).

132-13 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that the #ground floor level# #street# frontages# along those portions of #streets# mapped in the #Special Enhanced Commercial Districts#, as listed in Section 132-11 (Special Enhanced Commercial Districts Specified), shall be considered #Tier C street frontages#. Additional regulations are set forth in Section 132-20, inclusive.

132-20 - ADDITIONAL REGULATIONS FOR CERTAIN ENHANCED COMMERCIAL DISTRICTS

LAST AMENDED

6/6/2024

132-21 - Special Enhanced Commercial Districts 2 and 3

LAST AMENDED

6/6/2024

(a) #Special Enhanced Commercial District# 2

In addition to the streetscape regulations outlined in Section 132-13, the following shall apply in #Special Enhanced Commercial District# 2:

(1) for #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage; and

(2) the maximum #street wall# width of any non-#residential# #ground floor level# establishment shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#, except that the maximum width of a savings, loan and other financial service establishment, as listed under Use Group VI, shall not exceed 25 feet.

However, the provisions of this Section shall not apply to grocery and convenience retailers listed under Use Group VI.

(b) #Special Enhanced Commercial District# 3

In addition to the streetscape regulations outlined in Section 132-13, the following shall apply

in #Special Enhanced Commercial District# 3:

(1) for the purposes of applying the underlying provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), the streetscape regulations for C4-7 Districts shall apply in lieu of the underlying district regulations; and

(2) the maximum #street wall# width of a savings, loan and other financial service establishment, as listed under Use Group VI, shall not exceed 25 feet.

132-211 - Non-conforming uses

LAST AMENDED
6/6/2024

In #Special Enhanced Commercial Districts# 2 and 3, the regulations of Article V, Chapter 2, shall be modified so that the discontinuance provisions of Section 52-60 shall not apply to such change of #use# within establishments with #non-conforming# #street wall# widths.

132-212 - Certification to allow a limited increase in street wall width

LAST AMENDED
6/6/2024

In #Special Enhanced Commercial District# 2, a non-#residential# establishment may extend its #street wall# beyond the maximum width set forth in Section 132-21, and the required number of such establishments may be reduced, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

(a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and

(b) the applicant has submitted an affidavit attesting to and including information that:

(1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and

(2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:

(i) physical restrictions created by the #building# design, including, but not limited to, the location of existing structural walls and vertical circulation cores;

(ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or

(iii) regulatory limitations; and

(c) the applicant has demonstrated that, at the time of application, not more than one non-#residential# establishment, either existing or with an approved certification or authorization pursuant to Sections 132-212 and 132-213 that has not lapsed, has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

(1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph (c); and

(2) provide at the time of application, pursuant to Sections 132-212 and 132-213, evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph (c).

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30-day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.

132-213 - Authorization to modify maximum street wall widths of establishments

LAST AMENDED
6/6/2024

In #Special Enhanced Commercial District Districts# 2 and 3, the City Planning Commission may authorize a modification of the maximum #street wall# width of non-#residential# establishments, as set forth in Section 132-21, provided the Commission finds that:

(a) such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or

(b) a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30-day comment period has expired, whichever is earlier.

132-22 - Special Enhanced Commercial District 6

LAST AMENDED
6/6/2024

In addition to the streetscape regulations outlined in Section 132-13, the following shall apply in #Special Enhanced Commercial District# 6:

In #Commercial# and #Manufacturing Districts#, other than C4-4L Districts, for #developments# or horizontal #enlargements# at the ground level, resulting in a #street wall# of 40 feet or wider, as measured along the #street line#, a sidewalk widening of five feet shall be provided along such #street wall# and its prolongation. A line parallel to and five feet from the #street line# of such #street#, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying any applicable #street wall# provision.

132-30 - SPECIAL PARKING REGULATIONS

LAST AMENDED
6/6/2024

132-31 - Curb Cut Requirements

LAST AMENDED
6/6/2024

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

(a) is an #interior lot# fronting along a #designated commercial street#;

(b) existed on:

(1) November 29, 2011, in #Special Enhanced Commercial District# 1;

(2) October 11, 2012, in #Special Enhanced Commercial District# 4;

(3) April 20, 2016, in #Special Enhanced Commercial District# 5; or

(4) April 20, 2016, in #Special Enhanced Commercial District# 6;

(c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and

(d) has a #lot area# of at least 5,700 square feet.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Special Southern Roosevelt Island District (SRI)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 3 - Special Southern Roosevelt Island District (SRI)

133-00 - GENERAL PURPOSES

LAST AMENDED
5/8/2013

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

(a) to provide opportunities for the development of an academic and research and development campus in a manner that benefits the surrounding community;

(b) to allow for a mix of residential, retail and other commercial uses to support the academic and research and development facilities and complement the urban fabric of Roosevelt Island;

(c) to establish a network of publicly accessible open areas that take advantage of the unique location of Roosevelt Island and that integrate the academic campus into the network of open spaces on Roosevelt Island and provide a community amenity;

(d) to strengthen visual and physical connections between the eastern and western shores of Roosevelt Island by establishing publicly accessible connections through the Special District and above-grade view corridors;

(e) to encourage alternative forms of transportation by eliminating required parking and placing a maximum cap on permitted parking;

(f) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street and surrounding waterfront open areas, and thus to encourage more attractive and innovative building forms; and

(g) to promote the most desirable use of land in this area and thus conserving the value of land and buildings, and thereby protecting the City's tax revenues.

133-01 - Definitions

LAST AMENDED
5/8/2013

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Base plane

The definition of #base plane# is hereby modified to mean elevation 19.0, which elevation reflects the measurement in feet above Belmont Island Datum, which is 2.265 feet below the mean sea level at Sandy Hook, N.J.

Development parcel

The “development parcel” is all of the property located within the boundaries of the #Loop Road#, as shown in the Appendix to this Chapter. The #development parcel# shall be deemed a single #zoning lot# for the purpose of applying all regulations of this Resolution.

Loop Road - East Loop Road, North Loop Road, South Loop Road, West Loop Road

The “Loop Road” shall be comprised of the “East Loop Road”, the “North Loop Road”, the “South Loop Road”, and the “West Loop Road”, as shown in the Appendix to this Chapter. All such roads shall be deemed separate #streets# for the purpose of applying all regulations of this Chapter and shall not generate #floor area#.

133-02 - General Provisions

LAST AMENDED
5/8/2013

The provisions of this Chapter shall apply within the #Special Southern Roosevelt Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

133-03 - District Plan and Maps

LAST AMENDED

5/8/2013

The regulations of this Chapter are designed to implement the #Special Southern Roosevelt Island District# Plan.

The District Plan includes the following maps:

Map 1 – Special Southern Roosevelt Island District, Development Parcel and Loop Road

Map 2 – Public Access Areas.

The maps are located in Appendix A of this Chapter and are hereby incorporated and made part of this Resolution. The maps are incorporated for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

133-04 - Applicability of Article III, Chapter 6

LAST AMENDED
5/8/2013

The provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations) shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, a maximum of 500 #accessory# parking spaces shall be permitted, which may be made available for public use.

However, bicycle parking shall be provided in accordance with the provisions of Section 36-70.

133-05 - Applicability of Special Regulations Applying in the Waterfront Area

LAST AMENDED
5/8/2013

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, the area between the #shoreline# and the western #street line# of the #West Loop Road# and the area between the #shoreline# and the eastern #street line# of the #East Loop Road# shall be used exclusively for open recreational uses, and shall be accessible to the public at all times.

133-10 - SPECIAL USE REGULATIONS

LAST AMENDED
5/8/2013

133-11 - Additional Uses

LAST AMENDED
6/6/2024

Within the #development parcel#, the provisions of Section 32-10 (USE ALLOWANCES) are modified to permit listed under Use Group VII, subject to the provisions of an M1 District.

133-12 - Location Within Buildings

LAST AMENDED
5/8/2013

Within the #development parcel#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall not apply.

133-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/8/2013

Within the #development parcel#, the special #bulk# regulations of this Section, inclusive, shall apply.

133-21 - Floor Area Ratio

LAST AMENDED
12/5/2024

The underlying #floor area# provisions shall apply except that:

(a) the provisions applicable to #sky exposure plane buildings#, set forth in Section 23-73 (Special Provisions for Sky Exposure Plane Buildings), inclusive, shall not apply; and

(b) the maximum permitted #floor area ratio# for laboratories listed under Use Group VII shall be 3.40.

133-22 - Lot Coverage

LAST AMENDED
12/5/2024

The maximum #lot coverage# requirements of Section 23-36 (Maximum Lot Coverage) shall not apply. In lieu thereof, all #buildings# shall comply with the following aggregate #lot coverage# requirements:

(a) The maximum #lot coverage# from the #base plane# to a height that is 20 feet above the #base plane# shall be 70 percent.

(b) The maximum #lot coverage# from a height that is more than 20 feet above the #base plane# to a height that is 60 feet above the #base plane# shall be 60 percent.

(c) The maximum #lot coverage# from a height that is more than 60 feet above the #base plane# to a height that is 180 feet above the #base plane# shall be 45 percent.

(d) The maximum #lot coverage# above a height of 180 feet above the #base plane# shall be 25 percent.

The City Planning Commission may authorize an increase in the maximum #lot coverage# as set forth in paragraph (c) of this Section to up to 55 percent, upon finding that such increase is necessary to achieve the programmatic requirements of the development, and will not unduly restrict access of light and air to publicly accessible areas and #streets#.

133-23 - Height and Setback

LAST AMENDED
12/5/2024

The underlying height and setback regulations shall apply, except as modified by this Section. All heights shall be measured from the #base plane#.

133-231 - Modification of height and setback controls

LAST AMENDED
5/8/2013

#Buildings or other structures# may exceed the underlying height and setback regulations for a percentage of the length of each #street line# of the #Loop Road#, as follows:

(a) #North Loop Road# - 65 percent

(b) #East Loop Road# - 35 percent

(c) #West Loop Road# - 35 percent

(d) #South Loop Road# - 65 percent.

Furthermore, the #street line# length percentages set forth in paragraphs (a) through (d) of this Section may be exceeded by one percentage point for every two percentage points that the #lot coverage# within 50 feet of a #street line# is less than the following percentage:

(1) #North Loop Road# - 50 percent

(2) #East Loop Road# - 30 percent

(3) #South Loop Road# - 50 percent

(4) #West Loop Road# - 30 percent.

All portions of #buildings or other structures# that exceed the underlying height and setback regulations in accordance with this Section shall comply with the height regulations of Section 133-232.

133-232 - Height regulations

LAST AMENDED
5/8/2013

For the portion of any #building or other structure# exceeding the height and setback regulations set forth in Section 133-231, the maximum height of such portion located within 500 feet of the #North Loop Road# shall be 320 feet, exclusive of permitted obstructions allowed by the underlying height and setback regulations, and the maximum height for any such portion on the remainder of the #development parcel# shall be 280 feet, exclusive of such permitted obstructions.

133-233 - Maximum area of stories above a height of 180 feet

LAST AMENDED
5/8/2013

The gross area of any #story# located entirely above a height of 180 feet shall not exceed 15,000 square feet. Where a single #building# has two or more portions located above 180 feet that are entirely separate from one another above such height, each such portion shall not exceed a gross area of 15,000

square feet for any #story# located in whole or part above 180 feet.

133-234 - Permitted obstructions

LAST AMENDED
12/5/2024

The underlying permitted obstructions to height and setback allowances as set forth in Sections 23-41, 24-51 and 33-42 (Permitted Obstructions) shall be modified to allow #energy infrastructure equipment# and #accessory# mechanical equipment on the roof of a #building#, or any other structures supporting such systems, as permitted obstructions, without limitations.

133-24 - Distance Between Buildings

LAST AMENDED
12/5/2024

The requirements of Section 23-371 (Distance between buildings) shall not apply, provided that if two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings#, or such detached portions of #buildings#, shall at no point be less than eight feet apart at or below a height of 180 feet, and shall at no point be less than 60 feet apart above a height of 180 feet.

133-25 - Modification of Bulk Regulations

LAST AMENDED
5/8/2013

Within the #Special Southern Roosevelt Island District#, the City Planning Commission may, by special permit, allow a modification of the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

(a) such modifications are necessary to achieve the programmatic requirements of the academic and research and development campus;

(b) such distribution of #bulk# will result in better site planning and will thus benefit both the residents, occupants or users of the #Special Southern Roosevelt Island District# and the surrounding neighborhood;

(c) such distribution of #bulk# will permit adequate access of light and air to surrounding public access areas, #streets# and properties; and

(d) such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Southern Roosevelt Island District# to the detriment of the occupants or users of #buildings# in the Special District or on nearby #blocks#.

133-30 - PUBLIC ACCESS AREAS

LAST AMENDED
5/8/2013

At least 20 percent of the #lot area# of the #development parcel# shall be publicly accessible and shall include, but need not be limited to, a Central Open Area, a North-South Connection, and a Waterfront Connection Corridor, for which the size and location requirements are set forth in

Section 133-31. Any supplemental public access areas provided in order to meet the minimum public access #lot area# requirements of this Section shall comply with the requirements of paragraph (d) of Section 133-31. Design and operational standards for such public access areas are set forth in Section 133-32.

133-31 - Size and Location of Public Access Areas

LAST AMENDED
5/8/2013

(a) Central Open Area

A Central Open Area shall front upon the #West Loop Road# for a minimum linear distance of 150 feet and be located at least 300 feet south of the #North Loop Road#, and at least 300 feet north of the #South Loop Road#. The Central Open Area shall be at least 30,000 square feet in area, with no portion having a dimension less than 20 feet in all directions counting toward such minimum area.

(b) North-South Connection

A continuous pedestrian connection shall be provided through the #development parcel# from the #North Loop Road#, or from the #West Loop Road# or #East Loop Road# within 200 feet of the #North Loop Road#, to the #South Loop Road#, or to the #West Loop Road# or #East Loop Road# within 200 feet of the #South Loop Road#. Such North-South Connection shall have a minimum width of 50 feet throughout its required length. The North-South Connection shall include at least one segment with a minimum length of 300

feet located more than 100 feet from both the #West Loop Road# and #East Loop Road#.

The North-South Connection shall connect to the Central Open Area either directly, or through a supplemental public access area having a minimum width of 30 feet. In the event that the North-South Connection traverses the Central Open Area, the area within the North-South Connection, as determined by its length and minimum required width, shall not be included in the 30,000 square foot minimum area of the Central Open Area.

There shall be at least one publicly accessible connection from the #East Loop Road# and from the #West Loop Road# to the North-South Connection. Such connections shall have a minimum width of 30 feet, and shall be located a minimum of 300 feet south of the #North Loop Road# and a minimum of 300 feet north of the #South Loop Road#. In addition, such connections may be coterminous with the Waterfront Connection Corridor required by paragraph (c) of this Section.

(c) Waterfront Connection Corridor

A Waterfront Connection Corridor shall be provided through the #development parcel# allowing for pedestrian access between the western boundary of the #East Loop Road# and either the eastern boundary of the #West Loop Road# or the eastern boundary of the Central Open Area. Such corridor shall be located in its entirety in the area located 300 feet south of the #North Loop Road# and 300 feet north of the #South Loop Road#. The Waterfront Connection Corridor shall have a minimum width of 30 feet.

(d) Supplemental Public Access

Supplemental public access areas may be located anywhere within the #development parcel#, provided such areas have a minimum dimension of 20 feet in all directions and connect directly to one or more of the #Loop Roads#, the North-South Connection, the Central Open

Space and the Waterfront Connection Corridor.

133-32 - Design Requirements for Public Access Areas

LAST AMENDED
5/8/2013

(a) Level of public access areas and limits on coverage

At least 80 percent of publicly accessible areas shall be located at grade level, or within five feet of grade level, as such grade level may change over the #development parcel#, and shall be open to the sky. The remainder of such publicly accessible areas may be enclosed, covered by a structure, or located more than five feet above or below grade level, provided that such publicly accessible areas are directly accessible from public access areas that are at grade level or within five feet of grade level, and in all cases have a minimum clear height of 15 feet.

At least 50 percent of the linear #street# frontage for the Central Open Area required under Section 133-31, paragraph (a), shall be located at the same elevation as the adjoining sidewalk of the #West Loop Road#. At least 80 percent of the area of the Central Open Area shall be open to the sky, and the remainder may be open to the sky or covered by a #building or other structure#. A minimum clear height of 30 feet shall be provided in any area of the Central Open Area covered by a #building or other structure#.

The northern and southern access points to the North-South Connection shall be located at the same elevation as the adjoining public sidewalk. The elevation of the North-South Connection may vary over the remainder of its length. At least 70 percent of the area of the

North-South Connection shall be open to the sky, and the remainder may be open to the sky or covered by a #building or other structure#. A minimum clear height of 15 feet shall be provided in any area of the North-South Connection covered by a #building or other structure#.

Any portion of the Waterfront Connection Corridor that is covered by a #building# or located within a #building# shall have a minimum clear height of 30 feet, provided that overhead walkways, structures and lighting occupying in the aggregate no more than 10 percent of the area of the Waterfront Connection Corridor, as determined by the minimum required width, shall be permitted within the required clear height.

(b) Clear paths

The North-South Connection and the Waterfront Connection Corridor shall each have a clear path of 12 feet throughout their entire required lengths, including those connections required between the North-South Connection and the #East# and #West Loop Roads#. All such clear paths shall be accessible to persons with disabilities.

(c) Permitted obstructions

Permitted obstructions allowed under paragraph (a) of Section 62-611 may be located within any required public access area, provided that no such permitted obstructions shall be located within a required clear path. Furthermore, kiosks may be up to 500 square feet in area, and open air cafes may occupy not more than five percent of any required public access area.

(d) Seating

A minimum of one linear foot of seating shall be provided for each 200 square feet of required

public access areas. Required seating types may be moveable seating, fixed individual seats, fixed benches with or without backs, and design-feature seating such as seat walls, planter edges or steps. All required seating shall comply with the following standards:

(1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(2) Seating shall have a height not less than 16 inches or greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (d)(5) of this Section, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.

(3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.

(4) Moveable seating shall be credited as 24 inches of linear seating per chair. All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed, or otherwise secured while the public access area is open to the public.

(5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of all required seating. Seating steps shall not include any steps intended for circulation and must have a height not less than six inches nor greater than 30 inches and a depth not less

than 18 inches. Seating walls shall have a height not greater than 18 inches; such seating walls, however, may have a height not to exceed 24 inches if they are located within 10 feet of an edge of a public access area.

Seating shall be provided in the Central Open Area in an amount equal to a minimum of one linear foot for every 100 square feet of the Central Open Area. Such seating shall include at least one moveable chair for every 500 square feet of the Central Open Area, and at least one other seating type. One table shall be provided for every four moveable chairs. At least 15 percent of the required seating shall be located within 20 feet of any #Loop Road#, and at least 10 percent of such required seating shall be located within 20 feet of the North-South Connection or any supplemental public access area that connects the Central Open Area to the North-South Connection.

Seating shall be provided in the North-South Connection in an amount equal to at least one linear foot for every 150 square feet of the North-South Connection. At least 20 linear feet of such seating shall be located within 20 feet of its northern entrance and an additional 20 linear feet of such seating shall be located within 20 feet of its southern entrance. There shall be at least two types of seating in the North-South Connection.

Seating for open air cafes may be used by members of the public regardless of whether such persons are patrons of a cafe when not being used for service.

(e) Planting

At least 20 percent of the required public access areas on the #development parcel# shall be comprised of planted areas, including planting beds and lawns.

At least 30 percent of the Central Open Area shall be planted with lawns, planting beds or a combination thereof.

(f) Hours

All required public access areas shall be open daily from 6:00 a.m. to 10:00 p.m. Signs stating that the North-South Connection is publicly accessible shall be posted at its northern and southern entrances. Signs indicating that the Central Open Space is publicly accessible shall be posted at its entrance from the #West Loop Road# and the North-South Connection.

133-40 - BUILDING PERMITS

LAST AMENDED
5/8/2013

The Department of Buildings shall not approve any application for a building permit for a #development# or #enlargement# unless such application shows the location of the Central Open Area, the North-South Connection and the Waterfront Connection Corridor, and any supplemental public access areas, for the purpose of demonstrating that the required amount of public access area, as set forth in Sections 133-30 and 133-31, is able to be accommodated on the #development parcel#.

133-50 - PHASING

LAST AMENDED
5/8/2013

The public access areas required pursuant to Section 133-30, inclusive, may be built out in phases on the #development parcel# in accordance with this Section.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 300,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that at least 25,000 square feet of public access area is substantially complete and open to the public.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 500,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that at least 40,000 square feet of public access area is substantially complete and open to the public. The Central Open Area shall be part of the public access area required to be substantially completed and open to the public under this paragraph.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for each additional 200,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that an additional 12,000 square feet of public access area is substantially completed and open to the public. A portion of the North-South Connection connecting at least one of the #Loop Roads# and the Central Open Area shall be substantially completed and open to the public prior to obtaining a temporary or permanent certificate of occupancy for more than 750,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel#. The Waterfront Connection shall be substantially completed and open to the public prior to obtaining a temporary or permanent certificate of occupancy for more than 900,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel#.

Except as set forth above, the open space provided pursuant to this Section may include interim open space areas, provided that no temporary or permanent certificate of occupancy from the Department

of Buildings may be issued for more than 1,700,000 square feet of #floor area# #developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that all of the Central Open Area, the North-South Connection and the Waterfront Connection are substantially complete and open to the public.

Not more than 20 percent of the #lot area# of the #development parcel# shall be required to be improved as public access areas, and the obligation to provide public access areas, in accordance with paragraphs (a), (b), (c) and (d) of this Section, shall terminate at such time as 20 percent of the #lot area# of the #development parcel# has been improved as public access areas and has been opened to the public.

133-60 - MODIFICATION OF PUBLIC ACCESS AREAS

LAST AMENDED
5/8/2013

Any public access area may be modified, eliminated or reconfigured over time, provided that such modification, elimination or reconfiguration does not reduce the amount of public access area required under Section 133-60 (PHASING) for the amount of #floor area# located on the #development parcel# at the time of such activity. Any modified or reconfigured public access area shall comply with the applicable provisions of Section 133-30, inclusive.

133-70 - NO-BUILD VOLUME

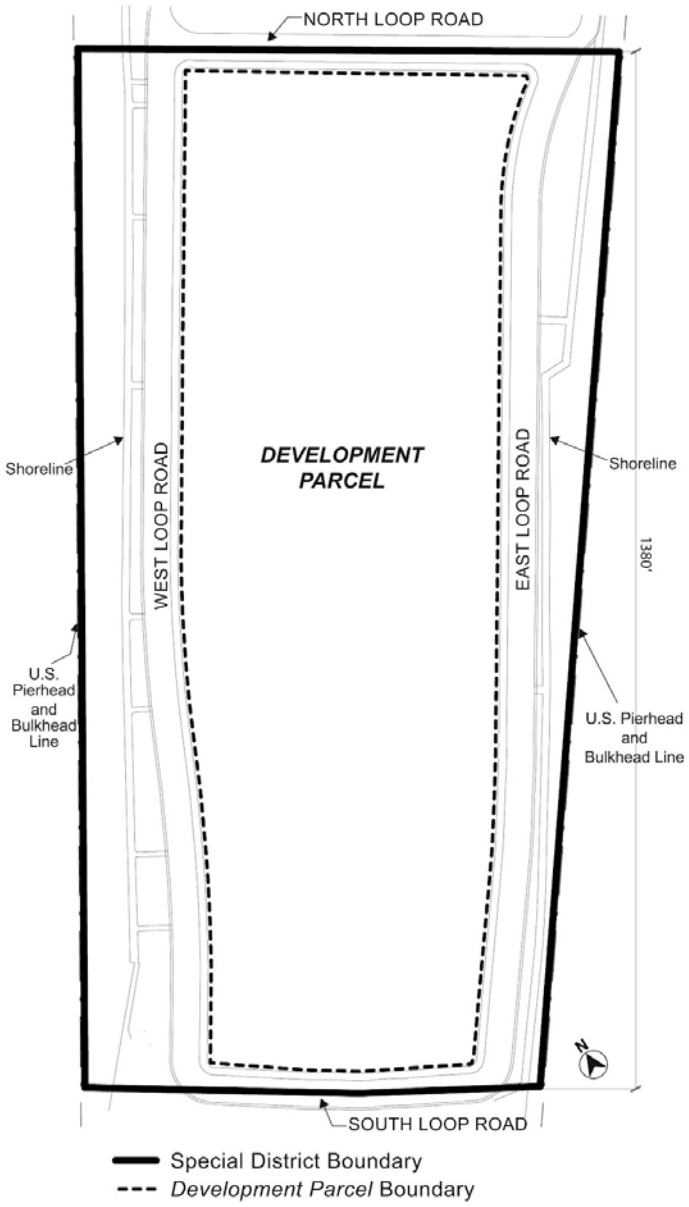
LAST AMENDED
5/8/2013

A volume shall be established on the #development parcel# between a line that is 300 feet south of the #North Loop Road# and a line that is 300 feet north of the #South Loop Road#. Such volume shall extend from the #East Loop Road# to the #West Loop Road# along a line that is within 30 degrees of the line connecting true east and true west. The minimum width of such volume shall be 50 feet, with its lowest level 60 feet above the #base plane#. Such volume shall be open to the sky. No obstructions of any kind shall be permitted within such volume.

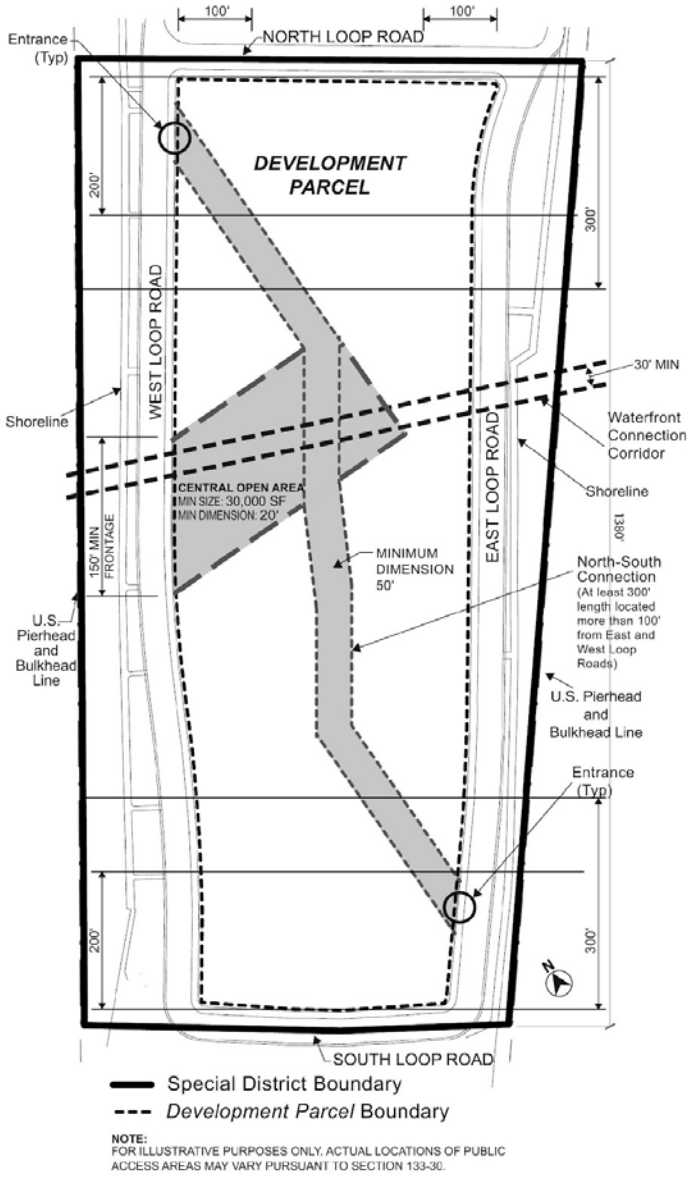
APPENDIX A - Special Southern Roosevelt Island District Plan

LAST AMENDED
5/8/2013

Map 1 – Special Southern Roosevelt Island District, Development Parcel and Loop Road


NORTH LOOP ROAD
Shoreline
WEST LOOP ROAD
DEVELOPMENT PARCEL
EAST LOOP ROAD
Shoreline
1380'
U.S. Pierhead and Bulkhead Line
U.S. Pierhead and Bulkhead Line
N
SOUTH LOOP ROAD
Special District Boundary
Development Parcel Boundary

Map 2 – Public Access Areas



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Special Governors Island District (GI)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 4 - Special Governors Island District (GI)

134-00 - GENERAL PURPOSES

LAST AMENDED
5/27/2021

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

(a) to promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;

(b) to encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;

(c) to promote public use of the Island for water-related recreational and educational activities that benefit from the unique Island setting;

(d) to preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural and commercial uses;

(e) to facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a

recreational resource;

(f) to provide additional opportunities for new development in defined areas of the southern part of the Island with connections to and an appropriate relationship with publicly accessible open spaces and the Governors Island Historic District;

(g) to provide flexibility of architectural design within limits established to preserve views and activate buildings along publicly accessible open spaces;

(h) to create a network of publicly accessible open spaces that provides pedestrian connections and view corridors and provides a community amenity that takes advantage of the unique geography of the Island; and

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

134-01 - General Provisions

LAST AMENDED
5/27/2021

The provisions of this Chapter shall apply within the #Special Governors Island District#. Except as modified by the express provisions of the #Special Governors Island District#, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and the other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the

provisions of Article VI, Chapter 4, shall control.

134-02 - District Plan and Maps

LAST AMENDED
5/27/2021

The regulations of this Chapter are designed to implement the #Special Governors Island District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1. Special Governors Island District, Subdistricts and Subareas

Map 2. Building Parcels, Primary Connection Locations and Esplanade

Map 3. Secondary Connection Locations

Map 4. Maximum Base Heights and Setbacks

The maps are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

134-03 - Subdistricts and Subareas

LAST AMENDED
5/27/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section 134-22 (Special Height and Setback Regulations).

In order to carry out the provisions of this Chapter, two subdistricts are established, as follows:

Northern Subdistrict

Southern Subdistrict

In each of these Subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Governors Island District#. Within the Southern Subdistrict, three subareas are established, as follows:

Eastern Subarea

Containing #building parcels# E-1 through E-4

Western Subarea

Containing #building parcel# W-1

Open Space Subarea

The location and boundaries of the subdistricts, subareas, and #building parcels# are shown on Maps 1 and 2 in the Appendix to this Chapter.

134-04 - Definitions

LAST AMENDED
5/27/2021

Definitions specifically applicable to this Chapter are set forth in this Section. The definition of other defined terms is set forth in Section 12-10 (Definitions).

Building parcel

A "building parcel" is a portion of the #zoning lot# located within the Eastern Subarea or Western Subarea that is bounded on each side by #primary connections#, subarea boundaries or #Yankee Pier Plaza#. For the purposes of applying the regulations of this Resolution, other than #floor area ratio#, the boundary of any #building parcel# shall be considered a #street line# and a wall or portion of a wall of a #building# facing such #street line# shall be considered a #street wall#.

Esplanade

The "esplanade" is that portion of the Open Space Subarea along the #shoreline# identified on Map 2 in the Appendix to this Chapter, that includes the public way existing as of May 27, 2021.

Primary connection

A "primary connection" is a public way within one of the primary connection locations shown on Map 2 in the Appendix to this Chapter, that complies with the requirements of Section 134-41 (Primary Connections).

Secondary connection

A “secondary connection” is a public way within one of the secondary connection locations shown on Map 3 in the Appendix to this Chapter, that complies with the requirements of Section 134-42 (Secondary Connections).

Yankee Pier Plaza

The “Yankee Pier Plaza” is the portion of the Eastern Subarea designated to contain a publicly accessible open space, as shown on Map 2, that complies with the requirements of Section 134-43 (Yankee Pier Plaza).

134-05 - Applicability of Article VI, Chapter 2

LAST AMENDED
6/6/2024

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply within the #Special Governors Island District#, except that WD #uses#, as listed in Section 62-211 shall be permitted #uses# on #piers# in the Open Space Subarea pursuant to Section 134-112.

134-06 - Applicability of Article VII, Chapter 6

LAST AMENDED
5/27/2021

The provisions of Section 76-145 (Boundary Line Coinciding With Parks, Cemeteries or Navigable Waters) shall be modified such that where the zoning district boundaries shown on the applicable

zoning map coincide with the #shoreline#, such zoning district boundaries shall be deemed to extend beyond the #shoreline# to also include any piers contained within the #Special Governors Island District#.

134-10 - SPECIAL USE REGULATIONS

LAST AMENDED
5/27/2021

The #use# regulations of the underlying districts are hereby superseded, modified or supplemented as set forth in this Section, inclusive

134-11 - Permitted Uses

LAST AMENDED
5/27/2021

134-111 - Permitted uses in subdistricts

LAST AMENDED
6/6/2024

In the Northern Subdistrict and the Southern Subdistrict, the following #uses# shall be permitted, except as otherwise specified in Section 134-112 (Permitted uses in the Open Space Subarea). In addition, in the Northern Subdistrict, the provisions of Section 134-14 (Certification for Large

Commercial Establishments) shall apply to any #commercial# #use# exceeding 7,500 square feet of #floor area#.

In the Northern Subdistrict, #commercial# #uses# applicable in a C2-5 District shall be permitted, except that:

From Use Group IV

Docks for ferries shall be permitted without restriction on passenger load

From Use Group VIII

All #uses# shall be permitted within the applicability of a C8 District.

In the Southern Subdistrict, #commercial# #uses# applicable in a C4 District shall be permitted, except that the following #uses# shall also be permitted as of right:

From Use Group IV

Electric utility substations, enclosed, without size limitations, sewage disposal plants, marine transfer stations for garbage or slag piles and docks for ferries without restrictions on passenger load shall be permitted

From Use Group VII

All #uses# shall be permitted within the applicability of an M1 District

From Use Group VIII

All #uses# shall be permitted within the applicability of a C8 District

From Use Group IX

Warehouses shall be permitted

From Use Group X

Ship and boat building, under transportation equipment manufacturing, shall be permitted, for vessels up to a length of 200 feet; and

Distilleries shall be permitted.

134-112 - Permitted uses in the Open Space Subarea

LAST AMENDED
6/6/2024

In the Open Space Subarea of the Southern Subdistrict, the following #uses# shall be permitted.

(a) In locations of the Open Space Subarea other than piers, #uses# shall be limited to:

From Use Group I

#Public parks# or playgrounds or private parks #uses#

Outdoor skating rinks

From Use Group V

Overnight camps

From Use Group VI

Eating or drinking establishments, within the applicability of a C2 District, except that all such establishments shall be subject to 200 persons capacity

From Use Group VIII

Open #amusement or recreation facilities#, without size limitations

Outdoor day camps

Outdoor theaters.

#Uses# otherwise permitted in the Southern Subdistrict pursuant to Section 134-111 (Permitted uses in subdistricts) may be located in #cellars# within the Open Space Subarea.

(b) On any pier in the Open Space Subarea, #uses# shall be limited to #water dependent uses#, as listed in Section 62-211, and sewage disposal plants listed under Use Group IV, subject to the applicability of a M1 District.

134-12 - Applicability of Performance Standards

LAST AMENDED
6/6/2024

In all districts, any #use# listed under Use Groups IV, VI, VII, VIII, IX or X that is not permitted as-of-right within C4 Districts, pursuant to the underlying regulations, shall conform to the performance standards for M1 Districts, as set forth in Section 42-40 (PERFORMANCE STANDARDS), inclusive, except that the provisions of Section 42-47 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to the manufacture of alcoholic beverages and breweries.

134-14 - Certification for Large Commercial Establishments

LAST AMENDED
5/27/2021

In the Northern Subdistrict, any #commercial# #use# larger than 7,500 square feet in #floor area# shall be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

In the Northern Subdistrict, no building permit shall be issued with respect to a #commercial# #use# larger than 7,500 square feet of #floor area# unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial# #uses# permitted pursuant to Section 134-15 (Authorization for Certain Commercial Uses).

134-15 - Authorization for Certain Commercial Uses

LAST AMENDED
5/27/2021

The City Planning Commission may authorize any #commercial# #use# not allowed pursuant to Section 134-11, inclusive, to locate within the Northern Subdistrict, Eastern Subarea or the Western Subarea of the #Special Governors Island District#, provided that such #commercial# #use#:

(a) will promote the goals of the #Special Governors Island District#;

(b) will complement existing #uses# within the special district; and

(c) is compatible with the nature, scale and character of other #uses# within its subdistrict.

Any application to authorize a #commercial# #use# in the Eastern Subarea or Western Subarea pursuant to this Section shall be referred to the local community board. The City Planning Commission shall not grant such authorization prior to forty-five (45) days after the referral.

134-16 - Special Supplemental Use Regulations

LAST AMENDED
5/27/2021

In the Southern Subdistrict, special supplemental #use# regulations shall apply to all #buildings# as set forth in this Section, inclusive.

134-161 - Location of uses

LAST AMENDED
6/6/2024

In any #mixed building#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

In any #building# containing #residential uses#, no direct access shall be provided from the exterior of the #building# to an individual #dwelling unit#. However, access to #dwelling units# shall be permitted through shared entrances, lobbies or #courts#.

134-17 - Special Signage Regulations

LAST AMENDED
5/27/2021

In the #Special Governors Island District#, the #sign# regulations shall apply as follows:

(a) In the Northern Subdistrict, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

(b) In the Southern Subdistrict, the #sign# regulations of a C4 District shall apply, except that no #flashing signs# shall be permitted.

(c) No #signs# shall be permitted on any pier within the Southern Subdistrict. However, such restriction shall not apply to informational or wayfinding signs not exceeding 25 square feet each, or to signage identifying “Governors Island” or a pier from the waterway.

134-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/27/2021

In the Northern Subdistrict, the underlying #bulk# regulations shall apply, as superseded, modified, or supplemented by this Section, inclusive. The #bulk# regulations of a C1 District mapped within an R3-2 District shall apply to all #commercial# #uses#.

In the Southern Subdistrict, the underlying #bulk# regulations shall not apply. In lieu thereof, the provisions of this Section, inclusive, shall apply. All heights within the Southern Subdistrict shall be measured from the #base plane#, except as otherwise provided for by the provisions of Article VI, Chapter 4 (Regulations Applying in Special Flood Hazard Areas).

For the purposes of applying the regulations of this Section, inclusive, to the #esplanade#, the open area required by paragraph (d) of Section 134-44 shall be considered part of the # esplanade#.

134-21 - Floor Area Regulations

LAST AMENDED
5/27/2021

134-211 - Floor Area Regulations in the Northern Subdistrict

LAST AMENDED
5/27/2021

For the purposes of determining the permitted #floor area ratio# pursuant to this Section, the Northern Subdistrict shall be considered a single #zoning lot#.

Within the Northern Subdistrict, the underlying #floor area ratios# shall apply to all permitted #uses#.

134-212 - Floor Area Regulations in the Southern Subdistrict

LAST AMENDED
5/27/2021

For the purposes of determining the permitted #floor area ratio# pursuant to this Section, the Eastern and Western Subarea of the Southern Subdistrict shall, in combination, be considered a single #zoning lot#. No #floor area# may be generated from the Open Space Subarea.

Within the Southern Subdistrict, the maximum #floor area ratios# permitted for #residential# and non-#residential uses# on a #zoning lot#, along with the total #floor area ratio# permitted on a #zoning lot#, shall be as set forth in the following table:

MAXIMUM FLOOR AREA RATIO IN SOUTHERN SUBDISTRICT

Use Group III & IV (exclusive of ambulatory diagnostic or treatment health care facilities)	2.63
All other #uses#	2.0
#residential uses#	0.5
Use Group V	0.313
total maximum FAR	2.63

In addition, the following provisions shall apply:

(a) the aggregate #lot area# of the Eastern and Western Subareas, shall be considered to be 1,436,930 square feet. #Floor area# shall be permitted to be located anywhere within such subareas without regard to the #lot area# of a subarea or the separation of the subareas by the Open Space Subarea;

(b) no #floor area# shall be generated within the Open Space Subarea, but the #floor area# contained in any #buildings or other structures# permitted as obstructions within the Open Space Subarea pursuant to paragraph (b)(5) of Section 134-24 (Height and Setback Regulations) shall be included in the calculation of aggregate #floor area# for the purposes of paragraph (c) of this Section; and

(c) in no event shall the aggregate #floor area# in the Southern Subdistrict exceed 3,775,000 square feet.

134-22 - Lot Coverage

LAST AMENDED
5/27/2021

For the purposes of determining the permitted #lot coverage# pursuant to this Section, each #building parcel# shall be considered a separate #zoning lot#. Within the Eastern and Western Subareas, the maximum #lot coverage# shall be as set forth in the following table:

MAXIMUM LOT COVERAGE

height above #base plane# (in feet)	#lot coverage# (in percent)
Below 60	80
60 to 125	50
above 125	30

In the Open Space Subarea, no #lot coverage# regulations shall apply.

134-23 - Yard Regulations

LAST AMENDED
5/27/2021

Within the Southern Subdistrict, no #yard# regulations shall apply.

134-24 - Height and Setback Regulations

LAST AMENDED
12/6/2023

(a) Northern Subdistrict

The underlying district height and setback regulations of Article II (Residence District Regulations) are applicable or modified as follows:

(1) For #buildings# containing #residences#, the underlying height and setback regulations for #buildings# containing #residences# shall apply, except for in #buildings# in which 75 percent or more of the #floor area# is #community facility# #floor area#.

(2) For #buildings# in which 75 percent or more of the #floor area# is #community facility# #floor area#, the underlying height and setback regulations shall not apply. In lieu thereof, any portion of a #building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet.

(3) For #buildings# containing #commercial# #uses#, the underlying height and setback regulations for #commercial# #uses# are modified as follows: no #building# containing #commercial# #uses# shall exceed a height of 30 feet, except for #buildings# subject to paragraphs (a)(1) or (a)(2) of this Section.

(4) All structures other than #buildings# shall be limited to a height of 35 feet.

(b) Southern Subdistrict

Within the Southern Subdistrict, the following height and setback regulations shall apply.

Where heights are measured from the #base plane#, the #base plane# shall be established at 12.348 feet above Manhattan Datum.

(1) #Street wall# location

On #building parcel# E-2, where any portion of a #building# is located within 60 feet of #Yankee Pier Plaza#:

(i) at least 65 percent of the #street wall# facing #Yankee Pier Plaza# shall be located within 15 feet of the #street line# adjoining #Yankee Pier Plaza#, and shall rise to a minimum base height of 30 feet; and

(ii) where any portion of such #building# exceeds 125 feet in height, at least 50 percent of the #street wall# facing the #esplanade# shall rise to a minimum base height of 30 feet and be located within 30 feet of the #esplanade#.

On all other #building parcels# and for the #street lines# on #building parcel# E-2 other than the #street lines# facing #Yankee Pier Plaza# and the #esplanade#, no #street wall# location requirements shall apply.

(2) Maximum base height and required setback

Within 15 feet of the #street line#, or as otherwise specified in Map 4 of the Appendix to this Chapter, the height of a #building# shall not exceed the maximum base heights set forth in Map 4 for the applicable frontage of a #building parcel#.

(3) Maximum #building# height

The maximum height of a #building or other structure# shall not exceed the height set forth in the following table for the applicable #building parcel#:

MAXIMUM HEIGHT

#Building parcel#	Height above #base plane# (in feet)
E-1	125
E-2	225
E-3	175
E-4	125
W-1	200

In addition, the following shall apply:

(i) In the Eastern Subarea, no portion of a #building or other structure# may exceed the maximum base height set forth in paragraph (b)(2) of this Section within 150 feet of the boundary of the Northern Subdistrict.

(ii) In the Eastern Subarea, no portion of a #building or other structure# may be located in the open area required by paragraph (d) of Section 134-44 (Other Open Areas).

(iii) In the Western Subarea, no portion of a #building or other structure# may exceed the maximum base height set forth in paragraph (b)(2) of this Section within:

(a) 100 feet of the #esplanade#;

(b) 150 feet of the boundary of the Northern Subdistrict; or

(c) 100 feet of the southern end of #building parcel# W-1.

For the purposes of this Section, the southern end of #building parcel# W-1 shall be measured from a line drawn perpendicular to the #esplanade# and

intersecting #building parcel# W-1.

(iv) In the Open Space Subarea, no portion of a #building or other structure# shall be permitted above #base plane#, except as provided in paragraph (b)(5) of this Section.

(4) Permitted obstructions in the Eastern Subarea and Western Subarea

In the Eastern Subarea and Western Subarea, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, modified as follows:

(i) the obstructions permitted by paragraph (b) of Section 33-42 may exceed the maximum #building# height by 40 feet with no restriction on area; and

(ii) no such obstructions shall be permitted within the setback required by paragraph (b)(2) of this Section.

(5) Permitted obstructions in the Open Space Subarea

In the Open Space Subarea, permitted obstructions shall include:

(i) #buildings or other structures# containing permitted #uses#, up to a height of not more than 25 feet;

(ii) #buildings or other structures# containing permitted theater #uses#, up to a height of not more than 35 feet; and

(iii) equipment and appurtenances associated with public parks and playgrounds, including, but not limited to, sculptures, works of art and other amenities referenced in Section 37-726 (Permitted obstructions).

The permitted obstructions set forth in paragraphs (b)(5)(i) and (b)(5)(ii) of this Section shall occupy no more than 20 percent of the Open Space Subarea.

134-25 - Maximum Floor Plate Size

LAST AMENDED
5/27/2021

Within the Southern Subdistrict, the maximum area and length of any #story# shall be as specified in this Section, as applicable.

Within the Eastern Subarea, the maximum length of a #building# at any height shall be 400 feet, as measured parallel to the #street line#. For the purposes of the Section, #abutting# #buildings# shall be considered a single #building#. However, #buildings# that only #abut# via an enclosed bridge that is located at least 30 feet above the adjoining grade, and that has a width of not more than 30 feet, length of not more than 60 feet and a height not exceeding 15 feet, shall not be considered a single #building#.

For any #story# fully above a height of 125 feet, the following provisions shall apply. Where a #building# has multiple portions above such height, the maximum size requirements shall apply to each portion separately.

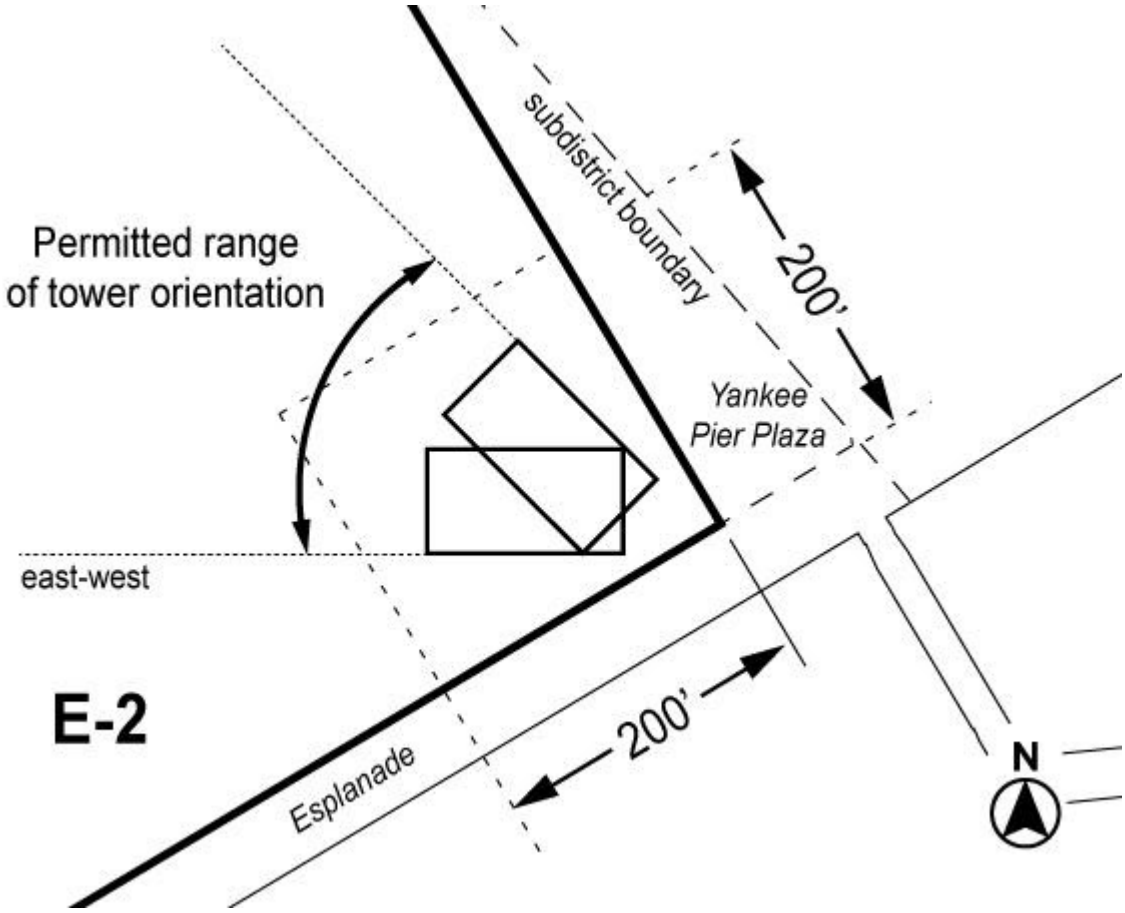
(a) In the Eastern Subarea, no #story# shall be permitted to have a gross area in excess of 30,000 square feet.

(b) In the Western Subarea, no #story# shall be permitted to have a gross area in excess of 27,000 square feet.

134-26 - Orientation and Maximum Widths of Upper Portions of Buildings

LAST AMENDED
5/27/2021

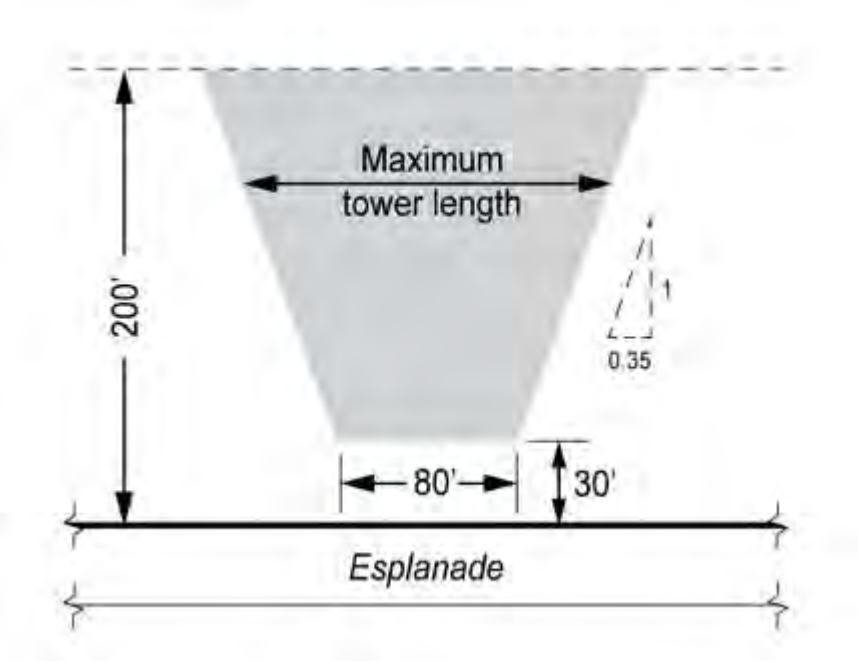
On #building parcel# E-2, within 200 feet of #Yankee Pier Plaza# and 200 feet of the #esplanade#, the longest side of any portion of a #building# located within this area, and above a height of 125 feet, shall be oriented parallel to the boundary of the Northern Subdistrict, true East-West, or anywhere between these two directions.



On the portion of #building parcel# E-2 that is beyond 200 feet of #Yankee Pier Plaza#, and on #building parcels# E-3 and E-4, for portions of #buildings# above a height of 125 feet, the provisions of paragraph (a) of this Section shall apply where no #story# within such portion has a gross area greater than or equal to 20,000 square feet, and the provisions of paragraph (b) shall apply where any #story# within such portion has a gross area greater than 20,000 square feet.

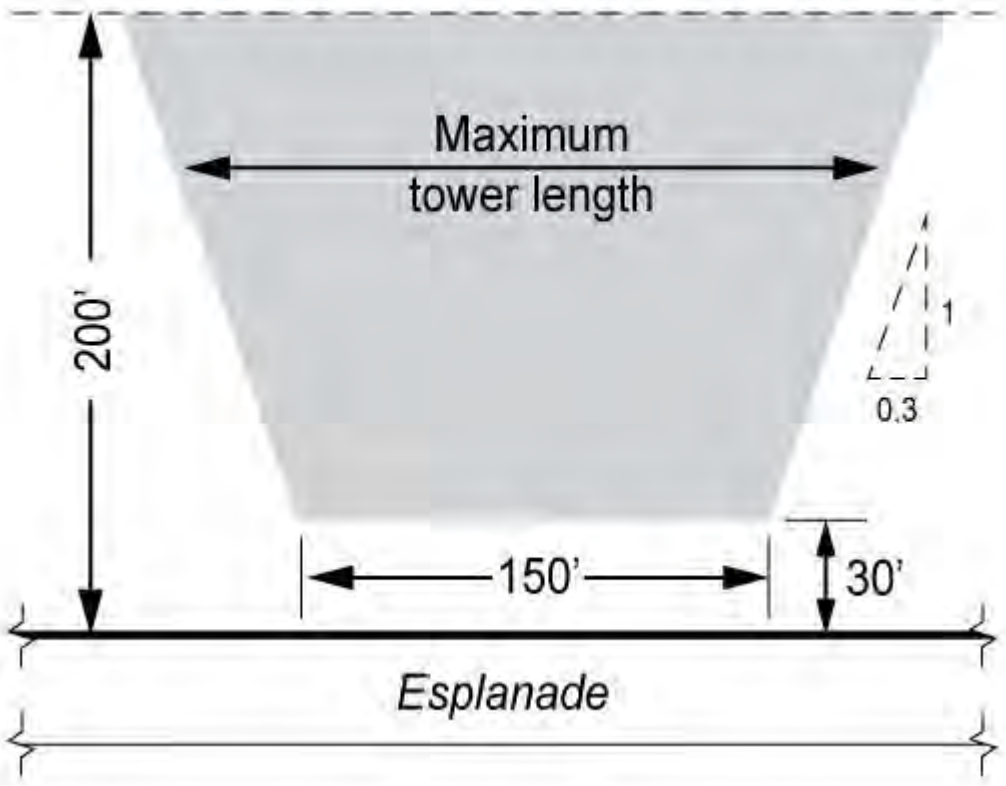
(a) For floor plates less than 20,000 square feet

Within 200 feet of the #esplanade#, the maximum length of any #street walls# facing the #esplanade# shall be 80 feet along a line running 30 feet from and parallel to the #esplanade# and the maximum length shall increase on each side by 0.35 feet for every one foot of additional distance beyond the line running 30 feet from and parallel to the #esplanade#.



(b) For floor plates equal to or greater than 20,000 square feet

Within 200 feet of the #esplanade#, the maximum length of any #street walls# facing the #esplanade# shall be 150 feet along a line running 30 feet from and parallel to the #esplanade# and the maximum length shall increase on each side by 0.3 feet for every one foot of additional distance beyond the line running 30 feet from and parallel to the #esplanade#.



134-27 - Minimum Distance Between Buildings

LAST AMENDED
12/5/2024

Within the Southern Subdistrict, the requirements of this Section shall apply to all #buildings#.

(a) No separation shall be required between portions of #buildings# that are less than or equal to a height of 75 feet, except as set forth in paragraph (d) of this Section.

However, in the Eastern Subarea, where the total #street wall# width of all #buildings# along a single #street line# exceeds 400 feet along such #street line#, such #buildings# shall be at least 30 feet apart.

(b) Portions of #buildings# located above a height of 75 feet and below 125 feet shall at no point be located less than 60 feet apart.

(c) Portions of #buildings# located at or above a height of 125 feet shall at no point be located less than 90 feet apart.

(d) The regulations of Section 23-37 (Other Open Area Regulations), inclusive, shall apply to any portion of a #building# containing #residences# or #community facility uses# containing living accommodations with required windows, except where more stringent requirements apply pursuant to paragraphs (a) through (c) of this Section.

134-28 - Building Articulation

LAST AMENDED
5/27/2021

Within the Southern Subdistrict, any portion of a #building# that is located at or below a height of 75 feet, and has a #street wall# width greater than 200 feet, as measured parallel to the #street line#, shall provide recesses in accordance with the following requirements:

(a) recesses shall be required to extend along at least 25 percent of the #street wall# width that is in excess of 200 feet. No required recess shall have a width of less than 10 feet;

(b) such recesses shall have an average depth of at least 10 feet;

(c) such recesses may be of varying dimensions and heights, provided that the requirements of this Section are met at each level of the #building#.

No articulation shall be required where frontage requirements apply pursuant to paragraph (b)(1) of Section 134-24 (Height and Setback Regulations).

134-29 - Authorization for Bulk Modifications in the Southern Subdistrict

LAST AMENDED
5/27/2021

The City Planning Commission may authorize modification of the provisions of Sections 134-25 through 134-28, provided that the Commission finds that such modification:

(a) will promote the goals of the #Special Governors Island District#; and

(b) will result in a superior urban design relationship with surrounding ways, #buildings# and public open areas or provide an equivalent or better distribution of #bulk# on the #building parcel#.

Any application pursuant to this Section shall be referred to the local Community Board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

134-30 - SPECIAL GROUND FLOOR AND STREETSCAPE REQUIREMENTS

LAST AMENDED
5/27/2021

In the Southern Subdistrict, the ground floor and streetscape requirements of this Section, inclusive, shall apply to all #buildings#.

134-31 - Transparency Requirements

LAST AMENDED
6/6/2024

(a) Facing #Yankee Pier Plaza#

On #building parcel# E-2, the ground floor level #street wall# facing #Yankee Pier Plaza# shall comply with the requirements of Section 37-34 (Minimum Transparency Requirements). For the purpose of applying these requirements, such ground floor level #street wall# shall be considered a #primary frontage#, as that term is defined in Section 37-311 (Definitions).

(b) Enclosed #secondary connections#

For any entrance to a #secondary connection# that is enclosed at the point of entry, 50 percent of the surface area of the #street wall# of such #secondary connection# between a height of two feet and the height of the #secondary connection# at the point of entry shall be glazed with transparent materials.

134-32 - Mechanical Screening Requirements

LAST AMENDED
5/27/2021

Mechanical equipment located on top of #buildings#, and below the maximum base height or maximum #building# height, shall be screened with plantings, solid walls, or fences from the Open Space Subarea, as well as from any connections and open spaces required pursuant to Section 134-40 (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive.

134-40 - REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS

LAST AMENDED
5/27/2021

In the Southern Subdistrict, connections and open spaces shall be provided as set forth in this Section, inclusive.

(a) No building permit shall be issued by the Department of Buildings for a #development# or #enlargement# on a #building parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a site plan designating the location of any connection or open area required within or adjacent to such #building parcel# by Sections 134-41 through 134-44, has been approved by the Chairperson.

Notwithstanding the foregoing, the Chairperson shall allow for the phased development of such connections or open area within each #building parcel#, or portion thereof, upon certification to the Commissioner of Buildings that a site plan has been submitted that provides for the location of any connection or open space required by Sections 134-41 through 134-44, in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.

(b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include a site plan indicating the area and dimensions of the connections and open area, or portions thereof, in the phase that is subject to the application, which shall demonstrate that:

(1) any partial connections and open areas are of sufficient length and width to provide adequate site access for the benefit of residents and workers in the phase to which they relate, as well as for the general public;

(2) the site plan is consistent with, and appropriate in relation to, any previously approved plan for other phases; and

(3) the site plan is consistent with the requirements set forth in this Section, inclusive.

(c) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the connections and open areas, or portions thereof associated with such phase, are substantially complete in accordance with the site plan, and are useable by the public.

(d) No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# within a phase until the connections and open areas, or portions thereof associated with such phase, are fully complete in accordance with the site plan.

134-41 - Primary Connections

LAST AMENDED
5/27/2021

The Eastern Subarea shall be subdivided by #primary connections# within the flexible locations identified on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

#Primary connections# shall comply with the following requirements:

(a) a #primary connection# shall have a minimum width of 60 feet;

(b) a #primary connection# shall be open to the sky for its full length and width, except that awnings or canopies of less than 250 square feet per awning or canopy shall be permitted at #building# entrances. Awnings and canopies, and associated structural supports extending from the #street wall#, shall extend no farther than 15 feet, and shall be located not less than 15 feet above grade and no vertical supports shall be permitted;

(c) an unobstructed path having a width of at least 24 feet shall be provided for the full length of each #primary connection#. Such clear path shall be designed for pedestrian use, and may additionally be designed for, and crossed by, pathways for bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path; and

(d) #primary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public.

134-42 - Secondary Connections

LAST AMENDED
5/27/2021

#Secondary connections# shall be provided in the locations identified on Map 3 (Secondary Connection Locations) in the Appendix to this Chapter. #Secondary connections# shall comply with the following requirements:

(a) one #secondary connection# shall be provided within each of the #building parcels# W-1 and E-2;

(b) one #secondary connection# shall be provided within #building parcel# E-3, except that where the #primary connections# abutting #building parcel# E-3 are less than 500 feet apart, the #secondary connection# may instead be provided within #building parcel# E-4;

(c) a #secondary connection# may be open, covered, enclosed, or some combination thereof;

(d) a #secondary connection# shall have a minimum width of 30 feet;

(e) any portion of a #secondary connection# that is enclosed or covered shall have a minimum clear height of 30 feet;

(f) an unobstructed path having a width of at least 12 feet shall be provided for the full length of each #secondary connection#. Such clear path shall permit pedestrian use, and may additionally permit bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path;

(g) open or covered #secondary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public. Enclosed #secondary connections# shall be open to the public at all times that the Open Space Subarea, other than the #esplanade#, is open to the public; and

(h) signage shall be located at each point of entry to a #secondary connection# and shall state that the #secondary connection# is "OPEN TO THE PUBLIC," list its hours of operation, and include a public space symbol exactly matching the symbol provided in the Required Signage Symbols file on the Department of City Planning website.

134-43 - Yankee Pier Plaza

LAST AMENDED
5/27/2021

The Eastern Subarea shall include a public open area, within the location designated as #Yankee Pier Plaza# on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

Such plaza:

(a) shall have a minimum area of 25,000 square feet;

(b) shall provide connections between Yankee Pier, the Northern Subdistrict and portions of the Open Space Subarea north of the Eastern Subarea;

(c) shall be open to the public at all times that the Southern Subdistrict is open to the public;

(d) may have areas designed and designated for vehicular and pedestrian access; and

(e) may include stairs, ramps, planted areas, open or enclosed facilities for ferry passengers, kiosks containing no more than 250 square feet of #floor area#, ticket machines, information booths, temporary structures not exceeding one #story#, bicycle parking, #cellars#, and other amenities not containing #floor area#, as permitted obstructions.

134-44 - Other Open Areas

LAST AMENDED
5/27/2021

(a) Adjacent to #Yankee Pier Plaza#

Open areas between #Yankee Pier Plaza# and any wall of a #building# or open #commercial# #use# that is within 60 feet of #Yankee Pier Plaza# shall be provided as publicly accessible open area and subject to the requirements of paragraphs (c) through (e) of Section 134-43 (Yankee Pier Plaza).

(b) Adjacent to #primary connections#

Open areas between a #primary connection# and any wall of a #building# or open #commercial# #use# that is within 50 feet of such #primary connection# shall be provided as publicly accessible open areas, and shall be open to the public at all times that such adjoining #primary connection# is open to the public. In addition, open areas beyond 50 feet of a #primary connection# may be provided as publicly accessible open areas. All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

(c) Adjacent to portions of the Open Space Subarea

Open areas located between a #building# or open #commercial# #uses# and the Open Space Subarea or an open area required by paragraph (d) of this Section, shall be provided as publicly accessible open areas, and shall be open to the public at all times that the adjoining portion of the Open Space Subarea is open to the public.

Where portions of such open areas are located beyond 50 feet of the Open Space Subarea or an open area required by paragraph (d), such portions may be provided as publicly accessible open areas.

All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

(d) Adjacent to the eastern #esplanade#

Within the Eastern Subarea, on all #building parcels#, an open area with a depth of 20 feet shall be provided along the entire portion of the #esplanade# which #abuts# the #building parcel#. This open area shall be provided as a publicly accessible widening of the #esplanade#, and shall be open to the public at all times that the Open Space Subarea is open to the public.

134-45 - Fences

LAST AMENDED
5/27/2021

Fences, where provided, shall be considered permitted obstructions within any of the connections or open spaces required by Section 134-40 (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive, provided they comply with the requirements of this Section:

(a) no fence shall be permitted within any clear circulation path required by Section 134-40, inclusive;

(b) within any required connection or open space, fences shall only be permitted:

(1) at the perimeter of recreation spaces, such as any playgrounds, tot lots, or dog runs, provided within such connection of open space; and

(2) along the boundary of an adjoining open #commercial# #use# or other private area;

(c) a fence shall have a maximum height of four feet measured from the adjoining grade level, and must be at least 70 percent open; and

(d) chain link fencing or barbed or razor wire fencing shall not be permitted.

The City Planning Commission may authorize modification of provisions of paragraphs (a) and (b) of this Section, upon a finding that such modification is necessary to facilitate site safety and operations, and does not adversely impact access to the required connection or open s[pace during operable hours. Fences which are permitted pursuant to this authorization may rise to a maximum height of five feet measured from the adjoining grade.

Any application to authorize modification of the provisions of paragraphs (a) and (b) of this Section shall be referred to the local Community Board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

134-50 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED

The off-street parking and loading regulations of the underlying districts shall not apply, exclusive of bicycle parking, in the #Special Governors Island District#. In lieu thereof, the provisions of this Section 134-50, inclusive, shall apply.

No accessory off-street parking facilities or loading berths shall be required for any #development# or #enlargement# within the #Special Governors Island District#.

#Accessory# off-street parking spaces may be provided for all permitted #uses#. Within the Southern Subdistrict a maximum of 200 such spaces shall be permitted.

#Accessory# off-street loading berths may be provided for all permitted #uses#. All loading berths within the Southern Subdistrict shall either be enclosed or screened from the Open Space Subarea, as well as any connections and open spaces required pursuant to Section 134-40 (REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS), inclusive, with planting, solid walls or fences, except that screening may be interrupted by vehicular and pedestrian entrances.

No more than two entrances to enclosed facilities containing off-street parking spaces, loading berths, or a combination thereof shall be permitted on #street walls# facing the Open Space Subarea, per #building parcel#. Such limitation shall not apply to #street walls# facing a #primary connection# or #secondary connection#.

The underlying bicycle parking regulations of Section 25-80, inclusive and Section 36-70 (BICYCLE PARKING), inclusive, shall apply in the #Special Governors Island District#. For any #use# permitted in the Southern Subdistrict where the number of required bicycle parking spaces is not provided in the tables in Sections 25-811 or 36-711 (Enclosed bicycle parking spaces), the required number of bicycle parking spaces for such #use# shall be one per 10,000 square feet of #floor area#.

134-51 - Certification for Additional Access to Accessory Off-Street Parking Spaces and Loading Berths

LAST AMENDED
5/27/2021

In the Southern Subdistrict, if access to #accessory# off-street parking spaces or loading berths is necessary beyond the number of entrances to loading berths permitted pursuant to Section 134-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), an additional entrance may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that:

(a) such #accessory# off-street parking spaces or loading berths cannot be practically accessed from existing entrances along the #esplanade#;

(b) the proposed entrance location will not be hazardous to pedestrian safety;

(c) the proposed entrance will be located not less than 50 feet from the intersection of a #primary connection# or #Yankee Pier Plaza#;

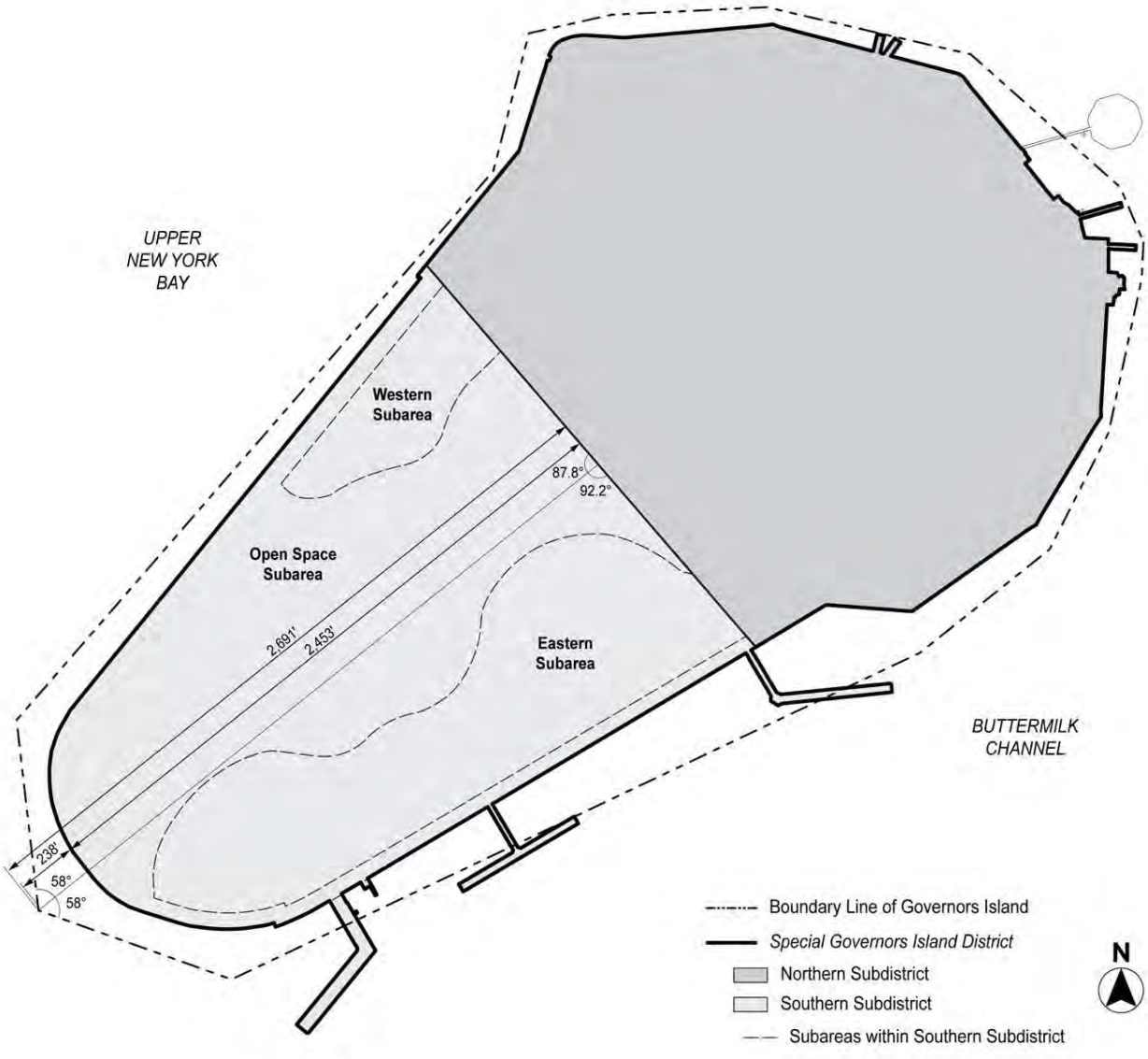
(d) the proposed entrance will be screened, constructed and maintained so as to have a minimal effect on the streetscape; and

(e) the entrance, if allowed, shall be no greater than 20 feet in width.

APPENDIX - Special Governors Island District Plan

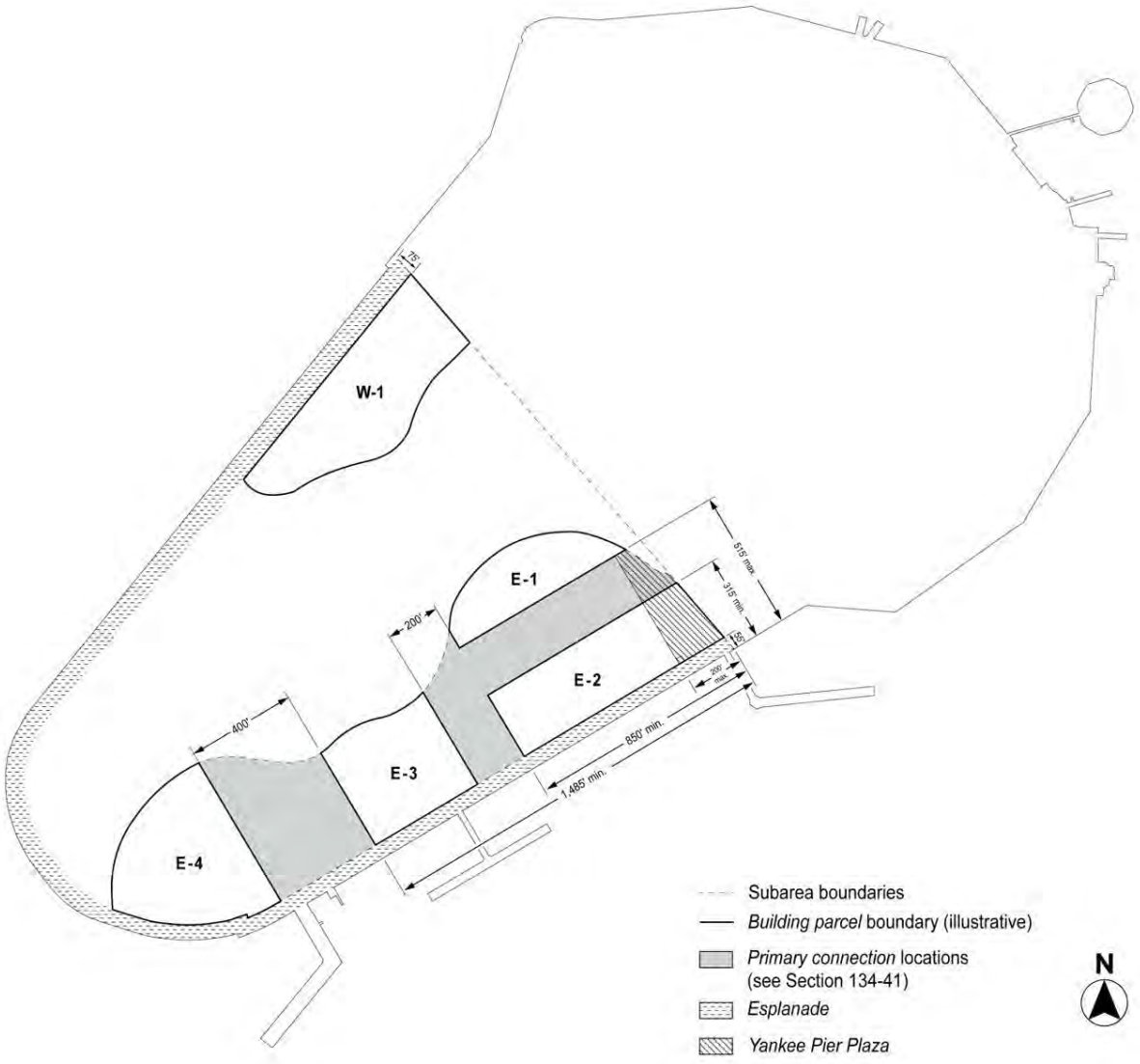
LAST AMENDED5/27/2021

Map 1 - Special Governors Island District, Subdistricts, and Subareas


UPPER
NEW YORK
BAY
Western
Subarea
Open Space
Subarea
Eastern
Subarea
87.8°
92.2°
2,691'
2,453'
238'
58°
58°
BUTTERMILK
CHANNEL
Boundary Line of Governors Island
Special Governors Island District
Northern Subdistrict
Southern Subdistrict
Subareas within Southern Subdistrict
N

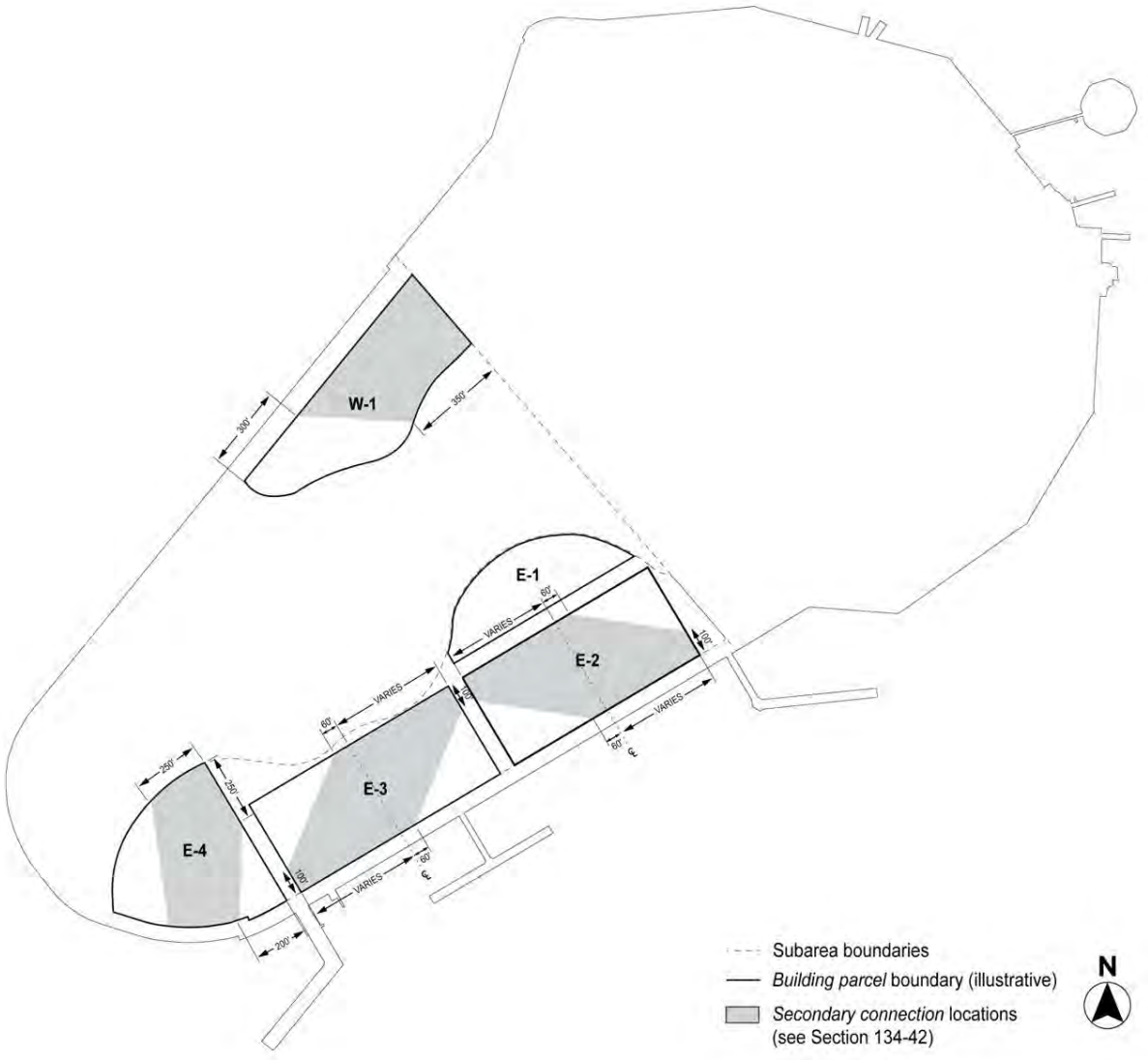
For the purpose of dimensioning the subareas illustrated above, the dimensions shall be as shown on the surveys dated April 17, 2020, available on the Department of City Planning website.

Map 2 - Building Parcels, Primary Connection Locations and Esplanade

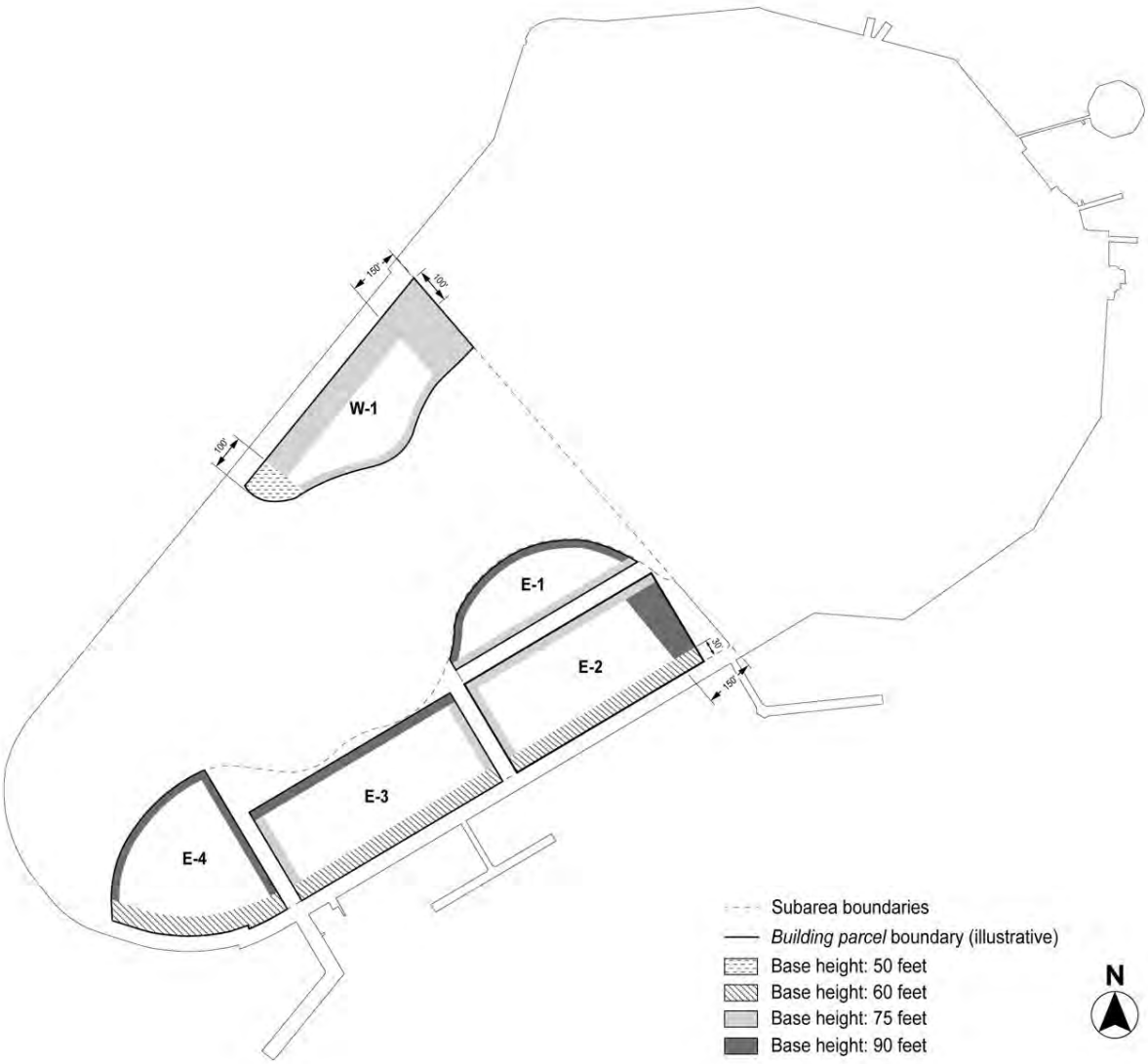


For the purpose of dimensioning the esplanade, the dimensions shall be as shown on the surveys dated April 17, 2020, available on the Department of City Planning website.

Map 3 - Secondary Connection Locations



Map 4 – Maximum Base Heights and Setbacks


W-1
E-1
E-2
E-3
E-4
150'
100'
100'
150'
150'
Subarea boundaries
Building parcel boundary (illustrative)
Base height: 50 feet
Base height: 60 feet
Base height: 75 feet
Base height: 90 feet
N

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Special Bay Street Corridor District (BSC)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 5 - Special Bay Street Corridor District (BSC)

135-00 - GENERAL PURPOSES

LAST AMENDED
6/26/2019

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

(a) to encourage well-designed buildings that complement the built character of the St. George, Stapleton and Tompkinsville neighborhoods;

(b) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;

(c) to maintain and reestablish physical and visual public access to the Stapleton neighborhood and to the waterfront;

(d) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(e) to provide flexibility to attract new commercial and retail uses and support the existing businesses that define the area;

(f) to create a livable community combining housing, retail and other uses throughout the district;

(g) to create a walkable, urban streetscape environment through a mix of ground floor uses that connect the town centers of St. George and Stapleton;

(h) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;

(i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and

(j) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

135-01 - General Provisions

LAST AMENDED
6/26/2019

The provisions of this Chapter shall apply within the #Special Bay Street Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

135-02 - District Plan and Maps

LAST AMENDED
6/26/2019

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where

special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 - Special Bay Street Corridor District, Subdistricts and Subareas

Map 2 - Location of Visual Corridors

135-025 - Applicability of Article VI, Chapter 6

LAST AMENDED
6/26/2019

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

135-03 - Subdistricts

LAST AMENDED
12/20/2023

In order to carry out the purposes and provisions of this Chapter, six subdistricts are established as follows:

Subdistrict A

Subdistrict B

Subdistrict C

Subdistrict D

Subdistrict E

Subdistrict F

Within Subdistrict B, subareas are established as follows:

Subarea B1

Subarea B2

Within Subdistrict D, subareas are established as follows:

Subarea D1

Subarea D2

The location and boundaries of these subdistricts are shown on Map 1 (Special Bay Street Corridor District and Subdistricts) in Appendix A of this Chapter.

135-04 - Applicability

LAST AMENDED
6/26/2019

135-041 - Applicability of Article I, Chapter 2

LAST AMENDED
6/26/2019

The definition of "lower density growth management area" in Section 12-10 shall exclude all districts within the #Special Bay Street Corridor District#.

135-042 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

For the purposes of applying the Mandatory Inclusionary Housing Program set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), the #Special Bay Street Corridor District# shall be a #Mandatory Inclusionary Housing area#.

135-043 - Applicability of Article VI, Chapter 4

LAST AMENDED
12/5/2024

Notwithstanding the general provisions of Section 135-01, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

135-044 - Applicability of Article VI, Chapter 6

LAST AMENDED
12/5/2024

Notwithstanding the general provisions of Section 135-01, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

135-045 - Applicability of this Chapter to certain zoning lots in Subdistrict D

LAST AMENDED
12/5/2024

In Subdistrict D, for #uses# listed under Miscellaneous Manufacturing in Use Group X that support the operation of a public service or public transportation facility and were existing on June 26, 2019, the provisions applicable to an M1-1 District shall apply.

135-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/26/2019

The underlying #use# regulations are modified by the provisions of this Section, inclusive.

135-11 - Streetscape Regulations

LAST AMENDED

6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along Bay Street and Prospect Street shall be considered #Tier C street frontages#, and frontages along remaining #streets# shall be considered #Tier B street frontages#.

Defined terms in this Section shall include those in Sections 12-10 and 32-301.

135-12 - Breweries

LAST AMENDED
6/6/2024

Within the #Special Bay Street Corridor District#, breweries, included under all other beverage manufacturing in Use Group X, shall be permitted in Commercial Districts provided that the size of such brewery does not exceed 30,000 square feet.

135-13 - Modification of Supplemental Use Provisions

LAST AMENDED
6/6/2024

In Subdistricts A, B and C, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified as follows:

(a) for #mixed buildings# where #uses# listed under Offices in Use Group VII are located on the same #story# as a #dwelling unit#, the limitations set forth in paragraphs (a) and (b) of such Section shall not apply; and

(b) for #commercial# #buildings#, the limitation on the number of #stories# allocated to #commercial# #uses# in Use Groups VI through X, as set forth in Section 32-10 (USE ALLOWANCES), inclusive, shall not apply, except to breweries permitted pursuant to Section 135-12.

135-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

The #bulk# regulations of the underlying district shall apply, except as modified by the provisions of this Section, inclusive. #Sky exposure plane buildings# shall not be permitted.

135-21 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

The underlying #floor area# regulations are modified by the provisions of this Section. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 27-11.

The table below sets forth the maximum #floor area ratio# of a #zoning lot# for each Subdistrict as follows.

(a) Column 1 sets forth the maximum #floor area ratio# for #commercial# #uses# listed in Use Group VI;

(b) Column 2 sets forth the maximum #floor area ratio# for offices listed under Use Group VII;

(c) Column 3 sets forth the basic maximum #floor area ratio# for #residences#;

(d) Column 4 sets forth the maximum #residential# #floor area ratio# for #qualifying affordable housing# and #community facility uses#; and

(e) Column 5 sets forth the maximum #floor area ratio# for #qualifying senior housing#.

For #zoning lots# with #buildings# containing multiple #uses# or for #zoning lots# with multiple #buildings# containing different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the table, and the maximum #floor area ratio# for the #zoning lot# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

MAXIMUM #FLOOR AREA RATIO#

	Column 1	Column 2	Column 3	Column 4	Column 5

Subdistrict, or Subarea, as applicable	For #commercial# #uses# other than offices	For offices	For #residences# other than #MIH sites# and #affordable independent residences for seniors#	For #MIH sites# and #community facility uses# other than #long-term care facilities#	For #affordable independent residences for seniors# or #long-term care facilities#
A	2.0	4.0	3.6	4.0	4.6
B	2.0	3.6	3.0	3.6	3.9
C	2.0	3.0	2.5	3.0	3.25
D1	2.0	2.0	2.5	3.0	3.25
D2	2.0	2.0	2.25	2.75	3.0
E	2.0	2.0	2.0	2.2	2.2
F	2.0	2.0	3.0	3.6	3.9

135-22 - Special Yard Regulations

LAST AMENDED
12/5/2024

The underlying #yard# regulations are modified by the provisions of this Section.

In Subdistrict A, no #rear yard# or #rear yard equivalent# need be provided for #commercial buildings#, #community facility buildings#, or the portion of a #mixed building# containing #commercial# or #community facility uses#.

135-23 - Special Street Wall Location Regulations

LAST AMENDED
12/5/2024

The underlying #street wall# location provisions are modified by the provisions of this Section.

(a) Along Bay Street or Prospect Street

Along Bay Street or Prospect Street, and along #streets# within 50 feet of their intersection with Bay Street, the #street wall# location provisions of paragraph (b) Section 35-631 shall apply except that the #street walls# shall extend up to at least the minimum base height specified in Section 135-25 (Special Height and Setback Regulations), or the height of the #building#, whichever is lower. Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#.

A minimum of 20 percent of the surface area of such #street walls# above the level of the first #story# shall be recessed a minimum of three feet. In addition, up to 30 percent of such #street

wall# may be recessed at any level, provided that any recesses deeper than 10 feet are located within an #outer court#. Furthermore, no recesses greater than three feet shall be permitted within 30 feet of the intersection of two #street lines#.

(b) Along Van Duzer Street

Along Van Duzer Street, and along #streets# within 50 feet of their intersection with Van Duzer Street, the underlying #street wall# location regulations shall apply.

(c) Along all other #streets#

Along all #streets# that are not subject to paragraphs (a) or (b) of this Section, at least 50 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line#. The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet are located within an #outer court#. Where the #street wall# of a #building#, or an individual segment thereof, exceeds the maximum base height established in Section 135-24, such #street wall# shall rise without setback to at least the minimum base height specified in Section 135-24.

135-24 - Special Height and Setback Regulations

LAST AMENDED
12/5/2024

The underlying height and setback provisions are modified by the provisions of this Section.

Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#. Such visual corridors shall be considered #wide streets# for the purposes of applying the height and setback regulations of this Section.

(a) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, where applicable, the maximum height of a #building or other structure# and the maximum number of #stories# for #buildings# in the #Special Bay Street Corridor District#.

In all subdistricts, a setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the subdistrict, and shall be provided in accordance with paragraph (b) of this Section.

In Subdistrict A and Subarea B1, any portion of a #building or other structure# located above the maximum transition height, and in Subarea B2 and Subdistrict C, any portion of a #building or other structure# located above the maximum base height, shall be subject to the maximum #street wall# width restrictions set forth in paragraph (c) of this Section.

MAXIMUM BASE HEIGHTS AND MAXIMUM #BUILDING# HEIGHTS

Subdistrict or Subarea, as applicable	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Transition Height (in feet)	Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)
A	40	65	85	125
B1	40	65	85	125
B2	40	65	N/A	125
C	40	65	N/A	85
D1	40	65	N/A	75
D2	40	65	N/A	65
E	30	45	N/A	55
F	40	65	N/A	85

(b) Required setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the subdistrict in the table in paragraph (a), a setback shall be provided in accordance with Section 23-433 (Standard setback regulations).

(c) Maximum #street wall# width in Subdistricts A, B and C

In Subdistricts A, B and C, the maximum #building# height set forth in the table in paragraph (a) shall only be permitted within 100 feet of #streets# intersecting Bay Street. In addition, in Subdistrict A and Subarea B2, such maximum #building# height shall be permitted beyond

100 feet of #streets# intersecting Bay Street, provided that the maximum #street wall# width above the maximum base height does not exceed 100 feet.

In all such Subdistricts, at least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

135-30 - SPECIAL PUBLIC ACCESS AREA REGULATIONS

LAST AMENDED

135-31 - Special Visual Corridor Requirements

LAST AMENDED
12/5/2024

Within the #Special Bay Street Corridor District#, visual corridors shall be provided east of Bay Street, prolonging Swan Street, Clinton Street, and Grant Street, as shown on Map 2 in the Appendix to this Chapter. The location of the visual corridor prolonging Grant Street may be located anywhere within the flexible location designated on Map 2.

(a) General Requirements

The boundaries of visual corridors shall be considered #street lines# for the purposes of applying the #use#, #bulk# and parking provisions of this Resolution, except that such

portion of the #zoning lot#:

(1) shall continue to generate #floor area# ;

(2) may be included for the purposes of calculating #lot coverage# ; and

(3) shall be permitted to accommodate open, unscreened, tandem (one behind the other) #accessory# off-street parking spaces, provided that any such parking spaces are provided in accordance with DOT standards for on-street parking.

Such visual corridors shall be a minimum of 60 feet wide and shall be improved in accordance with paragraph (b) of this Section

(b) Required improvements

All required visual corridors shall be improved as follows:

(1) Where a visual corridor is utilized to provide access to #accessory# off-street parking, such visual corridor shall be improved to the minimum Department of Transportation (DOT) standards for public #streets#, from its intersection with Bay Street to at least the curb cut provided to such #accessory# off-street parking, or as deep as necessary to accommodate any parking located on the visual corridor, as applicable. Any remaining portion of the visual corridor may be improved in accordance with the standards in paragraph (b)(2)(ii) of this Section.

(2) Where a visual corridor does not provide access to #accessory# off-street parking, such visual corridors, may either:

(i) be improved to the minimum DOT standards for public #streets#; or

(ii) be improved to provide an open area, as follows:

(a) a minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;

(b) the remainder of the open area, as applicable, may contain any combination of:

(1) streetscape amenities including, but not limited to, benches or tables and chairs;

(2) entertainment amenities including, but not limited to, water features, playgrounds, dog runs, game tables, courts or skateboard parks;

(3) unenclosed eating or drinking establishments; or

(4) streetscape-enhancing amenities including, but not limited to, lighting or sculptural artwork.

(c) In no event shall fencing be permitted in any open area of the visual corridor, except along the portion of a #lot line# adjacent to a #railroad right-of-way#.

135-40 - SPECIAL PARKING AND LOADING REGULATIONS

LAST AMENDED
6/26/2019

The underlying parking provisions are modified by the provisions of this Section.

135-41 - Commercial Parking Requirements

LAST AMENDED
6/6/2024

In #mixed buildings#, the underlying parking requirements shall apply, except that for the purposes of determining the parking requirement for #commercial# #uses# other than #uses# listed under Offices in Use Group VII, the equivalent of 0.5 #floor area ratio#, or the amount of non-office #commercial# #floor area# in the #building#, whichever is less, may be deducted from the #floor area# used to determine such #commercial# parking calculation.

135-43 - Location of Parking Spaces

LAST AMENDED
6/26/2019

All #accessory# off-street parking spaces may be provided within #public parking garages#. Such spaces may also be provided within parking facilities on #zoning lots# other than the same #zoning

lot# as the #use# to which they are #accessory#, provided:

(a) such parking facilities are located either:

(1) within the #Special Bay Street Corridor District#; or

(2) outside the #Special Bay Street Corridor District#, subject to the underlying provisions for off-site parking spaces set forth in Sections 25-52 (Off-site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses), 36-42 (Off-site Spaces for Residences) or 36-43 (Off-site Spaces for Commercial or Community Facility Uses), as applicable;

(b) each off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and

(c) in no event shall the number of #accessory# parking spaces within such facility exceed that permitted in accordance with the underlying regulations.

135-44 - Special Loading Regulations

LAST AMENDED
6/6/2024

For the purposes of applying the underlying loading regulations, the requirements for C2 Districts mapped within an R7 District shall apply to all #Commercial Districts# in the #Special Bay Street Corridor District#.

135-45 - Location of Curb Cuts

LAST AMENDED
6/26/2019

For #zoning lots# existing on June 26, 2019, with frontage along Bay Street and along another #street# frontage, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along Bay Street.

Appendix A - SPECIAL BAY STREET CORRIDOR DISTRICT

LAST AMENDED
12/20/2023

Map 1 – Special Bay Street Corridor District, Subdistricts and Subareas

Map 2 – Location of visual corridors

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Downtown Far Rockaway District (DFR)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 6 - Special Downtown Far Rockaway District (DFR)

136-00 - GENERAL PURPOSES

LAST AMENDED
9/7/2017

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

(a) to strengthen the commercial core of Downtown Far Rockaway by improving the working and living environments;

(b) to support the development of vacant and underutilized parcels in Downtown Far Rockaway with a mix of residential, commercial and community facility uses;

(c) to encourage the design of new buildings to blend into the existing neighborhood fabric by providing a transition in height between the downtown commercial core and the lower-scale residential communities;

(d) to establish a center to the downtown with lively new gathering and civic spaces along Mott Avenue that complement and strengthen the existing neighborhood;

(e) to encourage the development of affordable housing;

(f) to expand the retail, entertainment and commercial character of areas around transit nodes to enhance the area's role as a local transportation hub;

(g) to integrate new roadways into an improved pedestrian and vehicular network with key north-south and east-west connections;

(h) to ensure the provision of adequate accessory parking that reflects both the automobile ownership patterns of the neighborhood and public transit access;

(i) to enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities; and

(j) to promote the most desirable use of land and building development and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

136-01 - General Provisions

LAST AMENDED
10/7/2021

The regulations of this Chapter shall apply within the #Special Downtown Far Rockaway District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

136-02 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions), or in this Section.

Open Space A

"Open Space A" shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section 136-324 (Publicly accessible open space requirements) and located within the area designated as "Flexible Open Space A Location" on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter.

Open Space B

“Open Space B” shall be a publicly accessible open space designed and constructed pursuant to the provisions of Section 136-324 (Publicly accessible open space requirements) and located within the area designated as “Flexible Open Space B Location” on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter.

136-03 - District Plan and Maps

LAST AMENDED
9/7/2017

The regulations of this Chapter implement the #Special Downtown Far Rockaway District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1 - Special Downtown Far Rockaway District and Subdistrict

Map 2 - Commercial Core

Map 3 - Ground Floor Use and Transparency Requirements

Map 4 - Maximum Building Height

Map 5 - Maximum Building Height Within Subdistrict A

Map 6 - Publicly Accessible Private Streets

Map 7 - Mandatory Street Walls and Flexible Public Open Space Locations

Map 8 - Sidewalk Widenings

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

136-04 - Subdistricts

LAST AMENDED
9/7/2017

In order to carry out the purposes and provisions of this Chapter, Subdistrict A is established. The location of Subdistrict A is shown on Map 1 in the Appendix to this Chapter.

136-05 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the regulations for a #Mandatory Inclusionary Housing area# shall apply. The locations of #Mandatory Inclusionary Housing areas# are shown on the maps in APPENDIX F of this Resolution.

136-06 - Private Streets and Publicly Accessible Open Spaces

LAST AMENDED
9/7/2017

Except as otherwise provided herein, private streets that are in accordance with the provisions of this Chapter within the locations shown on Map 6 (Publicly Accessible Private Streets) in Appendix A of this Chapter, and publicly accessible open spaces that are in accordance with the provisions of this Chapter within the locations shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in Appendix A, shall be considered #streets# for the purposes of establishing the #use#, #bulk# and parking regulations of this Resolution. However, for the purposes of #floor area# regulations, such private streets and publicly accessible open spaces shall be considered part of a #zoning lot#. In addition, for the purpose of determining minimum and maximum base heights and minimum setback depth pursuant to paragraph (a) of Section 136-313 (Minimum and maximum base height), private streets and publicly accessible open spaces shall be distinguished from #streets#.

136-10 - SPECIAL USE REGULATIONS

LAST AMENDED
9/7/2017

The #use# regulations of the underlying district shall apply except as modified in Section 136-10, inclusive.

136-11 - Location Within Buildings

LAST AMENDED
9/7/2017

Within the locations shown on Map 2 (Commercial Core) in the Appendix to this Chapter, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall not apply. In lieu thereof, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply.

136-12 - Certain Uses in C2 Districts

LAST AMENDED
6/6/2024

Within the locations shown on Map 2 (Commercial Core) in the Appendix to this Chapter, the #use# regulations shall be modified within C2 Districts to permit #uses# listed under Use Groups VI and VIII, pursuant to the regulations for a C4 District.

136-13 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS) shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 3 (Ground Floor Use and Transparency

Requirements) in the Appendix to this Chapter, shall be considered #Tier C street frontages#.

136-14 - Special Use Regulations Within Subdistrict A

LAST AMENDED
6/6/2024

The following additional special #use# provisions of Section 136-14, inclusive, shall apply within Subdistrict A, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter.

136-141 - Modification of Supplemental Use Provisions

LAST AMENDED
6/6/2024

For #mixed buildings#, the provisions of Section 32-421 (Limitation on floors occupied by non-residential uses) shall be modified where #uses# listed under Offices in Use Group VII are located on the same #story# as a #dwelling unit# such that the limitations set forth in paragraphs (a) or (b) of such Section need not apply.

136-142 - Location of entrances

LAST AMENDED
6/6/2024

(a) Non-#residential# entrances

Within Subdistrict A, on designated #streets#, as shown on Map 3 (Ground Floor Use and Transparency Requirements) in the Appendix to this Chapter, the requirements of this paragraph (a) shall apply to any #building or other structure# fronting on such #streets#. These provisions shall also apply to the frontage of #buildings# along #Open Space A#. Access to each ground floor #commercial# establishment or #community facility# establishment shall be provided directly from a #street# or from #Open Space A#.

(b) #Residential# entrances

Eighty percent of all ground floor #dwelling units# with frontage only on Redfern Avenue shall have a #primary entrance# directly accessible from Redfern Avenue.

136-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

The height and setback regulations of the underlying district shall apply except as modified by the provisions of this Section, inclusive.

136-21 - Street Wall Location

LAST AMENDED
12/5/2024

In C2 Districts, the #street wall# location regulations of the underlying district shall apply except as modified in this Section.

(a) In C2 Districts mapped within R6 and R7-1 Districts, the #street wall# location provisions of paragraph (b) Section 35-631 shall apply except that the #street wall# shall extend to at least the minimum base height specified in Section 136-222 (Minimum and maximum base height), or the height of the #building#, whichever is less.

(b) In C2 Districts mapped within R5 Districts, the #street wall# location provisions of paragraph (b) Section 35-631 shall apply except that the #street wall# shall extend to a height of 30 feet, or the height of the #building#, whichever is less.

(c) Below a height of 15 feet or the height of the second #story# floor, whichever is lower, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except recesses that do not exceed a depth of 12 inches.

136-22 - Minimum and Maximum Base Height

LAST AMENDED
12/5/2024

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the minimum and maximum heights before setback of a #street wall# required pursuant to Section 136-21 (Street Wall Location) shall be as set forth in the following table:

District	Minimum Base Height (feet)	Maximum Base Height (feet)
R6	30	55
R7-1	40	55

At a height not lower than the minimum base height nor higher than the maximum base height specified for the applicable district in this Section, a setback shall be provided in accordance with the provisions of Section 23-433 (Standard setback regulations).

136-23 - Maximum Building Height

LAST AMENDED
12/5/2024

R6 R7-1

In the districts indicated, and in C2 Districts mapped within these districts, the height of a #building or other structure# shall not exceed the maximum height shown on Map 4 (Maximum Building Height) in the Appendix to this Chapter.

136-30 - SPECIAL REGULATIONS WITHIN SUBDISTRICT A

LAST AMENDED
9/7/2017

The regulations of Section 136-30, inclusive, shall apply within Subdistrict A, as shown on Map 1 (Special Downtown Far Rockaway District and Subdistrict) in the Appendix to this Chapter. The regulations of the #Special Downtown Far Rockaway District# shall apply, except as modified by the regulations of Section 136-30, inclusive.

136-31 - Special Height and Setback Regulations Within Subdistrict A

LAST AMENDED
9/7/2017

136-311 - Street wall location

LAST AMENDED
12/5/2024

The provisions of Section 136-21 (Street Wall Location) shall apply within Subdistrict A, except as provided in this Section.

(a) For portions of #buildings# or #building segments# with frontage on Redfern Avenue located between the prolongation of the northerly #street line# of Dix Avenue and a line 150 feet south of and parallel to Nameoke Street, the #street wall# location rules of paragraph (a) of Section 23-431 shall apply.

(b) For Street Wall A and Street Wall B, as shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter, the provisions of Section 136-21 shall not apply. In lieu thereof, the provisions of this Section shall apply.

(1) Street Wall A

#Buildings# on the west side of #Open Space A# shall have a #street wall# located along the required sidewalk widening on Mott Avenue, shown as a line designated A1 on Map 7, except that #street wall# articulation set forth in paragraph (e) of Section 35-651 (Street wall location) shall be permitted. Beyond 112 feet of Redfern Avenue, the #street wall# shall be located no closer to Central Avenue than the line designated A2 as shown on Map 7.

(2) Street Wall B

#Street walls# fronting #Open Space A# shall be located no closer to Redfern Avenue than as shown as a line designated B1 on Map 7. The #street walls# of #buildings# on the east side of #Open Space A# with frontage on Mott Avenue shall be located no closer to Mott Avenue than as shown as lines designated B2 and B3 on Map 7. Portions of #street walls# with frontage on Mott Avenue, located so that a line drawn perpendicular to the line designated B3 intersects such #street walls#, shall be located no further than 30 feet from B3. #Street walls# fronting Central Avenue shall be located no closer to Central Avenue than as shown for the line designated B4 on Map 7, and shall be located no further than 30 feet from B4.

(c) For #blocks# with a dimension of less than 100 feet between #streets# or private streets that are parallel or do not intersect, the provisions of Section 136-221 shall be modified to require a minimum of 40 percent of the #aggregate width of street walls# to be located within eight feet of the #street line# and to extend to at least the minimum base height specified in Section 136-22 (Minimum and Maximum Base Height), or the height of the #building#, whichever is less.

All #street walls# governed by this Section shall extend to the minimum base height specified in Section 136-313 (Minimum and maximum base height), or the height of the #building#, whichever is less.

136-312 - Street wall recesses

LAST AMENDED
9/7/2017

For each #building# within Subdistrict A, where the #aggregate width of street walls# is greater than 90 feet, a minimum of 20 percent of the surface area of #street walls# below the maximum base height and above the level of the first #story# shall be recessed beyond three feet of the #street line#. Portions of #street lines# with no #street walls# may be counted towards the recess requirements of this Section. No portion of such minimum recessed area shall be located within 30 feet of the intersection of two #street lines#. However, such minimum recessed area shall be permitted within 30 feet of Redfern Avenue, except at the intersection of Redfern Avenue and Mott Avenue.

136-313 - Minimum and maximum base height

LAST AMENDED
12/5/2024

Within Subdistrict A, the provisions of Section 136-22 (Minimum and Maximum Base Height) shall not apply. In lieu thereof, for #residential buildings#, #mixed buildings# and #commercial buildings#, the provisions of this Section shall apply. The #street wall# height and setback regulations of the underlying district shall apply except as modified in this Section.

(a) The minimum and maximum heights before setback of a #street wall# required pursuant to Section 136-21 (Street Wall Location), shall be as set forth in the following table:

Condition	Minimum Base Height (feet)	Maximum Base Height (feet)	Minimum Setback Depth (feet)
Fronting on, or within 100 feet of, a #street#, other than a private street or publicly accessible open space	40[1]	65	10
Fronting on a private street or a publicly accessible open space and beyond 100 feet of a #street# that is not a private street or publicly accessible open space	40[1]	85	7
Fronting on Redfern Avenue	30[1]	45[2]	10

[1] Within 300 feet of Mott Avenue, the minimum base height shall be 20 feet

[2] The maximum base height for the portion of a #building# subject to the 65 foot or six story maximum height provisions of Section 136-314 shall be 65 feet

(b) Dormers

A dormer shall be allowed as a permitted obstruction pursuant to paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts), except as follows:

(1) Within 75 feet of intersecting #streets#, dormers shall be permitted without limitation on width.

(2) Where dormers are provided pursuant to paragraph (b)(1) of this Section, and such dormers exceed the maximum width permitted pursuant to paragraph (b)(1)(i) of Section 23-413, for any portion of a #building# with an #aggregate width of street walls# greater than 75 feet, a setback shall be provided above the maximum base height between such dormer and any other dormer for a width of at least 20 feet, or the remaining width of such #street wall#, as applicable.

(3) Beyond 75 feet of intersecting #streets#, the provisions of paragraph (b)(1) of Section 23-413 shall apply. The width of any dormers provided pursuant to the provisions of paragraph (b)(1) of this Section shall be included in the aggregate width of all dormers.

However, the provisions of this paragraph (b) shall not apply to portions of #buildings# with frontage on Redfern Avenue, except that these provisions shall apply to portions of #buildings# with frontage on both Redfern Avenue and Mott Avenue.

136-314 - Maximum building height

LAST AMENDED
9/7/2017

The height of a #building or other structure# shall not exceed the maximum #building# height or the maximum number of #stories#, whichever is less, as shown on Map 5 (Maximum Building Height Within Subdistrict A) in the Appendix to this Chapter. However, within 75 feet of the intersection of

the southerly cross street with Redfern Avenue, and within 75 feet of the intersection of the northerly cross street with Redfern Avenue, the maximum height for #buildings or other structures# shall be six #stories# or 65 feet, whichever is less. Any such 65 foot or six story maximum #building# height limit falling within 300 feet of Mott Avenue shall only extend to a depth of 25 feet from Redfern Avenue, after which the maximum #building# height and maximum number of #stories# shown on Map 5 shall apply.

136-315 - Maximum building height and horizontal dimension for tall buildings

LAST AMENDED
12/5/2024

Within the Tower Location Area shown on Map 5 (Maximum Building Height Within Subdistrict A) in the Appendix to this Chapter, the height of a #building# may exceed the height limits specified in Section 136-314 (Maximum building height) only as set forth in this Section. Any portion of a #building# above a height of 125 feet shall hereinafter be referred to as a "tower."

(a) Towers shall be located within portions of #zoning lots# bounded by intersecting #street lines# and lines parallel to and 200 feet from each intersecting #street line#.

(b) Towers shall be separated from one another by a minimum distance of 60 feet, measured in all horizontal directions.

(c) The outermost walls of each #story# of a #building# located entirely above a height of 125 feet shall be measured in plan view and inscribed within a rectangle. The maximum length of such rectangle shall be 170 feet. The maximum length of any other side of such rectangle shall be 100 feet. For the purposes of this Section, #abutting# portions of #buildings# above a height of 125 feet shall be considered a single tower.

(d) To permit portions of a #building# to rise from grade to a tower portion without setback, the setback provisions of Section 136-313 (Minimum and maximum base height) shall not apply to any portion of a #building# located within 100 feet of intersecting #street lines#.

(e) The maximum height of a tower shall be 155 feet.

(f) No more than two towers shall be permitted within Subdistrict A.

136-316 - Maximum length of buildings

LAST AMENDED
9/7/2017

The outermost walls of each #story# of a #building# located entirely above a height of 95 feet shall be measured in plan view and inscribed within a rectangle. The maximum length of any side of such rectangle shall be 170 feet. For the purposes of this Section, #abutting# portions of #buildings# above a height of 95 feet shall be considered a single #building#.

136-32 - Streets and Public Open Spaces

LAST AMENDED
9/7/2017

136-321 - Certification

LAST AMENDED
9/7/2017

The requirements of this Section shall apply to #zoning lots# containing #developments# or #enlargements# within the current or former Downtown Far Rockaway Urban Renewal Area.

No building permit shall be issued for any #development# or #enlargement# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #development# or #enlargement# complies with the provisions of this Section.

The Chairperson shall certify that:

(a) all publicly accessible open spaces adjacent to the proposed #development# or #enlargement# comply with the provisions of Section 136-324 (Publicly accessible open space requirements);

(b) the location of private streets adjacent to the proposed #development# or #enlargement# complies with the provisions of Section 136-323 (Private streets); and

(c) for any portion of Subdistrict A outside the area of the proposed #development# or #enlargement# for which a certification pursuant to this Section has not been obtained, the applicant has submitted sufficient documentation showing that the #development# or #enlargement# that is the subject of this certification, and any associated private streets and publicly accessible open spaces required to be constructed in conjunction with such #development# or #enlargement#, shall not preclude such undeveloped portions of Subdistrict A from complying with the provisions of Sections 136-323 and 136-324 under future certifications pursuant to this Section.

All required private streets and publicly accessible open spaces, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including provisions for the maintenance and operation of such private streets and publicly accessible open spaces, indexed against the property, binding the owners, successors and assigns to provide and maintain such private streets and publicly accessible open spaces in accordance with the plans certified by the Chairperson. Such declaration, or any maintenance and operation agreement with the City or

its designee executed in connection with such declaration, shall require that adequate security be provided to ensure that the private streets and public access areas are maintained in accordance with the declaration and any related maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open spaces integral to the #development# or #enlargement# of a #building#, as indicated in the plans certified by the Chairperson, shall be recorded on the certificate of occupancy for such #building# by the Department of Buildings. The recording information of the declaration of restrictions shall be included on the certificate of occupancy for any #building#, or portion thereof, issued after the recording date.

The property owner shall be responsible for the construction and maintenance of all required private streets and publicly accessible open spaces on the #zoning lot#. No temporary or final certificate of occupancy shall be issued for any #building# adjacent to such private street or publicly accessible open space until all required improvements are completed, except as set forth in a phasing plan that has been incorporated in a signed and duly recorded declaration of restrictions, and that has provided for interim improvements and access where these do not present conflicts with construction, staging or public safety.

136-322 - Sidewalk widening

LAST AMENDED
12/5/2024

For #buildings# #developed# or #enlarged# after September 7, 2017, where the #development# or horizontal #enlargement# fronts upon designated #streets# as shown on Map 8 (Sidewalk Widenings) in the Appendix to this Chapter, the provisions of this Section shall apply.

A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot#, located within the #zoning lot#. A sidewalk widening shall be provided along #streets# as shown on Map 8, to the extent necessary, so that a minimum sidewalk width of 13 feet or 18 feet, as applicable, is achieved, including portions within and beyond the #zoning lot#. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and shall be directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk widening to less than such minimum required depth.

Lighting shall be provided with a minimum level of illumination of not less than two horizontal foot candles throughout the entire mandatory sidewalk widening. Lighting fixtures installed by the Department of Transportation within the #street# adjacent to such sidewalk widening shall be included in the calculation of the required level of illumination.

Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening within the #zoning lot# shall be considered to be the #street line# for the purposes of Sections 136-20 (SPECIAL BULK REGULATIONS) and 136-31 (Special Height and Setback Regulations Within Subdistrict A).

136-323 - Private streets

LAST AMENDED
9/7/2017

In Subdistrict A, private streets shall be accessible to the public at all times, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area. Private streets shall have a minimum width of 60 feet. Private streets shall be constructed to Department of Transportation standards for public #streets#. Sidewalks shall have a minimum clear

path of seven feet on each side of such private streets along their entire length. Such private streets shall be located as shown on Map 6 (Publicly Accessible Private Streets) in the Appendix to this Chapter. One street tree shall be planted for every 25 feet of curb length of each private street. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street.

The private street network shall be established as follows:

(a) a central street shall connect #Open Space A# with Nameoke Avenue, as shown on Map 6. However, if the centerline of the new street is not within five feet of the extended centerline of Brunswick Avenue, then the easterly curb of the new street shall be greater than 50 feet from the extended line of the westerly curb of Brunswick Avenue;

(b) a southerly cross street shall connect Redfern Avenue with the central street, intersecting Redfern Avenue within the area shown on Map 6. However, if the centerline of the new street is not within five feet of the extended centerline of Dix Avenue, then the northerly curb of the new street shall be greater than 50 feet from the extended line of the southerly curb of Dix Avenue;

(c) a northerly cross street shall connect Birdsall Avenue with Bayport Place, intersecting Redfern Avenue so that the centerline of the new street is within five feet of the extended centerline of Birdsall Avenue and within five feet of the centerline of Bayport Place.

136-324 - Publicly accessible open space requirements

LAST AMENDED
6/6/2024

Publicly accessible open spaces shall be provided within Flexible Open Space A Location and Flexible Open Space B Location, as applicable, as shown on Map 7 (Mandatory Street Walls and Flexible Public Open Space Locations) in the Appendix to this Chapter. #Open Space A# shall contain a minimum of 23,000 square feet, and #Open Space B# shall contain a minimum of 7,000 square feet.

(a) A portion of the required publicly accessible open space located within #Open Space A# shall have a minimum width of 80 feet within 55 feet of Mott Avenue. #Open Space A# shall extend from Mott Avenue to the nearest private street required pursuant to Section 136-323 (Private streets), and shall maintain a minimum width of 60 feet.

(b) Publicly accessible open spaces shall comply with the provisions of Sections 37-725 (Steps), 37-726 (Permitted obstructions), 37-727 (Hours of access) 37-728 (Standards of accessibility for persons with disabilities), 37-73 (Kiosks and Open Air Cafes), 37-74 (Amenities) and 37-75 (Signs), except for the following modifications:

(1) Section 37-73 (Kiosks and Open Air Cafes) shall be modified as follows:

(i) paragraph (a) of Section 37-73 shall be modified to permit a kiosk to occupy an area no greater than 400 square feet within #Open Space A#, provided that such kiosk has a maximum width, measured along the same axis as the minimum width of #Open Space A# pursuant to paragraph (a) of this Section, of 20 feet, and provided that any canopies, awnings or other sun control devices extending from such kiosk shall be limited to a distance of five feet from such kiosk;

(ii) paragraph (b) of Section 37-73 shall be modified to limit the aggregate area of open air cafes to no more than 40 percent of the publicly accessible open space, to allow open air cafes to occupy up to 50 percent of #street# frontage along

Mott Avenue, and to eliminate the requirement that open air cafes be located along the edge of the publicly accessible open space; and

(iii) paragraphs (c) and (d) of Section 37-73 shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;

(2) Section 37-741 (Seating) shall be modified as follows:

(i) the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;

(ii) the requirement of one linear foot of seating for each 30 square feet of #public plaza# area shall be modified to one linear foot of seating for each 60 square feet of publicly accessible open space; and

(iii) seating for open air cafes may count toward the seating requirement, in the category of moveable seating, provided that 50 percent of the linear seating capacity is provided through other seating types;

(3) For #Open Space A#, Section 37-742 (Planting and trees) shall be modified to require that at least 15 percent of the area of the publicly accessible open space shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls. For #Open Space B#, Section 37-742 (Planting and trees) shall be modified to eliminate the requirement for such planting beds;

(4) Section 37-743 (Lighting) shall be modified to provide that for publicly accessible open spaces fronting on Mott Avenue, the lighting fixtures installed by the Department of Transportation within the #street# shall be included in the calculation of the required level of illumination;

(5) Section 37-744 (Litter receptacles) shall be modified to require a minimum of one litter receptacle per 5,000 square feet of publicly accessible open space;

(6) Entry plaques for publicly accessible open spaces shall be provided as described in paragraph (a) of Section 37-751 (Public space signage systems), except that one such plaque shall be located at each point of entry from a #street# to such publicly accessible open space; and

(7) Section 37-753 (Accessory signs) shall be modified as follows:

(i) paragraphs (a), (c) and (d) shall not apply;

(ii) paragraph (b) shall be modified to permit non-#illuminated# or #illuminated accessory signs#, and the permitted #surface area# of such #signs# shall be as permitted by the underlying district, as if the publicly accessible open space were a #street#; and

(iii) paragraph (e) shall be modified to permit any number of #accessory signs# within the publicly accessible open space, subject to the remaining provisions of such paragraph (e).

(c) For #ground floor level# frontages along #Open Space A#:

(1) within 175 feet of Mott Avenue, #uses# on #ground floor level#, to the minimum depth set forth in Section 37-32, shall be limited to non-#residential# #uses#, except for lobbies, entrances and exits to off-street parking facilities and entryways to #mass transit stations#, as provided by Section 37-33 (Maximum Width of Certain Uses). #Ground floor level# #street walls# shall be glazed in accordance with the provisions of Section 37-34; and

(2) parking shall be wrapped in accordance with paragraph (a) of Section 37-35.

136-40 - SPECIAL OFF-STREET PARKING REGULATIONS

LAST AMENDED
9/7/2017

136-41 - Parking Regulations

LAST AMENDED
12/5/2024

The off-street parking regulations shall be modified, as follows:

(a) For #commercial# #uses# in Parking Requirement Categories PRC-A1, PRC-A2, PRC-A3 and PRC-A4, the provisions of Section 36-21 (General Provisions) shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

For ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), the provisions of Sections 25-31 (General Provisions) and 36-21 shall be modified to require #accessory# off-street parking spaces at a rate of one parking space per 750 square feet of #floor area#.

(b) Within Subdistrict A, parking spaces provided on private streets shall count towards the number of #accessory# off-street parking spaces required by the provisions of Sections 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) and 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS).

136-50 - AUTHORIZATIONS

LAST AMENDED
9/7/2017

136-51 - Authorization to Modify Provisions for Publicly Accessible Open Spaces and Private Streets

LAST AMENDED
9/7/2017

The City Planning Commission may authorize modification of the provisions of Sections 136-323 (Private streets) and 136-324 (Publicly accessible open space requirements), provided that the Commission shall find that:

(a) the usefulness and attractiveness of the publicly accessible open space will be improved by the proposed design and layout;

(b) such modification to private street provisions will result in a private street network that will ensure pedestrian and vehicular mobility and safety and will be well integrated with the surrounding #streets#; and

(c) such modification will result in a superior urban design relationship with surrounding #buildings# and open areas, including #streets# and private streets.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such publicly accessible open spaces and private streets to surrounding #buildings# and open areas.

136-52 - Authorization to Modify Bulk Regulations for Affordable Housing Units

LAST AMENDED
12/5/2024

For #developments# or #enlargements# containing only #dwelling units# that either comply with the definition of "affordable housing unit" set forth in Section 27-111 (General definitions), or have a legally binding restriction limiting rents to households with incomes at or below 80 percent of the #income index#, or #qualifying senior housing#, the City Planning Commission may authorize modifications of:

(a) #yard# regulations;

(b) regulations governing the minimum required distance between #buildings# on the same #zoning lot#, provided that no waiver shall authorize a minimum distance of less than 40 feet;

and

(c) regulations governing the minimum required distance between #legally required windows# and walls or #lot lines#.

The Commission shall find that such modifications:

(1) will aid in achieving the general purposes and intent of this Chapter as set forth in Section 136-00 (GENERAL PURPOSES);

(2) will provide a better distribution of #bulk# on the #zoning lot#, resulting in a superior site plan, in which the #buildings# subject to this authorization and any associated open areas will relate harmoniously with one another and with adjacent #buildings# and open areas; and

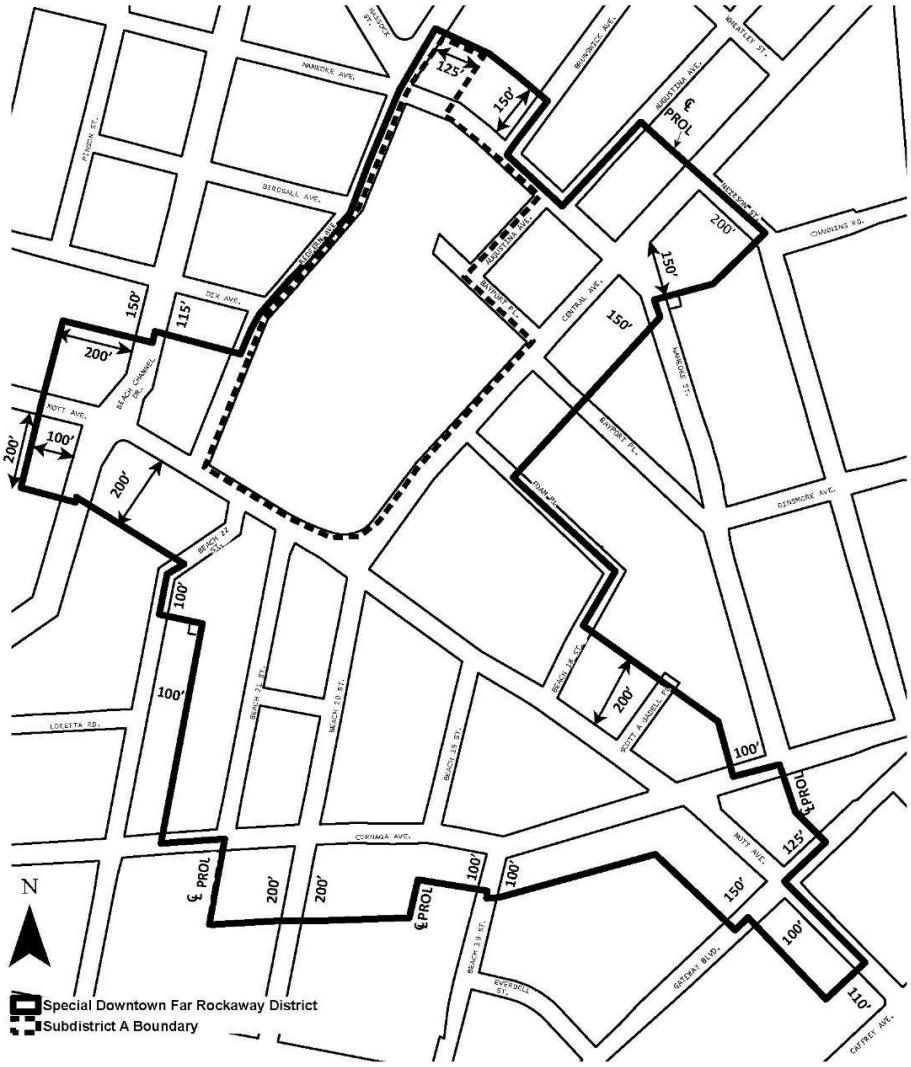
(3) will not unduly increase the #bulk# of any #building# or unduly obstruct access of adequate light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces.

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

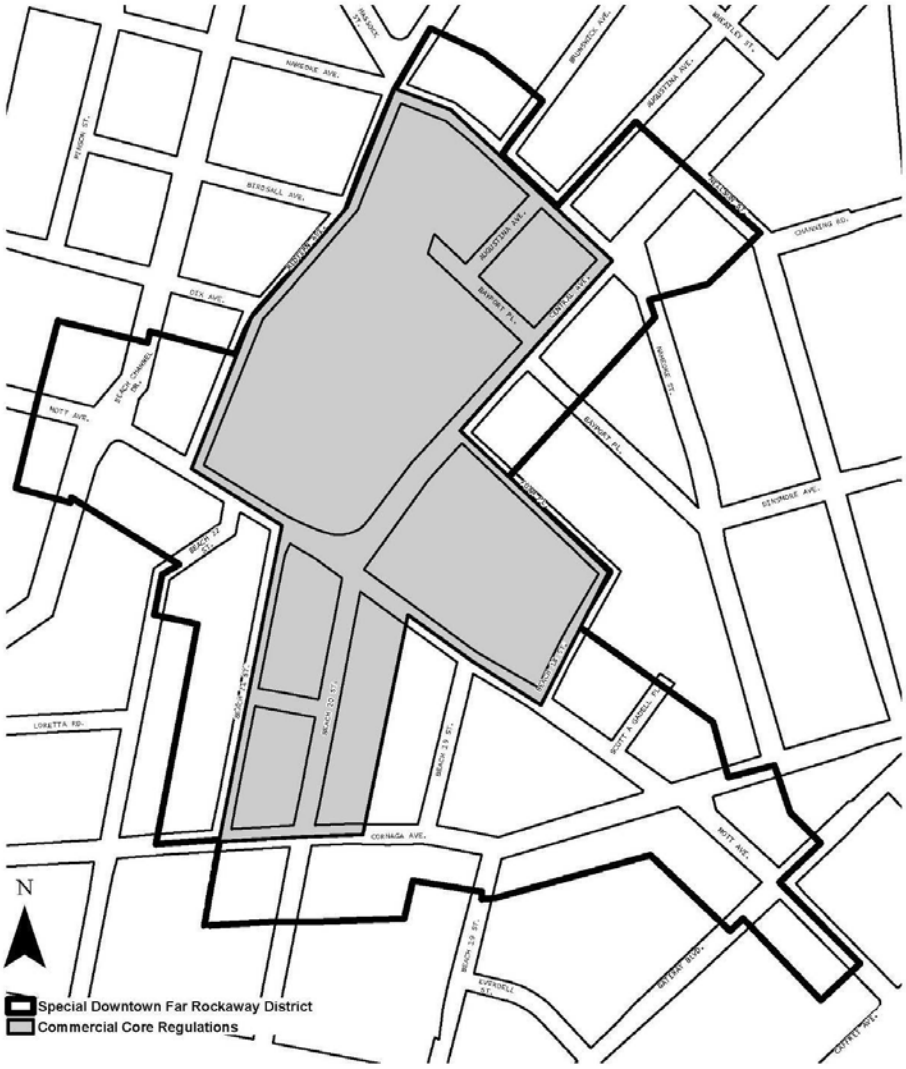
APPENDIX - Special Downtown Far Rockaway District Maps

LAST AMENDED
6/6/2024

Map 1 - Special Downtown Far Rockaway District and Subdistrict

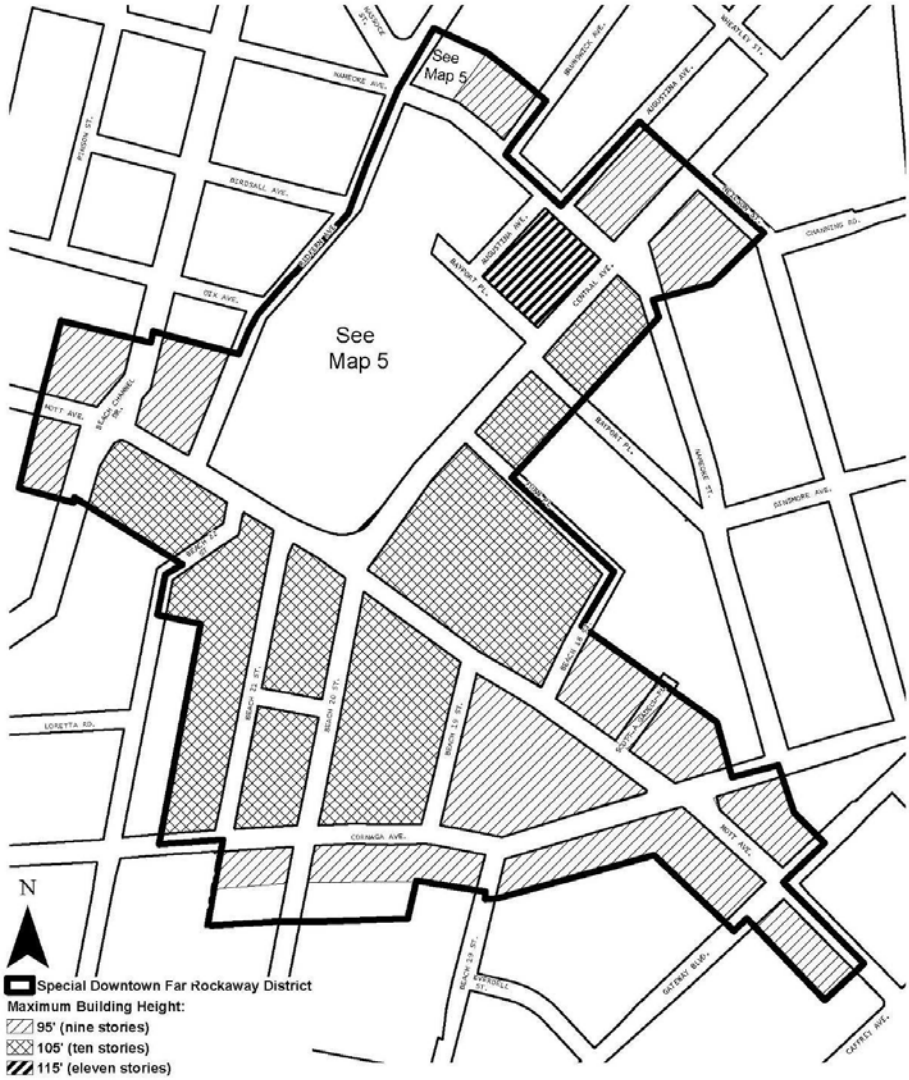

N
Special Downtown Far Rockaway District
Subdistrict A Boundary

Map 2 – Commercial Core

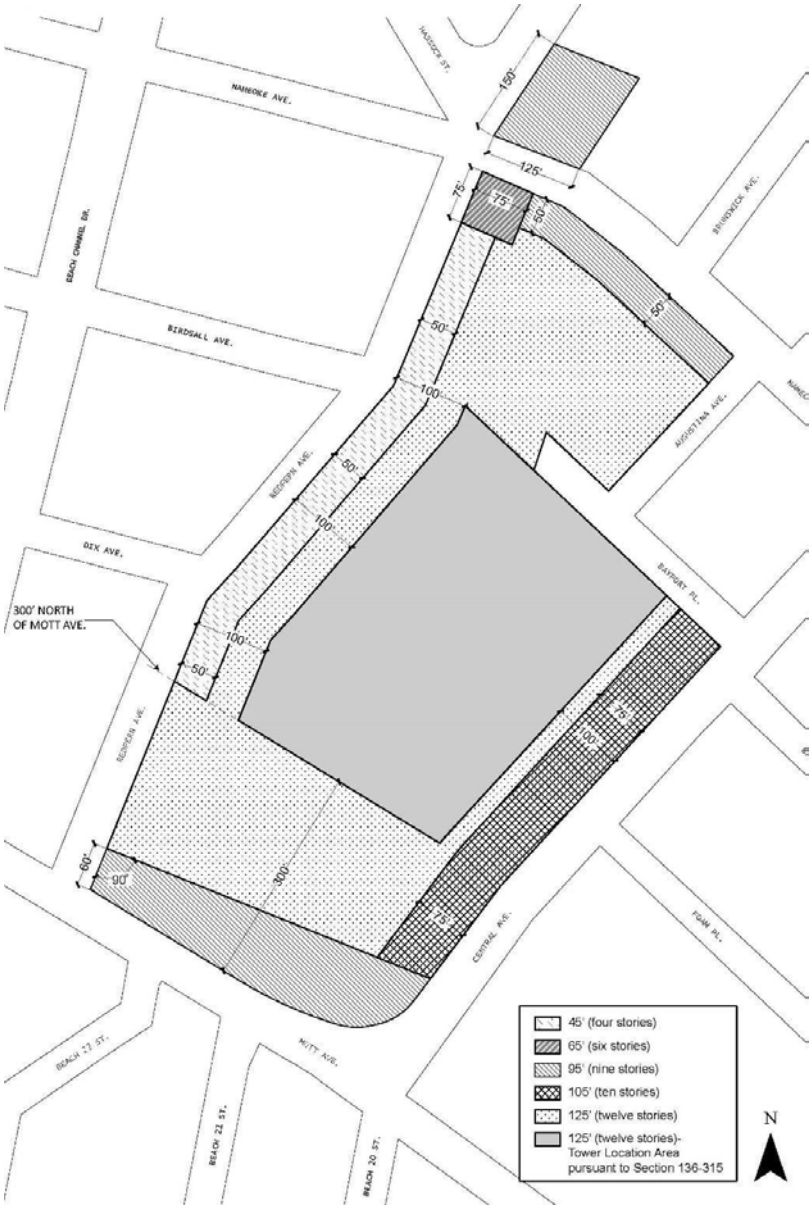


Map 3 – Ground Floor Use and Transparency Requirements

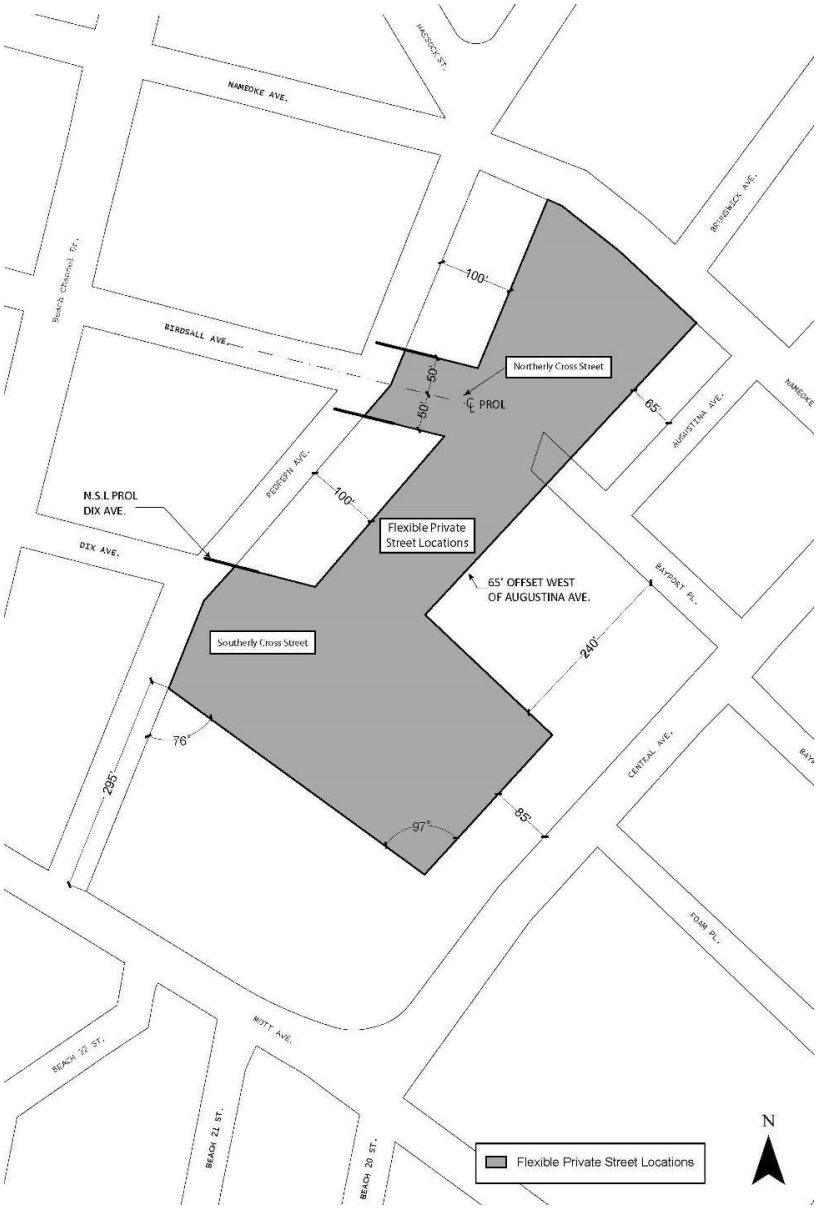
Map 4 – Maximum Building Height


See Map 5
See Map 5
NAMECKE AVE.
BIRDSALL AVE.
OIX AVE.
MOTT AVE.
BEACH CHANNEL DR.
BEACH 21 ST.
BEACH 20 ST.
BEACH 19 ST.
BEACH 18 ST.
BEACH 29 ST.
LORETTA RD.
CORNAGA AVE.
EVERDELL ST.
GATEWAY BLVD.
CAFFREY AVE.
MOTT AVE.
DINSMORE AVE.
NAMECKE ST.
BAYPORT PL.
CENTRAL AVE.
AUGUSTINA AVE.
BEACH 19 ST.
CHANNING RD.
WHEATLEY ST.
BURNSWICK AVE.
N
Special Downtown Far Rockaway District
Maximum Building Height:
95' (nine stories)
105' (ten stories)
115' (eleven stories)

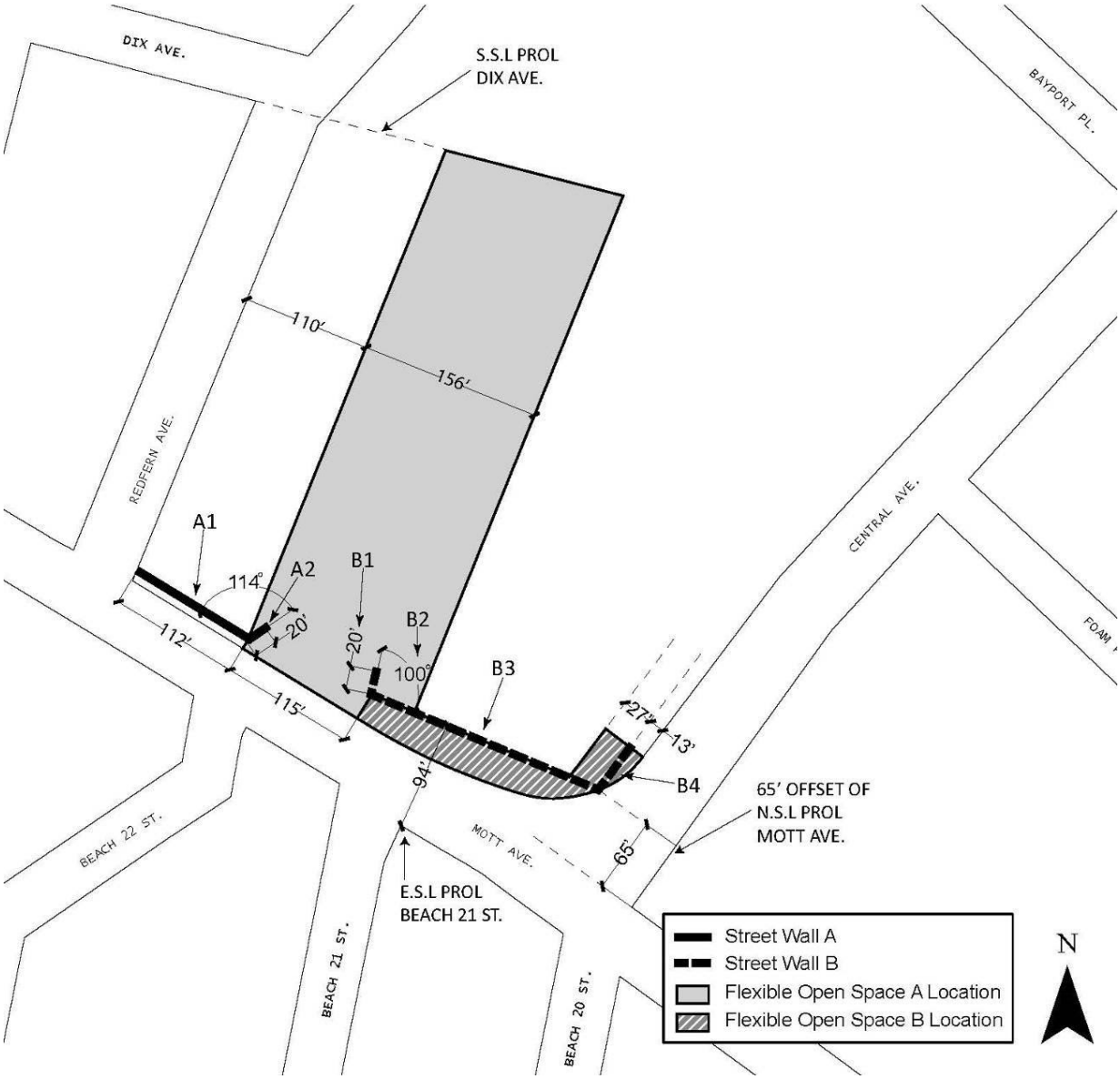
Map 5 – Maximum Building Height Within Subdistrict A



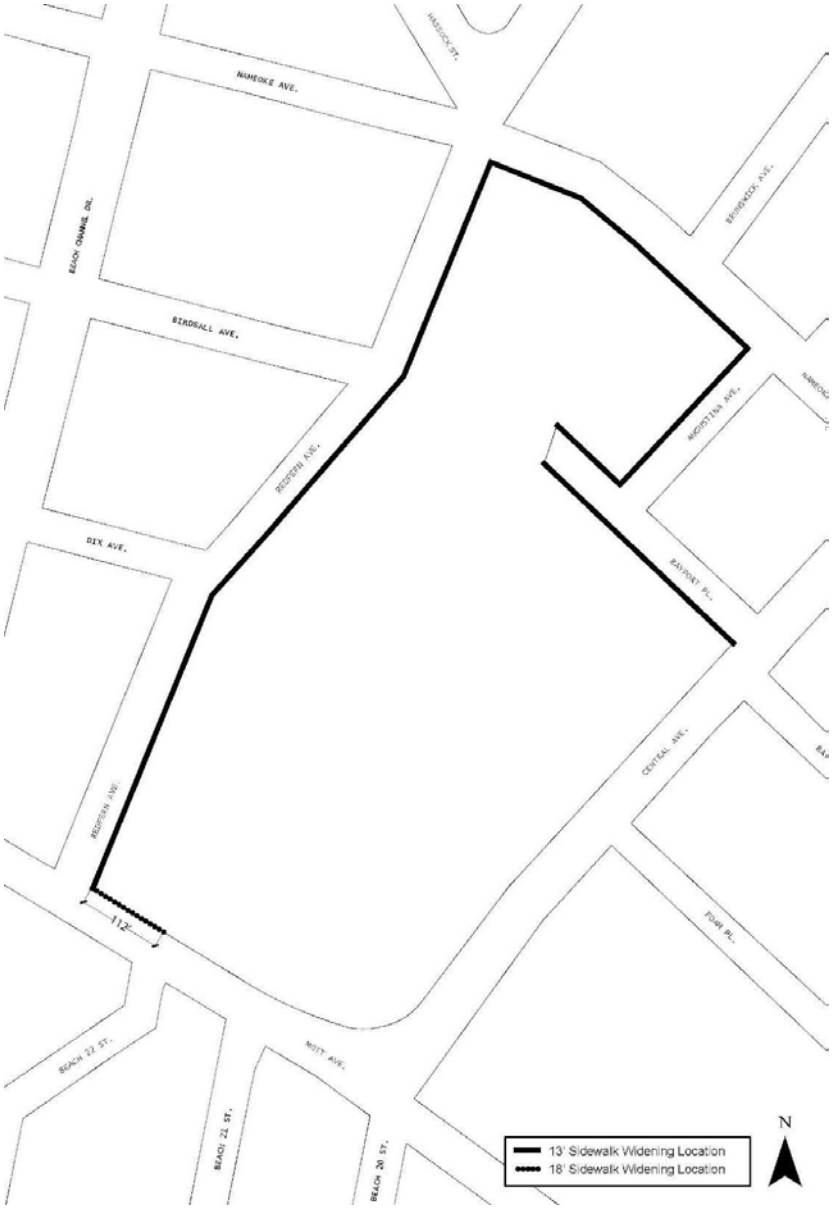
Map 6 – Publicly Accessible Private Streets



Map 7 – Mandatory Street walls and Flexible Public Open Space Locations



Map 8 – Sidewalk Widenings


NAMEOKE AVE.
HANSON ST.
BEACH GRANDE DR.
BIRDSALL AVE.
REDFISH AVE.
DEX AVE.
REDFISH AVE.
112'
BEACH 23 ST.
MOTT AVE.
BEACH 22 ST.
BEACH 20 ST.
STRONGACK AVE.
AUGUSTINA AVE.
BAYPORT PL.
CENTRAL AVE.
FOUR PL.
13' Sidewalk Widening Location
18' Sidewalk Widening Location
N

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 7 - Special Coastal Risk District (CR)

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Chapter 7 - Special Coastal Risk District (CR)

137-00 - GENERAL PURPOSES

LAST AMENDED
9/7/2017

The "Special Coastal Risk District" established in this Resolution is designed to promote and protect public health, safety and general welfare in coastal areas that are currently at exceptional risk from flooding and may face greater risk in the future. These general goals include, among others, the following specific purposes:

(a) to limit the population in areas that are vulnerable to frequent flooding, including those areas exceptionally at risk from projected future tidal flooding;

(b) to reduce the potential for property damage and disruption from regular flood events and support the City's capacity to provide infrastructure and services;

(c) to promote consistency with planned improvements, neighborhood plans, and other measures to promote drainage, coastal protection, open space and other public purposes;

(d) provide sound planning in areas that have historically been occupied by wetlands and, where plans exist, for such areas to be maintained as open space; and

(e) to promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenue.

137-10 - GENERAL PROVISIONS

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply in the #Special Coastal Risk District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control, except as specifically modified in this Chapter.

137-11 - District Plan and Maps

LAST AMENDED
5/12/2021

The District Maps are located in the Appendix to this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

Map 1 #Special Coastal Risk District# 1 (CR-1), in Broad Channel, Community District 14, Borough of Queens

Map 2 #Special Coastal Risk District# 2 (CR-2), in Hamilton Beach, Community District 10, Borough of Queens

Map 3 #Special Coastal Risk District# 3 (CR-3), encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island

Map 4 #Special Coastal Risk District# 3 (CR-3), encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island

Map 5 #Special Coastal Risk District# 4 (CR-4), in Gerritsen Beach, Community District 15, Borough of Brooklyn

Map 6 #Special Coastal Risk District# 5 (CR-5), in Edgemere, Community District 14, Borough of Queens.

137-12 - Applicability of Special Regulations

LAST AMENDED
5/12/2021

The special #use# and #bulk# regulations of this Chapter shall apply in the #Special Coastal Risk District# as set forth in the following table:

SPECIAL REGULATIONS

#Special Coastal Risk District#	#Residential Use# (137-21)	#Community Facility Use# (137-22)	Modified #Bulk# Requirements (137-31)	Modifications to Article V (137-40)	Special Requirements (137-50)
CR–1 (Broad Channel, Queens)	x	x			
CR–2 (Hamilton Beach, Queens)	x	x	x		
CR–3 (buyout areas, Staten Island)	x	x		x	x

CR–4 (Gerritsen Beach, Brooklyn)	x	x	x		
CR–5 (Edgemere, Queens)	x	x			

137-20 - SPECIAL USE REGULATIONS

LAST AMENDED
6/21/2017

The special #use# regulations of this Section 137-20, inclusive, shall apply in the #Special Coastal Risk Districts# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-21 - Residential Use

LAST AMENDED
12/5/2024

In #Special Coastal Risk Districts#, #residential uses# shall be permitted as follows:

(a) In #Special Coastal Risk Districts# 1 and 3, #residential uses# shall be limited to #single-family# #detached residences#.

(b) In #Special Coastal Risk District# 2, #residential uses# shall be limited to #single-# or #two-family# #detached residences#.

(c) In #Special Coastal Risk District# 4, #residential uses# shall be permitted as follows:

(1) for #zoning lots# with a #lot area# of less than 3,000 square feet, #residential uses# shall be limited to #detached# or #semi-detached# #single-family residences#; and

(2) for #zoning lots# with a #lot area# of 3,000 square feet or more, #residential uses# shall be limited to #detached# or #semi-detached# #single-# or #two-family residences#.

(d) In #Special Coastal Risk District# 5, #residential uses# shall be permitted as follows:

(1) in R3A and C3A Districts, #residential uses# shall be limited to #single-family detached residences#; and

(2) in R4-1 Districts:

(i) for #zoning lots# with a #lot width# of less than 25 feet, #residential uses# shall be limited to #single-family detached residences#; and

(ii) for #zoning lots# with a #lot width# of 25 feet or more, #residential uses# shall be limited to #single-# or #two-family detached residences#.

(e) In all #Special Coastal Risk Districts#, there shall be no #qualifying residential sites#, #qualifying senior housing# or #ancillary dwelling units#.

The inclusion of #accessory# #residential uses# shall not be precluded by the provisions of this Section.

137-22 - Community Facility Use

LAST AMENDED
9/7/2017

In #Special Coastal Risk Districts#, #community facilities# with sleeping accommodations shall not be permitted.

In #lower density growth management areas# in #Special Coastal Risk District# 3, the regulations for #community facility uses# of the underlying districts shall be modified as follows:

(a) 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; and

(b) all #community facility uses# shall be subject to the maximum #floor area ratio#, and special #floor area# limitations, applicable to R3-2 Districts set forth in Section 24-162 (Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts).

137-30 - SPECIAL BULK REGULATIONS

LAST AMENDED
6/21/2017

The special #bulk# regulations of this Section 137-30, inclusive, shall apply to #buildings# in the #Special Coastal Risk Districts# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-31 - Minimum Lot Width

LAST AMENDED
12/5/2024

In #Special Coastal Risk District# 2, the regulations of Section 23-11 (Lot Area and Lot Width in R1 Through R5 Districts) are modified such that the minimum #lot width# for a #two-family detached residence# in an R3A District shall be 40 feet.

137-32 - Height and Setback Regulations

LAST AMENDED
12/5/2024

In #Special Coastal Risk District# 4, all #detached# or #semi-detached# #single-# or #two-family residences# shall be subject to the height and setback provisions set forth in Section 64-332 (Height and setback regulations for cottage envelope buildings).

137-40 - SPECIAL APPLICABILITY OF ARTICLE V

LAST AMENDED

5/12/2021

In #Special Coastal Risk District# 3, the provisions of Article V, Chapter 2 (Non-conforming Uses) shall be modified as set forth in this Section. In addition, the provisions of Article VI, Chapter 5 (Special Regulations Applying in Designated Recovery Areas) and Section 64-61 (Special Provisions for Non-conforming Uses) shall not apply.

#Non-conforming# #uses# may not be #enlarged# or #extended#. In addition, should 50 percent or more of the #floor area# of a #building# containing a #non-conforming# #use# be damaged or destroyed after September 7, 2017, the #building# may be repaired, #incidentally altered# or reconstructed only for a #conforming# #use#.

137-50 - SPECIAL REQUIREMENTS FOR DEVELOPMENTS AND ENLARGEMENTS

LAST AMENDED
12/5/2024

In #Special Coastal Risk District# 3, no #development# or horizontal #enlargement# shall occur, except where authorized by the City Planning Commission pursuant to Sections 137-51 (Authorization for Development of Single Buildings and Enlargements) or 137-52 (Authorization for Development of Multiple Buildings), as applicable. In addition, the provisions of Article VI, Chapter 5 (Special Regulations Applying in Designated Recovery Areas) and Section 64-60 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) shall not apply.

For the purposes of determining which authorization shall be applicable, the #zoning lot# upon which the #development# shall occur shall be considered to be a tract of land that existed under separate ownership from all adjoining tracts of land on April 24, 2017.

For the purposes of such authorizations, the alteration of any existing #building# resulting in the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

The provisions of Section 137-50, inclusive, shall not apply to the reconstruction of a garage #accessory# to a #single-family residence# or #two-family residence#.

The provisions of Section 73-81 (Special Permit for Modification of Certain Zoning Regulations) shall be inapplicable to a #building# that is #developed# pursuant to this Section, inclusive.

137-51 - Authorization for Development of Single Buildings and Enlargements

LAST AMENDED
9/7/2017

The City Planning Commission may authorize a horizontal #enlargement#, or a #development# consisting of no more than one #building# containing a non-#accessory# #use#, on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

(a) the site plan, to the extent practicable, minimizes the need for new paving and impervious surfaces upon the #zoning lot#;

(b) the site plan provides access to the new or #enlarged building# using #streets# that were improved and open to traffic on the date of application for an authorization, and which serve other occupied #buildings#;

(c) the site plan, to the extent practicable, minimizes adverse effects on wetlands, planned open space, drainage, or other functions in the surrounding area;

(d) the resulting #building# and other site improvements would not impair the essential ecological character of the surrounding area for its future use as open space;

(e) the site plan and resulting #building# incorporate such measures as are reasonable to minimize risks to public safety from natural hazards such as flooding and wildfires; and

(f) where the Commission is modifying #bulk# regulations, such modifications are the minimum necessary to protect, or provide buffering from, wetlands or wetland-adjacent areas.

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

137-52 - Authorization for Development of Multiple Buildings

LAST AMENDED
9/7/2017

The City Planning Commission may authorize a #development# consisting of more than one #building# on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

(a) all #zoning lots# comprising such #development# together provide a minimum of 9,500 square feet of #lot area# per #building#, where no portion of such #lot area# shall contain delineated wetland on a wetland survey reviewed by the New York State Department of Environmental Conservation (NYSDEC). Such review by the NYSDEC shall have occurred no more than

two years prior to the date of application for this authorization;

(b) the #development# satisfies the findings of paragraphs (a) through (e) of Section 137-51 (Authorization for Development of Single Buildings and Enlargements);

(c) where the Commission is modifying #bulk# regulations, such modifications shall:

(1) facilitate the configuration of #buildings# in order to protect, or provide buffering from, adjacent wetlands, open space and natural resources;

(2) facilitate, to the extent practicable, the configuration of #buildings# in proximity to the location of existing #buildings# within the area;

(3) limit the need for new paving and impermeable surfaces; and

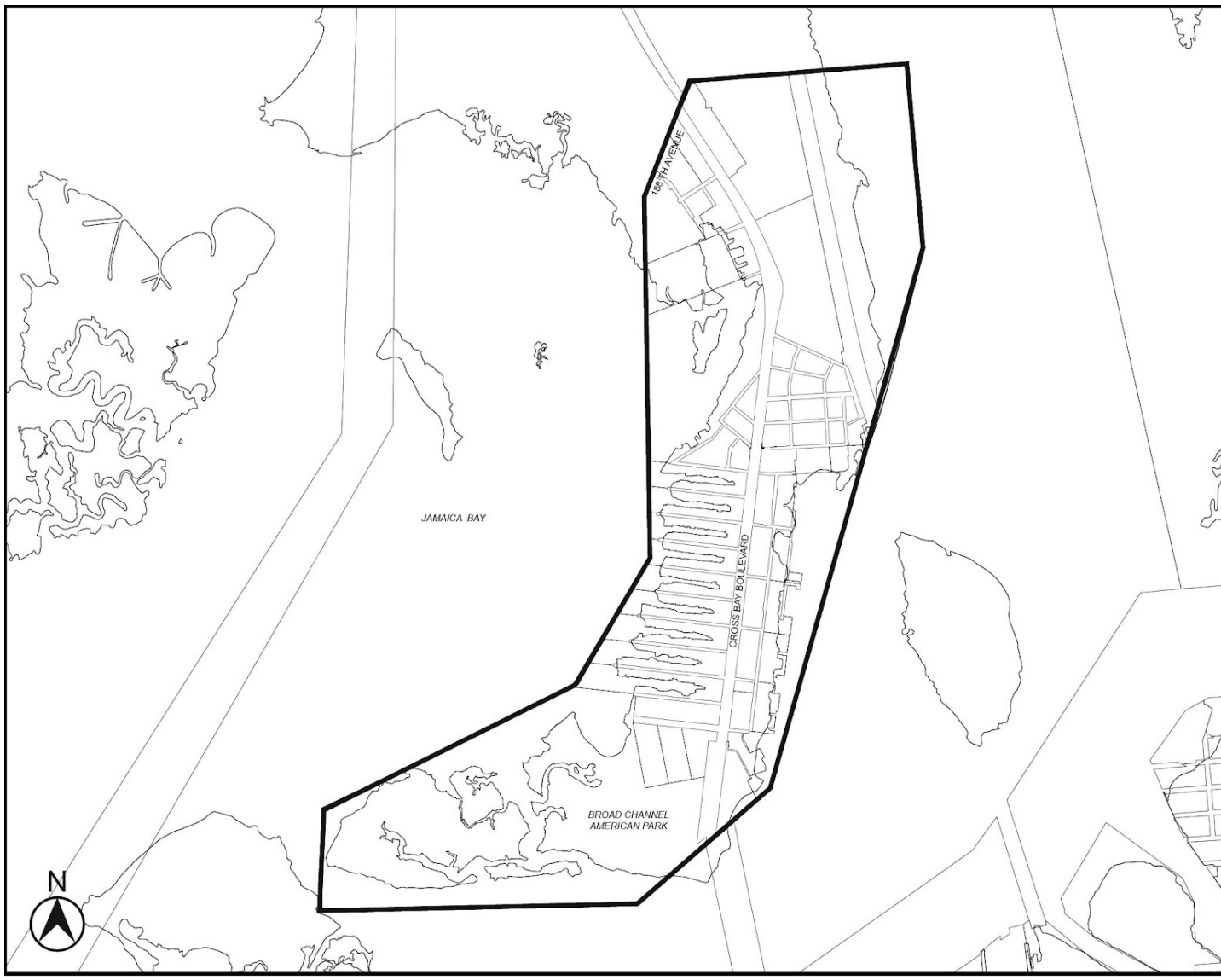
(4) be consistent with the scale and character of the surrounding area.

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

APPENDIX - Special Coastal Risk District Plan

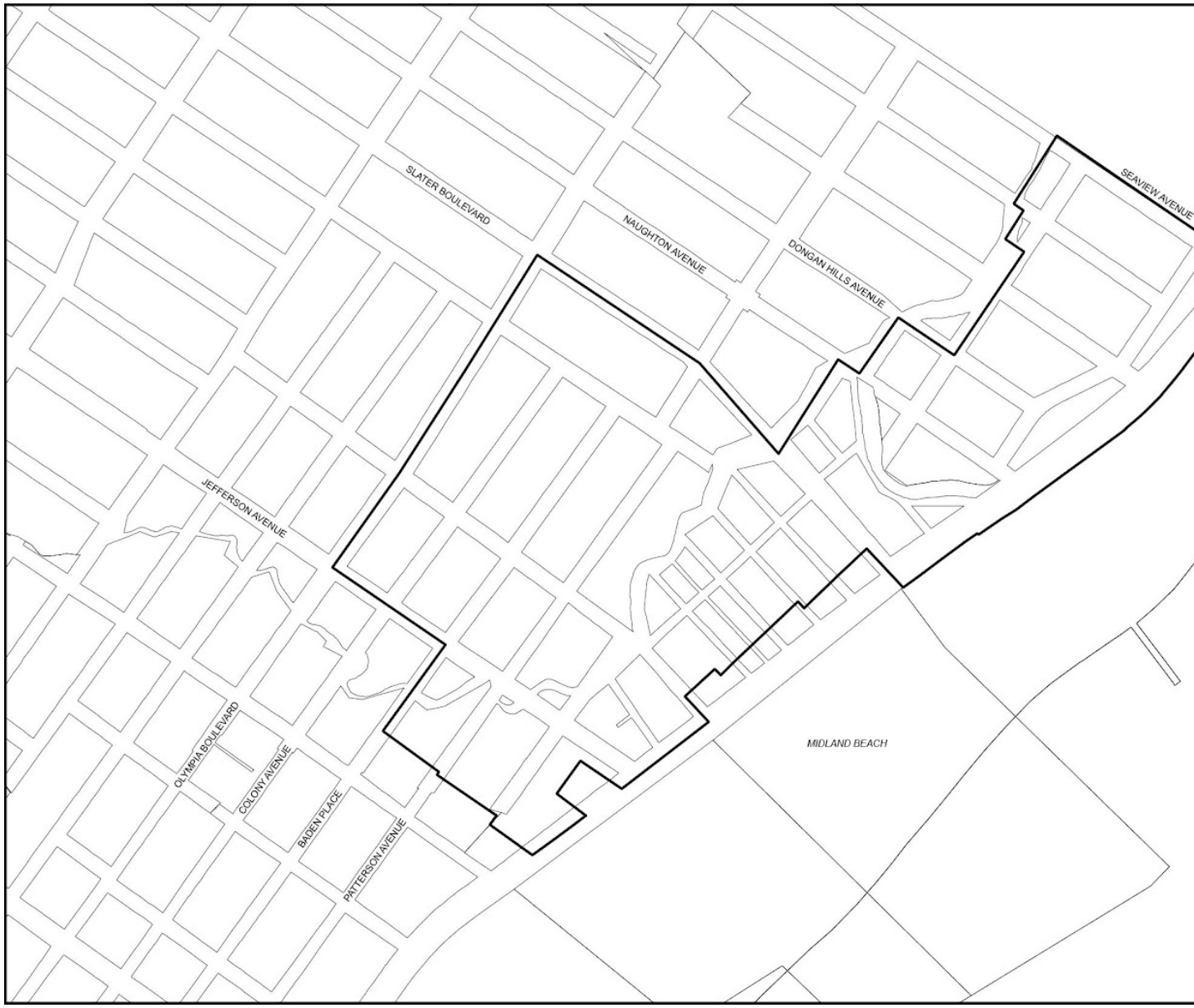
LAST AMENDED3/3/2026

Map 1 - Special Coastal Risk District 1, in Broad Channel, Community District 14, Borough of Queens (6/21/17)

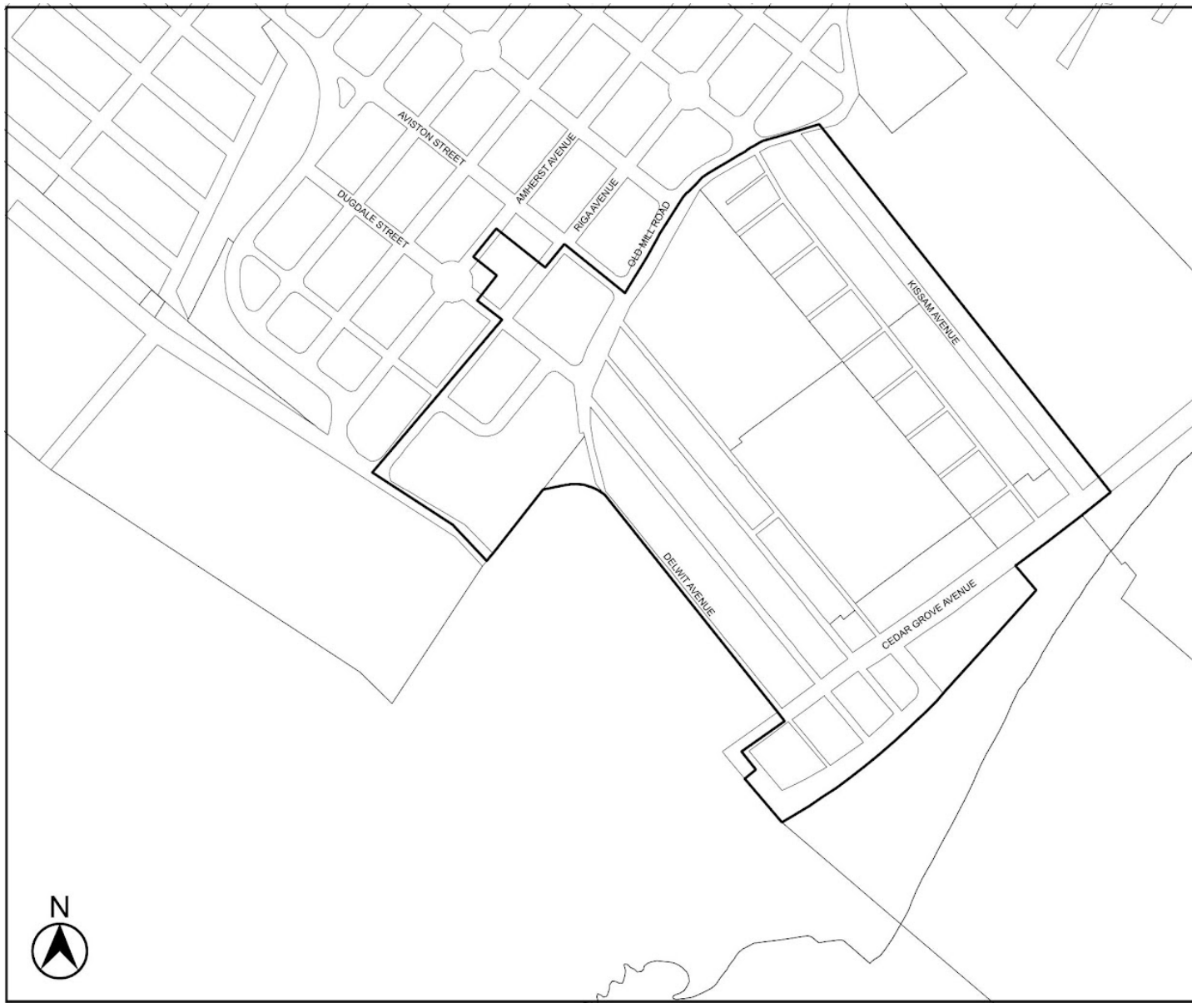


Map 2 - Special Coastal Risk District 2, in Hamilton Beach, Community District 10, Borough of Queens (6/21/17)

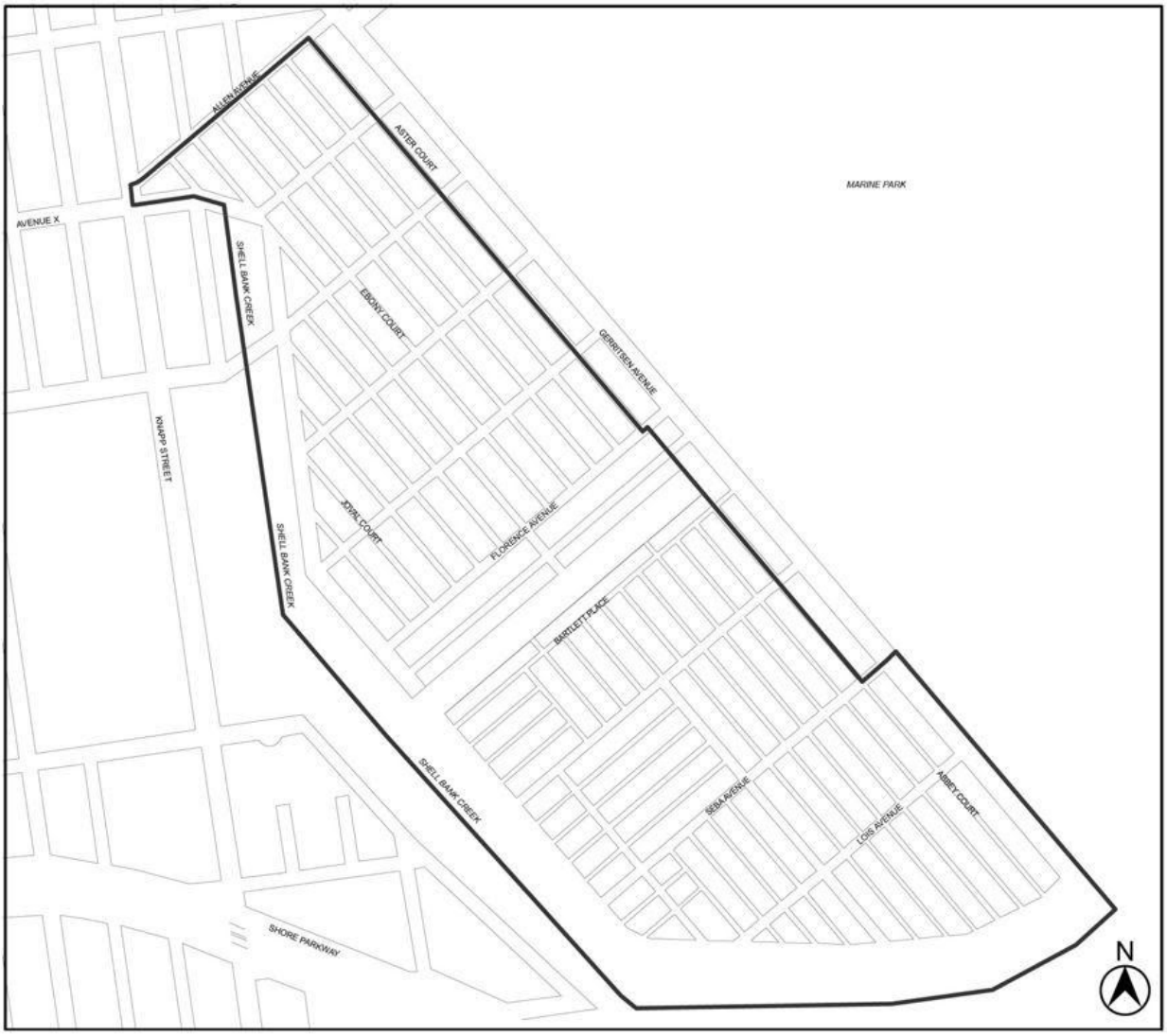
Map 3 - Special Coastal Risk District 3, encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island (9/7/17)



Map 4 - Special Coastal Risk District 3, encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island (9/7/17)



Map 5 – Special Coastal Risk District 4, in Gerritsen Beach, Community District 15, Borough of Brooklyn (5/12/21)



District boundary

Map 6 – Special Coastal Risk District 5, in Edgemere, Community District 14, Borough of Queens (7/14/22)

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 8 - Special East Harlem Corridors District (EHC)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 8 - Special East Harlem Corridors District (EHC)

138-00 - GENERAL PURPOSES

LAST AMENDED
11/30/2017

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

(a) to encourage and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;

(b) to encourage the development of residential uses along appropriate corridors;

(c) to encourage the development of permanently affordable housing;

(d) to facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections;

(e) to enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;

(f) to ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and

(g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

138-01 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

138-02 - District Plan and Maps

LAST AMENDED
11/30/2017

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan includes the map, "Special East Harlem Corridors District and Subdistrict," in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

138-03 - Subdistrict

LAST AMENDED
11/30/2017

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

138-04 - Applicability

LAST AMENDED
11/30/2017

138-041 - Applicability of Article IX, Chapter 5

LAST AMENDED
11/30/2017

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

138-042 - Applicability of Article XII, Chapter 3

LAST AMENDED
11/30/2017

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

138-043 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

For the purposes of applying the Mandatory Inclusionary Housing Program set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), the #Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

138-10 - SPECIAL USE REGULATIONS

LAST AMENDED
11/30/2017

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

138-11 - Location of Residential Use Within Buildings

LAST AMENDED
6/6/2024

In C4 or C6 Districts, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial# #uses# are located above any #story# containing #dwelling units#.

138-12 - Public Parking Garages

LAST AMENDED
6/6/2024

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-street Parking and Loading Regulations), the regulations applicable to C2-4 Districts shall apply to all districts.

138-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
11/30/2017

In the #Special East Harlem Corridors District#, the underlying #bulk# regulations shall apply except as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section 138-21 (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section 138-22 (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section 138-23 (Height and Setback Regulations in Commercial Districts) shall apply. In M1 Districts paired with an R9 or R10 District, the height and setback provisions set forth in Section 138-24 (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

138-21 - Floor Area Regulations

LAST AMENDED
11/30/2017

Within the #Special East Harlem Corridors District#, the underlying #floor area# regulations shall apply as modified in this Section, inclusive.

138-211 - Special floor area regulations

LAST AMENDED
12/5/2024

(a) In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential# #floor area#, the maximum #residential# #floor area ratio# shall be modified as follows:

(1) for #zoning lots# providing #qualifiying affordable housing# or #qualifying senior housing#, the maximum #residential# #floor area ratio# set forth on Map 2 shall apply;

(2) for other #zoning lots#, the maximum #residential# #floor area ratio# shall apply as modified in the table below:

Maximum #residential# #floor area ratio# shown on Map 2	Modified maximum #residential# #floor area ratio#
8.5	7.52

9.0	7.52
10.0	9.0

(3) except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and

(4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.

(b) In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility# #floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations) shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #long-term care facilities#.

(c) In the C4-6 District that is located on the west side of Third Avenue between East 121st Street and East 122nd Street, the maximum #commercial# #floor area ratio# shall be 7.2.

(d) For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

138-212 - Additional floor area regulations in the Park Avenue Subdistrict

LAST AMENDED
10/7/2021

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of paragraphs (a) and (b) of Section 138-211 are further modified in this Section.

(a) Required non-#residential# #floor area ratio#

Where a #development# or #enlargement# of a #building# on a #zoning lot#, or portion thereof, located within the Park Avenue Subdistrict contains #residentia# #floor area#, such #zoning lot# shall provide a minimum non-#residential# #floor area ratio# as set forth below:

(1) in M1-6 Districts paired with an R9 District, a minimum non-#residential# #floor area ratio# of 1.0 shall be provided;

(2) in C6-4 Districts, and in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 10.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided; and

(3) in M1-6 Districts paired with an R10 District whose maximum #residential# #floor area ratio# is 12.0, a minimum non-#residential# #floor area ratio# of 1.5 shall be provided.

(b) Maximum #floor area ratio# for #zoning lots# within M1-6 Districts paired with an R9 District

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# for any #use#, or any combination of #uses#, shall not exceed 8.5.

(c) Modified maximum #floor area ratio# for certain #zoning lots#

The #floor area ratios# set forth in paragraphs (a) and (b) of this Section, and in Section 138-211, shall be modified, as follows:

(1) the minimum non-#residential# #floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet;

(2) for #zoning lots# subject to paragraph (c)(1) of this Section, the maximum #floor area ratio# for all #uses# shall be set forth as follows:

Maximum #floor area ratio# shown on Map 2	Modified maximum #floor area ratio#
8.5	7.52
10.0	9.0

138-22 - Street Wall Regulations

LAST AMENDED
12/5/2024

All #developments# and #enlargements# within the #Special East Harlem Corridors District# shall comply with the #street wall# regulations of Section 35-651 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments#

and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-631 are specified and modified as follows:

(a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, the #street wall# location provisions of paragraph (a) of Section 35-631 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (b) of Section 35-631 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

(1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of

Section 37-34 (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#; and

(2) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (b)(1) of Section 37-362 (Mitigation elements) for at least 70 percent of the linear footage, shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section 37-362 for at least 70 percent of the linear footage of such area per 50 feet of frontage.

138-23 - Height and Setback Regulations in Commercial Districts

LAST AMENDED
12/5/2024

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Section 35-632 (Maximum height of buildings and setback regulations), as applicable, except that:

(1) the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations);

(2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building# #height# for #buildings# utilizing the provisions of paragraph (b) of Section 35-632 shall be modified to 215 feet;

(3) in C4-6 Districts whose maximum #residential# #floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of paragraphs (a) or (b) of Section 35-632 for R9 Districts shall apply, except that the minimum base height set forth in Section 138-22 shall apply, the maximum #building# height for #buildings# utilizing the provisions of paragraphs (b) of Section 35-632 shall be modified to 215 feet;

(4) in a C2 District mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #building# height for #buildings# utilizing the provisions of paragraph (b) of Section 35-632 shall be modified to 125 feet; and

(5) where applicable, in lieu of the provisions of this paragraph, the provisions of paragraph (b) of this Section may be applied.

(b) Alternate Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# providing #qualifying affordable housing# or #qualifying senior housing#, or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with Section 23-433 (Standard setback regulations). Above such required setback, any portion of such #building# shall be considered a "tower."

(2) #Lot coverage# requirements for towers

Each #story# of a tower shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum tower height

(i) The maximum tower height shall be set forth on Map 3 of the Appendix to this Chapter.

(ii) In C2 Districts mapped within R9 Districts that are also located within the #Special Transit Land Use District#, for #zoning lots# which include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum tower height shall be:

(a) 325 feet for #zoning lots# which include ancillary facilities with emergency egress and/or ventilation structures as specified in Section 95-032 (Determination of transit easement at other stations); and

(b) 215 feet for #zoning lots# which include only transit facilities specified in Section 95-032 other than ancillary facilities with emergency egress and/or ventilation structures.

138-24 - Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District

LAST AMENDED
12/5/2024

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (b) of Section 138-22 (Street Wall Regulations) shall apply, and the applicable maximum height of #buildings or other structures# and setback provisions set forth in Section 123-65 (Special Height and Setback Regulations in Special Mixed Use Districts with R6 Through R12 District Designations), inclusive, shall apply as modified in this Section.

(a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with Section 23-433 (Standard setback regulations). The maximum #building# height shall be 215 feet;

(b) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 10.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with Section 23-433. The maximum #building# height shall be 275 feet; and

(c) in M1 Districts paired with an R10 District whose maximum #floor area ratio# is 12.0, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with Section 23-433. The maximum #building# height shall be 295 feet.

138-30 - STREETSCAPE REQUIREMENTS

LAST AMENDED
6/6/2024

138-31 - Ground Floor Use Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# facing Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, or portions thereof, shall be considered #Tier C street frontages#.

Defined terms in this Section shall include those in Sections 12-10 and 32-301.

138-32 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
5/12/2021

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet that fronts on a portion of sidewalk containing a stairway entrance or entrances into the 116th Street Station of the Lexington Avenue subway line, such #development# or #enlargement# shall be subject to the regulations of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

138-40 - OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/5/2024

The applicable loading regulations of Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) shall be modified in this Section, inclusive.

138-41 - Special Permit for Accessory Off-street Commercial Loading Spaces

LAST AMENDED
12/5/2024

Within C4-6 Districts, the City Planning Commission may, by special permit, allow a reduction or waiver in the number of required loading berths, provided that:

(a) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#; and

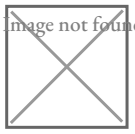
(b) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment.

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

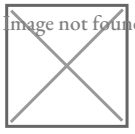
Appendix - SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN

LAST AMENDED
2/8/2024

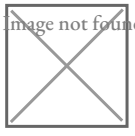
Map 1: Special East Harlem Corridors District and Subdistrict (2/8/24)



Map 2: Maximum Residential Floor Area Ratio (2/8/24)



Map 3: Maximum Height (2/8/24)



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 9 - Special Gowanus Mixed Use District (G)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 9 - Special Gowanus Mixed Use District (G)

139-00 - GENERAL PURPOSES

LAST AMENDED
11/23/2021

The "Special Gowanus Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Gowanus neighborhood and the greater community. These general goals include, among others, the following specific purposes:

(a) to recognize and enhance the vitality and character of an existing mixed use neighborhood;

(b) to encourage stability and growth in the Gowanus neighborhood by permitting compatible light manufacturing and residential uses to coexist;

(c) to encourage investment in a mixed use neighborhood by permitting the expansion and new development of a wide variety of uses in a manner that ensures the health and safety of residents and employees;

(d) to improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;

(e) to promote and enhance visual and physical access to and around the Gowanus Canal;

(f) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(g) to expand local employment opportunities and to promote the opportunity for workers to live in the vicinity of their work; and

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

139-01 - Definitions

LAST AMENDED
6/6/2024

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Sections 12-10, 32-301, 37-311, 62-11 and 66-11. The definition of #development# shall be as set forth in Section 12-10, except where otherwise specified.

Gowanus mix uses

"Gowanus mix uses" are #community facility#, #commercial#, and #manufacturing uses# set forth in Section 139-12 (Gowanus Mix Uses).

Gowanus retail and entertainment uses

"Gowanus retail and entertainment uses" are #community facility# and #commercial uses# set forth in Section 139-13 (Gowanus Retail and Entertainment Uses).

Mixed use district

In the #Special Gowanus Mixed Use District#, a “mixed use district” shall be any M1 District paired with a #Residence District#, as indicated on the #zoning maps#. For the purposes of applying provisions of districts adjacent to a #mixed use district#, a #mixed use district# shall be considered a #Manufacturing District#.

Select community facility uses

For the purposes of this Chapter, the following #community facility uses# shall also be considered “select community facility uses”:

> Houses of worship, rectories or parish houses; and
>
> Health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health.

139-02 - General Provisions

LAST AMENDED
11/23/2021

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Gowanus Mixed Use District#, the regulations of this Chapter shall apply within the #Special Gowanus Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

139-021 - Applicability of regulations to the Gowanus Canal

LAST AMENDED
11/23/2021

In the #Special Gowanus Mixed Use District#, all #blocks# bounding the Gowanus Canal shall be considered #waterfront blocks# within the #waterfront area#, and the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), as modified by the provisions of this Chapter, shall apply.

All portions of #zoning lots# having a boundary within or coincident with the boundaries of the Gowanus Canal shall be included as part of the #upland lot# and deemed to be #lot area#, regardless of the location of the #shoreline#.

For the purposes of this Chapter, the boundaries of the Gowanus Canal shall be as shown on the City Map, and shall include the First Street Basin.

139-022 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory Inclusionary Housing areas# within the #Special Gowanus Mixed Use District# are shown on the maps in APPENDIX F (Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas) of this Resolution. Such provisions are modified by the provisions of this Chapter.

139-023 - Applicability of Article VI, Chapter 4

LAST AMENDED
12/5/2024

In the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

139-024 - Applicability of Article VI, Chapter 6

LAST AMENDED
12/5/2024

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

139-025 - Applicability of Article XII, Chapter 3

LAST AMENDED
12/5/2024

In #Mixed Use Districts#, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

Notwithstanding the provisions of Section 123-10, in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

139-03 - District Plan and Maps

LAST AMENDED
11/23/2021

The regulations of this Chapter are designed to implement the #Special Gowanus Mixed Use District# Plan. The district plan includes the following maps in the Appendices to this Chapter:

Appendix A – #Special Gowanus Mixed Use District# Plan

Map 1	Subdistricts
Map 2	Subareas
Map 3	Ground Floor Use Requirements
Map 4	Sidewalk Widening Lines

Appendix B – Gowanus Canal Waterfront Access Plan

Map 1	Parcel Designation

Map 2 Public Access Elements

Map 3 Designated Visual Corridors

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

139-04 - Subdistricts

LAST AMENDED
11/23/2021

In order to carry out the purposes and provisions of this Chapter, five subdistricts are established within the #Special Gowanus Mixed Use District#. In addition, subareas are established within Subdistricts B and D.

Subdistrict A – Fourth Avenue Subdistrict

Subdistrict B – Upland Blocks Subdistrict

Subarea B1

Subarea B2

Subdistrict C – North Canal Corridor Subdistrict

Subdistrict D – South Canal Corridor Subdistrict

Subarea D1

Subarea D2

Subarea D3

Subarea D4

Subarea D5

Subarea D6

Subdistrict E – First Street Subdistrict

The boundaries of the subdistricts are shown on Map 1 and the boundaries of the subareas are shown on Map 2 in Appendix A of this Chapter.

139-10 - SPECIAL USE REGULATIONS

LAST AMENDED
11/23/2021

In Subdistricts A, B, C, and D the underlying #use# regulations shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying district regulations shall apply.

139-11 - Permitted Uses

LAST AMENDED
11/23/2021

139-111 - Permitted uses in Manufacturing Districts

LAST AMENDED
6/6/2024

In all #Manufacturing Districts#, in addition to the #uses# specified in Article IV, Chapter 2, the following #uses# shall also be permitted:

(a) #uses# listed under Use Group III(B); and

(b) #uses# listed under Food and Beverage Retailers in Use Group VI, without limitation as to #floor area# per establishment.

139-112 - Permitted uses in Mixed Use Districts

LAST AMENDED
6/6/2024

In all #Mixed Use Districts#, in addition to the #uses# specified in Article XII, Chapter 3, the following #uses# shall also be permitted:

(a) #uses# listed under Food and Beverage Retailers in Use Group VI, without limitation as to #floor area# per establishment;

(b) #uses# listed under Use Group VI with a size limitation, as denoted with an “S” in the Use Group tables set forth in Section 42-16 (Use Group VI – Retail and Services), shall be limited to 25,000 square feet of #floor area# per establishment; and

(c) distilleries listed under Use Group X shall be permitted, without limitation as to #floor area# per establishment.

139-12 - Gowanus Mix Uses

LAST AMENDED
6/6/2024

For the purposes of applying the special #bulk# regulations of Section 139-212 (Gowanus mix), #Gowanus mix uses# shall include #referenced commercial and manufacturing uses#, as well as libraries, museums, community centers, non-commercial art galleries and philanthropic or non-profit institutions without sleeping accommodations listed under Use Group III. However, automotive repair and maintenance establishments listed under Use Group VI shall not be included.

139-13 - Gowanus Retail and Entertainment Uses

LAST AMENDED
6/6/2024

For the purposes of applying the basic #floor area ratio# regulations of Section 139-21, #Gowanus retail and entertainment uses# shall be #uses# listed under Use Groups VI or VIII, other than those included in #referenced commercial and manufacturing uses#.

139-14 - Supplementary Use Regulations

LAST AMENDED
11/23/2021

139-141 - Location of commercial uses in mixed buildings

LAST AMENDED
6/6/2024

In C4 Districts, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section shall be modified to apply to #buildings# constructed before November 23, 2021, and the requirements in paragraph (b) of such Section shall apply only where #commercial# #uses# are located above any #story# containing #dwelling units#. In addition, the provisions of paragraph (d) of Section 32-422 shall be modified such that eating or drinking establishments listed under Use Group VI shall be permitted on a #story# above #dwelling units#.

139-142 - Enclosure of uses

LAST AMENDED
6/6/2024

In #Manufacturing Districts#, the underlying regulations of Section 42-50 (SUPPLEMENTARY USE REGULATIONS) shall apply, except that all storage of materials or products shall be located within #completely enclosed buildings# regardless of distance from a #Residence District#.

139-15 - Special Sign Regulations

LAST AMENDED
11/23/2021

In the #Special Gowanus Mixed Use District#, the underlying #sign# regulations shall apply, except that:

(a) in #Manufacturing Districts#, the #sign# regulations of a C6-1 District, as set forth in Section 32-60, shall apply; and

(b) any #accessory signs# that are provided adjacent to a #shore public walkway# shall be governed by the provisions of Section 139-55 (Special Signage Regulations).

139-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
12/5/2024

In Subdistricts A, B, C and D, the #bulk# regulations of the applicable underlying districts shall be modified by the provisions of this Section, inclusive. In Subdistrict E, the underlying regulations shall apply.

In Subdistrict A, the provisions of Section 34-112 (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be modified so that, in C4-4D Districts, the applicable #residential equivalent# shall be an R9A District, as modified by the provisions of this Chapter.

139-21 - Floor Area Regulations

LAST AMENDED

6/6/2024

Basic #floor area# regulations are established in Section 139-211. Such regulations may be modified by the provisions of this Section, inclusive.

The basic maximum #floor area ratios# may be increased for certain #zoning lots# pursuant to Sections 139-212 (Gowanus mix) and 139-213 (Special floor area provisions for transit improvements).

Special regulations for #community facility floor area# on #zoning lots# containing #schools# are set forth in Section 139-214 (Special floor area provisions for zoning lots containing schools).

Special regulations for certain #zoning lots# are set forth in Section 139-215 (Special floor area provisions for zoning lots containing comfort stations) and 139-216 (Special floor area provisions for street improvements).

For the purposes of applying the provisions of Section 64-322 (Special floor area modifications for flood-resistant buildings), #primary frontages# shall be the locations designated on Map 3 in the Appendix to this Chapter.

139-211 - Basic floor area regulations

LAST AMENDED
12/5/2024

The maximum #floor area# regulations for each district in the #Special Gowanus Mixed Use District# shall be as set forth in the table in this Section.

Row A establishes the maximum #residential# #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing#.

Row B establishes a maximum #floor area ratio# for #community facility uses#, other than #select community facility uses#.

Row C sets forth the maximum #floor area ratio# for #select community facility uses# only. In addition, special regulations for #schools# are set forth in Section 139-214.

Row D establishes a maximum #floor area ratio# for #Gowanus retail and entertainment uses# only.

Row E establishes a maximum #floor area ratio# for all #commercial uses#, inclusive of #Gowanus retail and entertainment uses#.

Row F sets forth the maximum #floor area ratio# for #manufacturing# uses.

MAXIMUM FLOOR AREA RATIO

		C4-4D	M1-4		M1-4 / R6B	M1-4 / R6A	M1-4 / R7A	M1-4 / R7-2	M1-4 / R7X
			Subarea B1	Subarea B2					
A	Maximum #FAR# for #residential uses# for #MIH Sites#	8.5	-	-	2.2	3.6	4.6	4.4	5.4
B	Maximum #FAR# for #community facility uses#	6.5	3.6	2.7	2.0	3.0	4.0	4.0	5.0

C	Maximum #FAR# for #select community facility uses#	6.5	4.8	4.8	2.0	3.0	4.0	4.0	5.0
D	Maximum #FAR# for #Gowanus retail and entertainment uses#	3.4	2.0	2.0	2.0	2.0	2.0	2.0	2.0
E	Maximum #FAR# for #commercial uses#	3.4	3.6[1]	2.7[2]	2.0	3.0	3.0	3.0	4.0
F	Maximum #FAR# for #manufacturing uses#	-	3.6[1]	2.7[2]	2.0	3.0	3.0	3.0	4.0

1 In #Manufacturing Districts# within Subarea B1, #commercial# and #manufacturing uses# which are also #Gowanus mix uses# shall have a maximum #floor area ratio# of 4.0.

2 In #Manufacturing Districts# within Subarea B2, #commercial# and #manufacturing uses# which are also #Gowanus mix uses# shall have a maximum #floor area ratio# of 3.0.

139-212 - Gowanus mix

LAST AMENDED
6/6/2024

In M1 Districts paired with R7-2 or R7X Districts, the provisions of this Section may be utilized to increase the maximum #floor area ratio# set forth Section 139-211 (Basic floor area regulations).

(a) Inclusion of #Gowanus mix uses#

For #zoning lots# with #buildings# containing both #residential# #uses# and #Gowanus mix uses#, the maximum #floor area ratio# may be increased by the amount of #Gowanus mix uses# provided on the #zoning lot#, up to a #floor area ratio# of 0.3.

(b) Inclusion of both #Gowanus mix uses# and non-#residential# #uses#

For #zoning lots# utilizing the provisions of paragraph (a) of this Section, the maximum #floor area ratio# may be further increased by the amount of non-#residential# #uses# provided on the #zoning lot#, up to a #floor area ratio# of 0.3.

(c) Compliance and recordation

A Notice of Restrictions, the form and content of which shall be satisfactory to the City Planning Commission, for a property subject to inclusion of #Gowanus mix uses# pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect.

(d) Annual reporting for #Gowanus mix uses#

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which the first temporary or final certificate of occupancy was issued for a #building# utilizing the provisions of paragraph (b) of this Section, the #building# owner shall submit annually to the Chairperson of the City Planning Commission, Speaker of the City Council, and Brooklyn Community Board 6, a report on the existing conditions of #floor area# designated for #Gowanus mix uses# and include the information specified below:

(1) the date of the most recent update of this information;

(2) total #floor area# of the #Gowanus mix uses# in the #development#, pursuant to paragraph (b) of this Section;

(3) the name of each establishment occupying #floor area# reserved for #Gowanus mix uses#. Such establishment name shall include that name by which the establishment does business and is known to the public. For each establishment, the amount of #floor area#, the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;

(4) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and

(5) all prior periodic notification information required pursuant to the provisions of this paragraph.

The report shall be submitted by any method, including e-mail or other electronic means, acceptable to the Chairperson of the City Planning Commission.

#Floor area# provided to satisfy the requirements of Section 139-41 (Streetscape Regulations) may not be utilized to satisfy the requirements of this Section.

139-213 - Special floor area provisions for transit improvements

LAST AMENDED
11/23/2021

In #Commercial Districts#, the #floor area ratios# set forth in Section 139-211 (Basic floor area regulations) may be increased by up to 20 percent, pursuant to the provisions of Section 139-46 (Certification for Transit Improvements). Where the #residential# #floor area ratio# is increased, such additional #floor area# shall be exempt from the requirements of Section 27-131 (Mandatory Inclusionary Housing).

139-214 - Special floor area provisions for zoning lots containing schools

LAST AMENDED
11/23/2021

(a) As-of-right provisions

The provisions of this paragraph (a) shall apply to #zoning lots# with a #lot area# greater than 30,000 square feet, and which contain #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

On such #zoning lots#, up to 60,000 square feet of floor space within such #school# or, in Subarea D4 up to 100,000 square feet of floor space within such #school#, shall be exempt from the definition of #floor area#.

(b) Special permit provisions

In #Manufacturing Districts# within Subareas B1 or B2, the Board of Standards and Appeals may permit the allowable #community facility# #floor area ratio# for #schools# to be increased to 4.8, provided that the Board finds that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access to 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 the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

139-215 - Special floor area provisions for zoning lots containing comfort stations

LAST AMENDED
11/23/2021

For #zoning lots# containing a comfort station provided in accordance with the provisions of paragraph (c)(2) of Section 139-51 (Area-wide Modifications), an area equal to 200 percent of the floor space within such comfort station may be exempted from the definition of #floor area#.

139-216 - Special floor area provisions for street improvements

LAST AMENDED
11/23/2021

In Subareas D4, D5, and D6, for #zoning lots# containing mapped #streets#, where such mapped #streets# will be improved and opened to the public, the provisions of this Section may apply.

(a) Street area

The #lot area# of a #zoning lot# adjacent to newly improved #street# may be considered to be increased by an amount equal to the area contained within the bed of such #street#, as measured from the centerline of such #street# to the #street line# adjoining the #zoning lot#.

(b) Transfer of #floor area#

#Residential floor area# may be transferred from a granting site to a receiving site located directly across the newly improved #street#, and may exceed the maximum #floor area ratio# permitted on the receiving site, provided that:

(1) the owners of the granting site and the receiving site shall jointly notify the Department of City Planning, in writing, of their intent to transfer #residential# #floor area#. Such notification shall include a site plan showing the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;

(2) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #residential# #floor area# until the Chairperson of the City Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning comply with the requirements of this Section; and

(3) no certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #residential# #floor area# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #building# has been constructed in accordance with the plan certified by the Chairperson pursuant to paragraph (b)(2) of this Section.

Notices of restrictions shall be filed by the owners of the granting site and the receiving site in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance of a building permit for a #building# on the receiving site containing any such transferred #residential# #floor area#.

The transfer of #residential# #floor area#, once completed, shall irrevocably reduce the maximum #residential# #floor area# permitted on the granting site. Any #building# on a receiving site that uses the #residential# #floor area# so transferred shall comply with all other applicable #bulk# regulations of this Chapter.

139-22 - Special Yard Regulations

LAST AMENDED
11/23/2021

The underlying #yard# and #rear yard equivalent# regulations shall apply, as modified by the provisions of this Section, inclusive.

139-221 - Permitted obstructions in required yards

LAST AMENDED
12/6/2023

In all #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the permitted obstruction provisions of paragraph (b)(2) of Section 33-23 and paragraph (b)(1) of Section 43-23 shall be modified such that, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use# (except any #building# portion containing rooms used for living or sleeping purposes) shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#. Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 33-23 or 44-23, as applicable, shall be permitted above such

modified height limitations.

139-222 - Rear yards and rear yard equivalents

LAST AMENDED
11/23/2021

In all #Manufacturing Districts#, the provisions of 43-26 (Minimum Required Rear Yards) and 43-261 (Beyond one hundred feet of a street line) shall not apply. In lieu thereof, a #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

REQUIRED DEPTH OF REAR YARD

Height above #base plane#	Required depth
Below 65 feet	10
Above 65 feet and below 125 feet	15
Above 125 feet	20

In addition, in all #Manufacturing# and #Mixed Use Districts#, the provisions of Section 43-28 (Special Provisions for Through Lots) shall be modified such that no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

139-223 - Required yards along district boundaries

LAST AMENDED
11/23/2021

In #Manufacturing# and #Mixed Use Districts#, the provisions of Section 43-304 (Required front yards along district boundary located in a street) shall not apply.

In #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the underlying yard requirements applying along district boundaries of Sections 33-292 (Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots), 33-293 (Required yards along district boundary coincident with side lot line of zoning lot in a Commercial District), 43-302 (Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District), shall be superseded by the provisions of this Section as follows:

(a) When #side# or #rear lot lines# coincide with a #side lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level#, and at least eight feet in depth, shall be provided; and

(b) Where #side# or #rear lot lines# coincide with the #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than 30 feet above #base plane# and at least 20 feet in depth, shall be provided.

139-224 - Waterfront yards

LAST AMENDED
12/5/2024

The provisions of Section 62-33 (Special Yard and Lot Coverage Regulations on Waterfront Blocks) shall be modified such that a #waterfront yard# shall be provided in accordance with the provisions of Section 62-332 (Rear yards and waterfront yards) on all #waterfront zoning lots#, as that term is defined in Section 62-11, regardless of #use#.

The depth of the #waterfront yard# shall be measured from the #zoning lot line# adjoining the Gowanus Canal, or where the provisions of paragraph (f) of Section 139-51 (Area-wide Modifications) are utilized, from the bulkhead. The depth of the #waterfront yard# may be reduced as set forth in Section 62-332.

139-23 - Special Height and Setback Regulations

LAST AMENDED
11/23/2021

The height and setback regulations of the applicable underlying districts are modified as follows:

(a) In #Commercial Districts#, the height and setback regulations of Section 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS) shall apply to all #buildings#, as modified by the provisions of this Section, inclusive.

(b) In #Mixed Use Districts#, the height and setback regulations of Section 123-60 (SPECIAL BULK REGULATIONS) shall apply, as modified by the provisions of this Section, inclusive.

(c) In #Manufacturing Districts#, the underlying height and setback regulations of Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks), and 43-45 (Tower Regulations) shall not apply. In lieu thereof, minimum and

maximum base heights and maximum heights for #buildings or other structures# shall be as set forth in this Section, inclusive. The other underlying regulations of Article IV, Chapter 3 (Bulk Regulations) shall apply, as modified by the provisions of this Section, inclusive.

(d) The special #bulk# regulations applicable in the #waterfront area# of Section 62-30 (SPECIAL BULK REGULATIONS) shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall control.

The height of all #buildings or other structures# shall be measured from the #base plane#.

139-231 - General provisions

LAST AMENDED
11/23/2021

For the purposes of applying the applicable #bulk# regulations, the boundaries of #waterfront public access areas#, as well as #lot lines# abutting #public parks#, shall be considered #narrow# #street lines#.

Where a continuous sidewalk widening is provided along the entire frontage of a #zoning lot#, the interior boundary of such widening shall be considered a #street line# for the purpose of applying the height and setback regulations of this Chapter, except that where a sidewalk widening is provided

pursuant to Section 139-43 (Sidewalk Widening Requirements), any setback required by this Section may be reduced by one foot for each foot by which the sidewalk is widened, provided that no setback shall be less than seven feet in depth.

Where a provision of this Chapter allows a modification to the maximum #building# height, and multiple modifications apply to a #building#, such modifications shall be applied cumulatively.

139-232 - Permitted obstructions

LAST AMENDED
12/5/2024

In all districts, the underlying permitted obstruction regulations shall be modified by this Section.

(a) Balconies

Balconies provided in accordance with the provisions of Section 23-62 may encroach into any required open area on the #zoning lot#. However, balconies that encroach into #waterfront public access areas# shall be regulated by the provisions of paragraph (a)(1) Section 139-51 (Area-wide Modifications).

(b) Dormers

For any #building or structure#, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b)(1) of Section 23-413 (Permitted obstruction in certain districts), except that dormers shall not be permitted in setback areas adjoining tower portions of #buildings# or setback areas facing #shore public walkways#.

139-233 - Special height and setback regulations in Subdistrict A

LAST AMENDED
12/5/2024

In Subdistrict A, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

The #street wall# location requirements of paragraph (a) of Section 35-631 (Street wall location) shall apply to #street# frontages along #wide streets#, and the #street wall# location requirements of paragraph (b) of Section 35-631 shall apply along #narrow street# frontages.

(b) Base heights and setback requirements

For all #buildings or other structures#, the height and setback provisions of Section 35-632 (Maximum height of buildings and setback regulations) shall apply.

139-234 - Special height and setback regulations in Subdistrict B

LAST AMENDED
12/5/2024

In Subdistrict B, the underlying district regulations shall be modified by the provisions of this Section.

(a) Street wall location

In #Manufacturing Districts#, 30 percent of the #street wall# shall be located within eight feet

of the #street line# and shall extend to at least the minimum base height specified in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

In #Mixed Use Districts#, the #street wall# location provisions of paragraph (a) of Section 123-651 shall apply, except that the #street wall# shall extend to at least the minimum base height specified in paragraph (b) of this Section.

(b) Minimum and maximum base heights

In all districts, #street walls# shall rise without setback to a minimum base height set forth in this paragraph (b) or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). In #Manufacturing Districts#, minimum and maximum base heights and maximum heights of #buildings or other structures# shall be as set forth in Table 1 below. In #Mixed Use Districts#, such regulations shall be as set forth in Table 2.

Table 1

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR M1-4 DISTRICTS (in feet)

	Minimum base height	Maximum base height	Maximum #building# height
in Subarea B1	15	95	115
in Subarea B2	15	65	85

Table 2

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT, AND MAXIMUM BUILDING HEIGHT – FOR MIXED USE DISTRICTS (in feet)

	Minimum base height	Maximum base height	Maximum #building# height
M1-4/R6B	30	45	55
M1-4/R6A	40	65	85
M1-4/R7A	40	75	95
M1-4/R7X	60	105	145

For #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, and located in a #Manufacturing District#, a #building# containing non-#residential uses# may exceed the maximum #building# heights established in Table 1 by 30 feet.

For #zoning lots# adjoining the portion of Degraw Street located between Nevins Street and Third Avenue, the heights listed in Table 2 are modified so that within 100 feet of Degraw Street, the maximum base height is 95 feet, and the maximum #building# height is 125 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback shall be provided which complies with the requirements of Section 23-433 (Standard setback regulations).

139-235 - Special height and setback regulations in Subdistrict C

LAST AMENDED
12/5/2024

(a) Street wall location

The #street wall# location provisions of paragraph (a) of Section 123-651 shall apply, except that the #street wall# shall extend to at least the minimum base height specified in paragraph (b) of this Section. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

(b) Minimum and maximum base heights

Except as otherwise specified in this paragraph (b), #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise to a maximum base height as set forth in this paragraph (b). However, no minimum base height shall be required for #street walls# facing a #shore public walkway#.

(1) Along Bond Street, the minimum base height shall be 30 feet, and the maximum base height shall be 55 feet. No portion of a #building# located within 65 feet of Bond Street may rise above a height of 65 feet.

(2) Along Union Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.

(3) Along Degraw Street, between Nevins Street and the Gowanus Canal, the maximum base height shall be 85 feet.

(4) Along all other #streets#, as well as along the Gowanus Canal, the maximum base height shall be 65 feet.

(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, a setback with a minimum depth of 15 feet shall be provided. Such setback shall also comply with the requirements of Section 23-433 (Standard setback regulations).

(d) Tower regulations

Where #waterfront public access areas# are considered #streets#, such #streets# shall be considered the boundaries of #blocks# for the purposes of this paragraph.

(1) Tower location

Any portion of a #building# located above a height of 85 feet shall be considered a "tower". No portion of a tower may be located:

(i) within 30 feet of the #street line# of Nevins Street;

(ii) within 65 feet of Bond Street;

(iii) for #buildings# with only one tower portion, south of the centerline of the #block#; or

(iv) within 30 feet of a #waterfront yard#.

However, for #zoning lots# located south of Carroll Street, any tower may be

located south of the centerline of the #block#, and within 30 feet of the #waterfront yard# adjoining the First Street Basin, provided such tower portion is located at least 10 feet from the #waterfront yard# adjoining the First Street Basin.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 130 feet.

However, for #zoning lots# located south of Carroll Street, the combined #street wall# width of all towers located west of the required #visual corridor# shall not exceed 150 feet.

(3) Tower coverage

Above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

The maximum height of a tower shall be 225 feet.

(5) Regulations for multiple towers

For #buildings# with two tower portions, there shall be a difference in height between such towers of at least 50 feet. The taller of the two towers shall be located north of the centerline of the #block#, except that:

(i) for #zoning lots# located south of Carroll Street, the taller of the two towers shall be located west of the required #visual corridor#. The shorter of the two towers shall be located east of the required #visual corridor#, and no less than 65 feet from Carroll Street; and

(ii) for the #zoning lot# adjoining the intersection of Degraw Street and Nevins Street, for any #building# located north of Sackett Street, the shorter of the two towers shall be located north of the centerline of the #block#, and shall not exceed a height of 125 feet.

139-236 - Special height and setback regulations in Subdistrict D

LAST AMENDED
12/5/2024

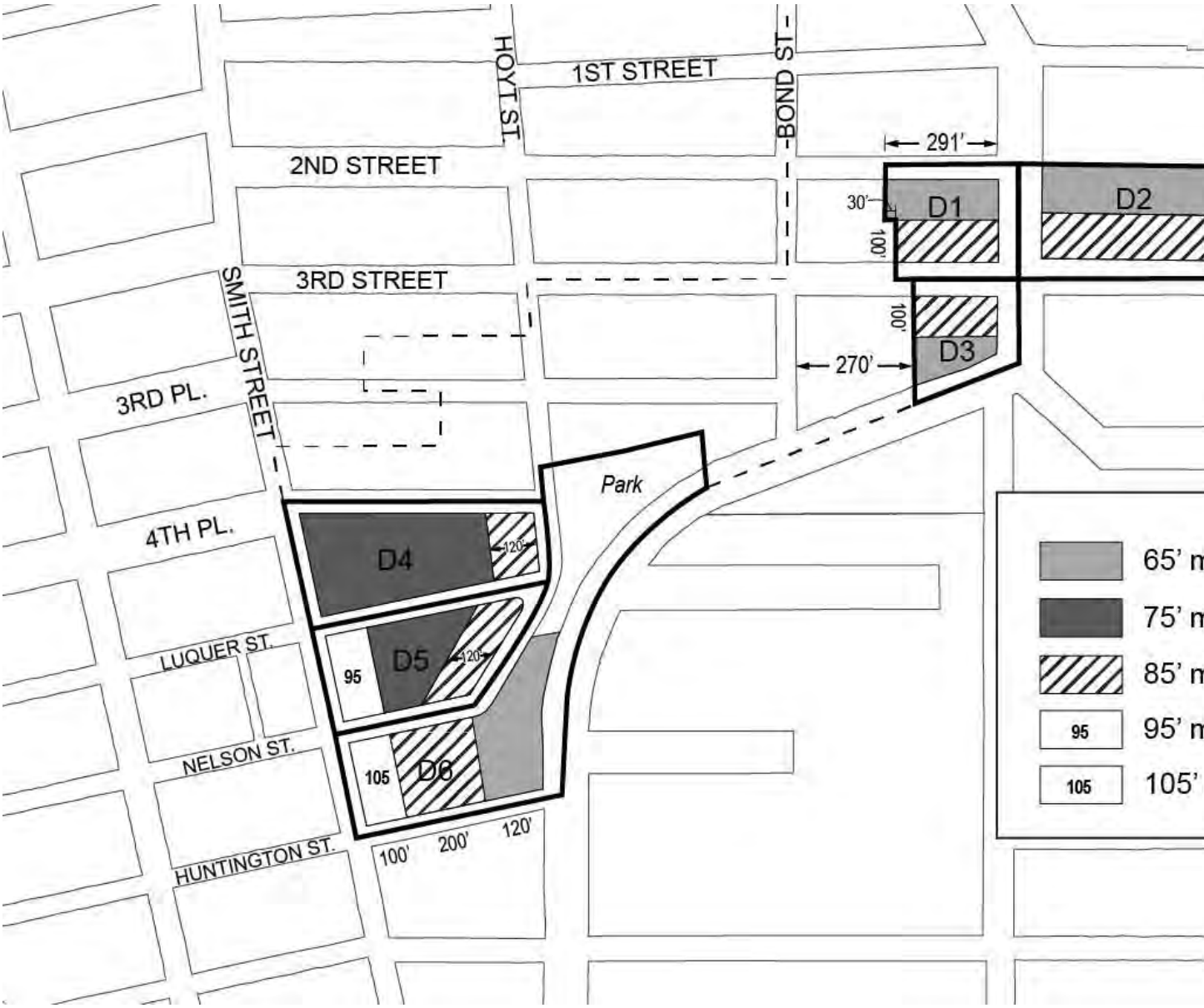
(a) Street wall location

The #street wall# location provisions of paragraph (a) of Section 123-651 shall apply, except that the #street wall# shall extend to at least the minimum base height specified in paragraph (b) of this Section. However, no #street wall# location requirement shall apply to the #street walls# facing a #shore public walkway#.

(b) Minimum and maximum base heights

For #zoning lots# in Subareas D1 through D6, #street walls# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and may rise

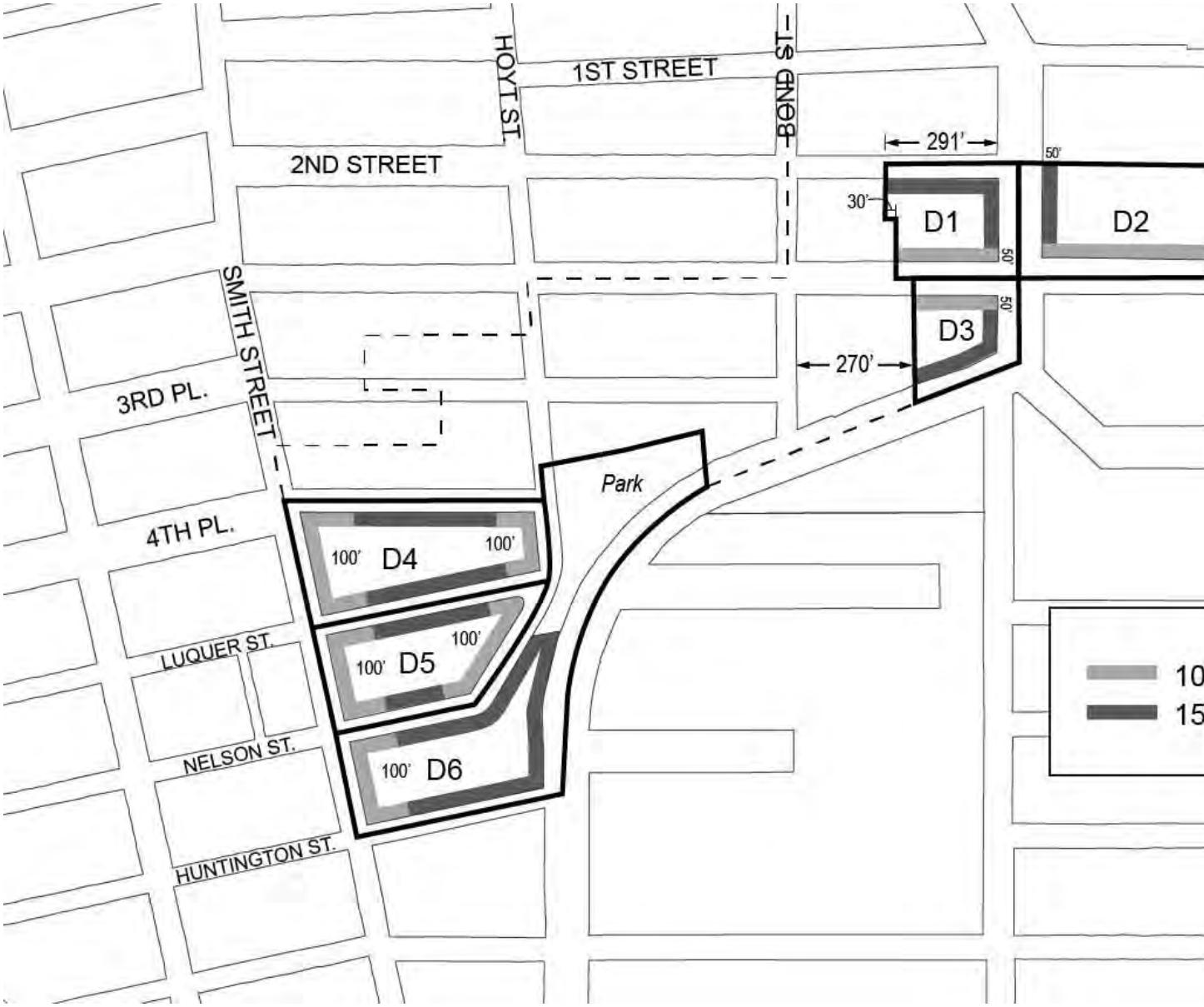
to a maximum base height as set forth in the map in this paragraph (b). However, this requirement shall not apply to the #aggregate width of street walls# facing a #shore public walkway#.



(c) Setback requirements

At a height not lower than the minimum base height or higher than the maximum base height, setbacks shall be provided with a minimum depth as set forth in the map in this paragraph (c).

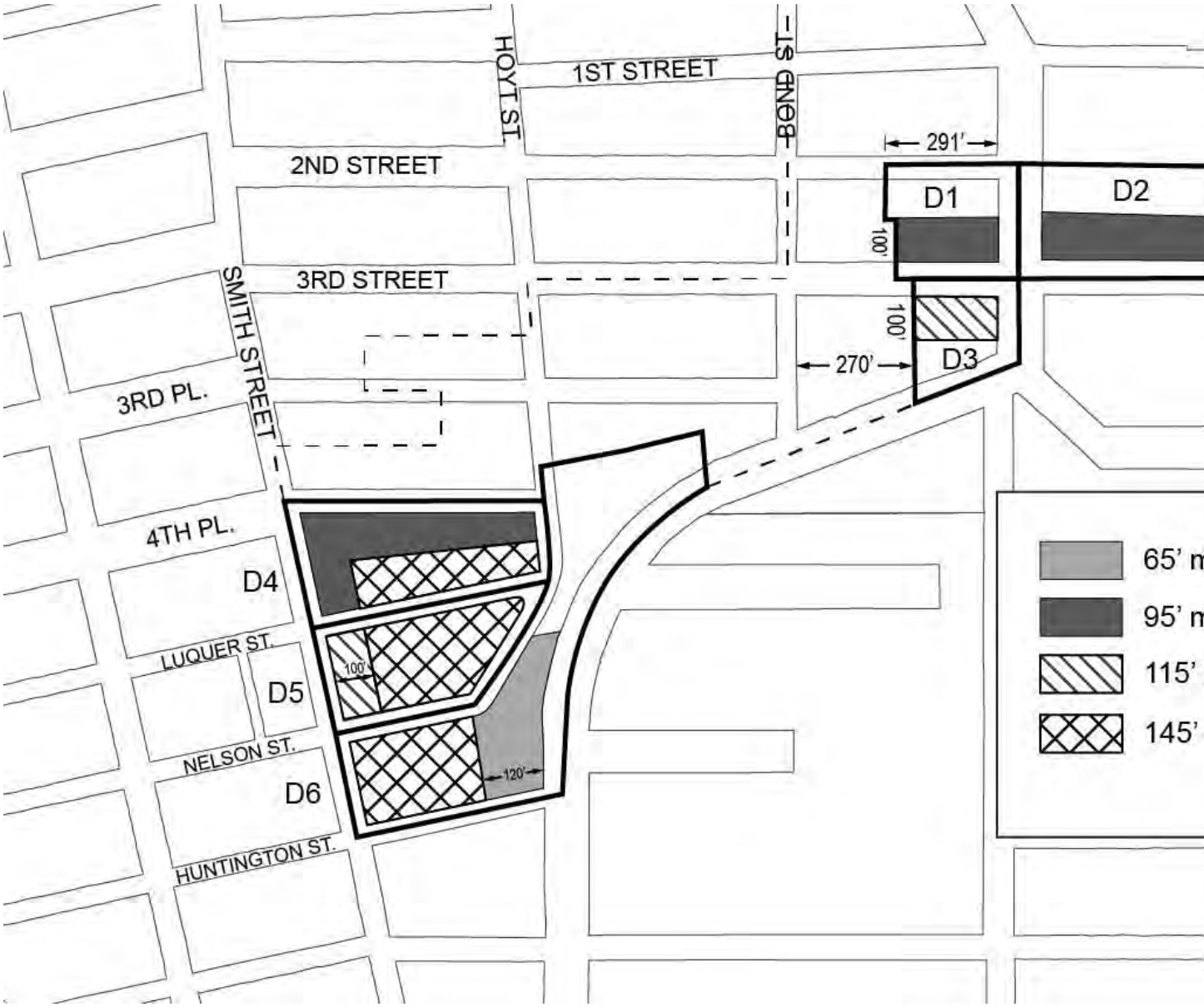
Such setbacks shall also comply with the provisions of Section 23-433 (Standard setback regulations).



(d) Transition heights

Any portion of a #building# located above the setback required by paragraph (c) of this Section shall be permitted to rise to a maximum "transition height" as set forth in this paragraph (d). Any portion of a #building# located above the maximum transition height shall be considered a

"tower" and shall comply with the provisions of paragraph (e) of this Section. Except as otherwise set forth in the map in this paragraph (d), such maximum transition height shall be 85 feet.



(e) Tower regulations

(1) Tower location

Any portion of a #building# located above the maximum transition height set forth in paragraph (d) shall be considered a "tower". No portion of a tower may be located:

(i) in Subarea D4, within 150 feet of Smith Street or within 150 feet of Hoyt Street;

(ii) in Subarea D5, within 80 feet of Smith Street or within 200 feet of Smith Street north of the mid-#block# line; or

(iii) within 30 feet of a #waterfront yard#.

(2) Tower width

The #street wall# of any tower facing a #shore public walkway# shall not exceed 100 feet in width. Where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 130 feet.

However, in Subarea D4, where multiple towers are provided, the combined #street wall# width of all such towers shall not exceed 170 feet.

(3) Tower coverage

In Subareas D1, D2, and D3, above a height of 175 feet, any tower shall set back such that it occupies a #lot coverage# no greater than 80 percent of the #story# located immediately below.

In Subareas D5 and D6, the portion of any tower containing the top four #stories# of such tower shall set back such that it occupies a # lot coverage# no greater than 80 percent of the #story# located immediately below.

(4) Tower height

Except as otherwise specified in this paragraph (e)(4), the maximum height of a tower shall be 225 feet.

(i) In Subarea D4, towers shall be permitted to rise to a height of 285 feet.

(ii) In Subarea D5, towers shall be permitted to rise to a height of 245 feet.

(iii) In Subarea D6, towers shall be permitted to rise to a height of 305 feet.

(5) Regulations for multiple towers

(i) In Subareas D1 and D2, no more than two towers shall be permitted on a #zoning lot#.

(ii) In Subareas D4 and D5, no more than two towers shall be permitted in each subarea.

(iii) In Subareas D3 and D6, no more than one tower shall be permitted in the subarea.

(iv) Wherever two towers are provided on the same #zoning lot#, there shall be a difference in height between such towers of at least 50 feet.

In addition, in Subarea D1, the taller of the two towers shall be located within 100 feet of Third Street.

139-237 - Special street wall articulation requirements

LAST AMENDED
12/5/2024

In all subdistricts, for #street walls# with widths exceeding 200 feet, a minimum of 20 percent and no more than 50 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. In addition to dormers permitted pursuant to Section 139-232 (Permitted obstructions), any other projection shall be considered a permitted obstruction into a required setback, provided that the depth of such projection shall not exceed three feet.

In addition, in Subdistrict D, the underlying dormer provisions of paragraph (b)(1) of Section 23-413 shall be modified for portions of #buildings# facing Third Street, so that above the maximum base height, dormers shall be permitted only within 75 feet of the intersection of two #streets#.

139-238 - Special height regulations for zoning lots containing schools

LAST AMENDED
11/23/2021

In Subdistrict C, and in Subareas D1, D2, and D3, for #zoning lots# containing #schools# regulated by Section 139-214 (Special floor area provisions for zoning lots containing schools), the maximum tower height specified by the regulations in this Section, inclusive, may be increased as-of-right by 40 feet. This allowance may be further modified by the provisions of Section 139-47 (Authorization for sites containing schools).

139-30 - SPECIAL PARKING REGULATIONS

LAST AMENDED
11/23/2021

In Subdistricts A, B, C, and D, the underlying parking and loading regulations shall be modified by the provisions of this Section. On #waterfront blocks#, the provisions of Section 62-40 shall not apply. In Subdistrict E, the underlying regulations shall apply.

139-31 - Special Accessory Off-street Parking Regulations

LAST AMENDED11/23/2021

139-311 - Elimination of parking requirements for non-residential uses

LAST AMENDED
12/5/2024

In all districts, no #accessory# off-street parking spaces shall be required for #manufacturing#, #commercial#, or #community facility uses#.

139-312 - Off-site parking facilities

LAST AMENDED
12/5/2024

For #residences# in #Commercial# and #Mixed Use Districts#, the provisions of Sections 25-51 and 36-42 (Off-site Spaces for Residences) shall be modified to allow the #zoning lot# containing required #accessory# off-street parking spaces for #residences# to be located in any zoning district, as well as anywhere within the #Special Gowanus Mixed Use District#.

139-313 - Joint facilities

LAST AMENDED
12/5/2024

For #residences# in #Commercial# and #Mixed Use Districts#, the provisions of Sections 25-541 and 36-441 (Joint facilities) shall not apply. In lieu thereof, the provisions of this Section shall apply.

Required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that the number of spaces in such joint facilities shall be not less than that required for the combined number of #dwelling units# in such #buildings# or #zoning lots#, and provided that the design and layout of such joint facilities meets the standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

139-32 - Special Loading Regulations

LAST AMENDED
6/6/2024

In all districts, the loading regulations of an M1-5 District shall apply.

139-33 - Special Curb Cut Regulations

LAST AMENDED
6/6/2024

In addition to the curb cut restrictions associated with Section 139-41, no curb cut shall be permitted within 40 feet of a #waterfront public access area#.

Curb cuts prohibited by this Section may be authorized by the City Planning Commission provided the Commission finds that a curb cut at such a location:

(a) is not hazardous to traffic safety;

(b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;

(c) will not adversely affect pedestrian movement;

(d) will not interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities; and

(e) will not be inconsistent with the character of the existing streetscape.

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

139-40 - DISTRICT PLAN ELEMENTS

LAST AMENDED
11/23/2021

In all Subdistricts, the provisions of this Section shall apply to all #zoning lots#, as specified below.

139-41 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 3 (Ground Floor Use Requirements) in Appendix A of this Chapter shall be considered #Tier C street frontages#. In addition, along intersections designated on Map 3, the underlying streetscape requirements for #Tier C street frontages# shall be modified such that the portion of the #ground floor level# #street# frontage that is required to be allocated to non-#residential uses# shall be further limited to #Gowanus retail and entertainment uses#.

139-42 - Street Tree Requirements

LAST AMENDED
12/6/2023

In all districts, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

139-43 - Sidewalk Widening Requirements

LAST AMENDED
11/23/2021

For #developments# along the portions of #streets# designated on Map 4 (Sidewalk Widening Lines) in Appendix A of this Chapter, a sidewalk widening shall be required, providing a total sidewalk width of:

(a) 17 feet along Third Avenue;

(b) 15 feet along Nevins Street; and

(c) 13 feet along Fifth Street.

The total sidewalk width shall be measured perpendicular from the #street line#. Such sidewalk shall be improved to Department of Transportation standards and shall be provided at the same level as the adjoining public sidewalk and be accessible to the public at all times.

Awnings and canopies shall be considered permitted obstructions within a sidewalk widening provided that no structural posts or supports may be located within any portion of the sidewalk or such widening.

139-44 - Bridge Connection Requirements

LAST AMENDED
11/23/2021

For all #zoning lots# abutting bridge structures supporting #streets# which cross the Gowanus Canal at Union Street, Carroll Street, and Third Street, and are subject to #waterfront public access area#

requirements, such #waterfront public access area# shall be designed to provide pedestrian connection to the #street# adjacent to the terminus of the bridge structure.

The requirements of this Section may be waived where the Commissioner of the Department of Buildings determines, in consultation with the Department of Transportation, that such a pedestrian connection to the #street# would result in a hazard to pedestrian or traffic safety.

139-45 - Waterfront Public Access Area Requirements

LAST AMENDED
6/6/2024

For all #waterfront zoning lots#, the exemptions from #waterfront public access area# requirements listed in paragraph (a) of Section 62-52 shall not apply.

(a) Reduced requirement for certain manufacturing uses

For #zoning lots# with #developments#, #enlargements#, or #conversions# comprised #predominantly# of #uses# listed under Use Groups IV(B), IX and X that are not permitted in M1 Districts in #Special Mixed Use Districts# pursuant to the provisions of Section 123-21 (Modifications to M1 Use Regulations), the reduced design requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments) shall apply to #waterfront public access areas#.

(b) Authorization for incompatible uses

For #zoning lots# comprised #predominantly# of #uses# listed under Use Groups IV(B), IX and X, the City Planning Commission may authorize the waiver of #waterfront public access area# requirements, provided the Commission finds that:

(1) such #uses# produce objectionable effects on its surroundings such that the #uses# are incompatible with a waterfront public access requirement; or

(2) such #uses# have demonstrable operational requirements which would be incompatible with waterfront public access requirements; and

(3) such waiver is the least necessary to accommodate the proposed #uses#.

Such waivers shall be in effect for as long as the proposed #use# remains on the #zoning lot#. Upon #development# of the #zoning lot# following cessation of the #use# for a period of more than two years, full compliance with #waterfront public access area# requirements, as may be modified by future approvals, is required.

139-46 - Certification for Transit Improvements

LAST AMENDED
12/5/2024

(a) In #Commercial Districts# with a #residential equivalent# of an R9 District, for #developments# on #zoning lots# that are located within 500 feet of the Union Street subway station, the Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow a #development# to:

(1) receive a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by Section 139-211 (Basic floor area regulations); and

(2) further modify additional height permitted pursuant to paragraph (b) of Section 66-234 (Special height and setback modifications) provided the total combined modification does not exceed 30 feet;

where a major improvement to the Union Street subway station consisting of one new off-street station entrance with an accessible route for persons with physical disabilities between two levels servicing the southbound platform is provided.

(b) Prior to issuing such a certification, the following requirements shall be met.

(1) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (b)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# authorized pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the

public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

139-47 - Authorization for sites containing schools

LAST AMENDED
11/23/2021

For #zoning lots# containing #schools# regulated by the provisions of Section 139-214 (Special floor area provisions for zoning lots containing schools), the City Planning Commission may authorize the modification of any #bulk# regulation, including the amount of floor space exempted from the definition of #floor area# by Section 139-214, in order to better accommodate a #school# upon such #zoning lot#.

(a) Conditions

(1) No modification to the maximum #building# height shall exceed 30 feet; and

(2) No modification to the amount of floor space exempted from the definition of #floor area# shall exceed an additional 60,000 square feet of floor space.

(b) Findings

In determining such modifications, the Commission shall find:

(1) such modification is the least modification required to achieve the purpose for which it is granted;

(2) the proposed modification does not impair the essential character of the surrounding area; and

(3) the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing #buildings# on the #zoning lot#.

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

139-48 - Authorization for Large Mixed-use Sites

LAST AMENDED
11/23/2021

In Subdistrict B, for #developments# on #zoning lots# located in a #Mixed-Use District#, on a #zoning lot# greater than 40,000 square feet in #lot area#, the City Planning Commission may authorize the modifications set forth in paragraph (a) of this Section, provided that the conditions in paragraph (b) and findings in paragraph (c) are met.

(a) Modifications

The Commission may modify the following regulations:

(1) the #use# regulations of this Chapter, limited to ground floor #use# regulations and supplemental #use# regulations;

(2) the #bulk# regulations of this Chapter, except #floor area ratio# regulations, provided that any modifications to height and setback regulations do not exceed the heights permitted in an M1-4 District as set forth in Section 43-43; and

(3) the parking regulations related to the number of required #accessory# off-street parking spaces and the location and spacing of curb cuts.

(b) Conditions

As conditions for the granting of an authorization pursuant to this Section:

(1) the #development# shall result in a mix of #uses# on the #zoning lot# where the predominant amount of #floor area# is associated with non-#residential# #uses#; or

(2) the #development# shall:

(i) result in a mix of #uses# on the #zoning lot# where at least 20 percent of the #floor area# is associated with #Gowanus mix uses#;

(ii) not exceed 300 feet in height; and

(iii) be located on a #zoning lot# where existing #buildings# will occupy at least 20 percent of the #lot coverage#.

(c) Findings

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

(1) where modifying #bulk# regulations, such modifications shall result in a superior configuration of non-#residential# #uses# on the #zoning lot# than would be feasible by applying the #Special Gowanus Mixed Use District# regulations;

(2) where modifying ground floor #use# regulations, the advantages of an off-street loading and access outweigh the disadvantages incurred by the interruption of retail continuity; and

(3) where modifying supplemental #use# and parking regulations, that such modifications would present a limited interruption and would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

Upon completion of the #development#, the #zoning lot# shall remain in compliance with the conditions set forth in paragraph (b) of this Section. Such requirements shall be reflected in a notice of restrictions recorded against all tax lots comprising such #zoning lot#, and a copy of such notice shall be provided to the Department of Buildings.

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

139-50 - GOWANUS CANAL WATERFRONT ACCESS PLAN

LAST AMENDED
11/23/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

The boundaries of the area comprising the Gowanus Canal Waterfront Access Plan, and the location of certain features mandated or permitted by the Plan, are shown on the maps in Appendix B of this Chapter.

The waterfront access plan has been divided into Parcels as shown on Map 1 of Appendix B of this Chapter, consisting of tax #blocks# and lots existing on September 22, 2021, as follows:

Parcel 1: Block 417, Lots 1, 10, 14, 21

Parcel 2: Block 424, Lots 1, 20

Parcel 3: Block 431, Lots 1, 2, 5, 6, 7, 12, 17, 43

Parcel 4: Block 425, Lot 1

Block 432, Lots 15, 25, 7501

Parcel 5: Block 439, Lot 1

Parcel 6a: Block 438, Lot 7

Parcel 6b: Block 438, Lots 1, 2, 3

Block 445, Lots 1, 7, 8, 11, 20, 50

Parcel 7: Block 452, Lots 1, 5, 19

Block 458, Lot 1

Parcel 8a: Block 453, Lots 1, 21

Parcel 8b: Block 453, Lot 26

Parcel 8c: Block 453, Lots 30, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 44, 44, 45, 46, 48, 49, 50, 51

Parcel 8d: Block 453, Lot 54

Parcel 9: Block 967, Lot 1

Parcel 10: Block 967, Lot 24

Parcel 11: Block 972, Lots 1, 43, 58

Parcel 12a: Block 462, Lots 12, 14

Parcel 12b: Block 462, Lots 6, 8, 9, 42, 44

Parcel 12c: Block 462, Lots 1, 3, 4, 5, 50, 51

Parcel 13: Block 466, Lot 19

Parcel 14a: Block 466, Lots 17, 60

Parcel 14b: Block 466: Lot 1

Parcel 14c: Block 466, Lot 46

Parcel 15a: Block 471, Lot 125

Parcel 15b: Block 471, Lot 104, 110, 114, 116

Parcel 16: Block 471, Lots 1,100

Parcel 17: Block 471, Lot 200

For the purposes of this Section, inclusive, the definition of #development# shall be as set forth in Section 62-11 (Definitions).

139-51 - Area-wide Modifications

LAST AMENDED
11/23/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall be modified in the area comprising the Gowanus Canal Waterfront Access Plan by the provisions of this Section.

(a) All #waterfront public access areas#

(1) Balconies

Balconies complying with the provisions of Section 23-62 (Balconies) shall be permitted obstructions in #waterfront public access areas#, provided the depth of obstruction is limited to four feet, and provided they are located at or above the floor level of the third #story# above grade of the #building#.

(2) Sun control devices

Awnings and other sun control devices shall be permitted obstructions in #waterfront public access areas#. However, when located at a level higher than the first #story#,

excluding a #basement#, all such devices:

(i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

(ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project.

(3) Kiosks

Where a #supplemental public access area# exceeds 15,000 square feet, a kiosk shall be a permitted obstruction in such #supplemental public access area# with an area up to 400 square feet, including roofed areas.

(b) #Shore public walkways#

(1) Width of circulation paths

#Shore public walkways# shall provide a required circulation path with a minimum clear width of 10 feet. Secondary paths, where provided, shall have a minimum clear width of at least 4 feet, 6 inches.

(2) Level of circulation paths

At least 80 percent of a required circulation path shall be located at a level no less than six feet above the #shoreline#. However, up to 40 percent of such required circulation path may be provided below such level when providing access to a "get-down" located no more than two feet above the level of the #shoreline#.

(3) Access to circulation paths

The provisions of paragraph (a)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall apply, except that where a #shore public walkway# is on a #zoning lot# that is adjacent to a #zoning lot# which has not been improved with a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning# #lot line# may be located within 40 feet of the shoreline.

In addition, for #zoning lots# adjoining #streets# containing bridge structures, the required connection of circulation paths to such a #street# may be waived by certification by the Department of Transportation, pursuant to Section 139-44 (Bridge Connection Requirements).

(4) Grading

The provisions of paragraph (d)(2) of Section 62-61 (General Provisions Applying to Waterfront Public Access Areas) shall be modified so that within five feet of the edge of any planting area, the grade level of such planting area shall be no more than 36 inches higher or lower than the adjoining level of the pedestrian circulation path.

(c) #Supplemental public access areas#

(1) Required Area

The provisions of Section 62-57 (Requirements for Supplemental Public Access Areas) are modified so that, in #mixed use districts#, a total #waterfront public access area# equivalent to 20 percent of the #lot area# is required.

(2) Lawns

The provisions of paragraph (c)(1) of Section 62-62 shall be modified so that a lawn shall only be required where a #supplemental public access area# is greater than 15,000 square feet. The Commission may authorize use of artificial turf within a lawn pursuant to Section 62-822 (Modification of waterfront public access areas and visual corridor requirements).

Where required, a lawn may be substituted for an athletic field of equivalent size, which may be unplanted, and shall be suitable for active recreational use.

(3) Comfort stations

Where a publicly accessible comfort station is provided as part of a #development#, the amount of #supplemental public access area# may be reduced by an amount equal to the size of the comfort station, provided that:

(i) the comfort station has an entrance fronting upon a #waterfront public access area#; and

(ii) a restrictive declaration, acceptable to the Department of City Planning and Department of Parks and Recreation, shall be executed and recorded, binding the owners, successors and assigns to provide and maintain such comfort station for the life of the #development#.

(d) Screening

Wherever a screening buffer is required to be provided, the minimum width of such buffer shall be four feet.

In addition to the waiver allowances of paragraph (c)(2)(iii) of Section 62-62, no screening buffer shall be required along the upland boundary, or portion thereof, which is adjacent to an unenclosed seating area #accessory# to a #Gowanus retail and entertainment use#. Where a screening buffer is so waived, design features shall be utilized to demarcate the #shore public walkway# or #supplemental public access area# from the non-publicly accessible area, which may include, but shall not be limited to, railings, fences, planting boxes, and distinct paving materials.

(e) #Street# treatment

For #streets#, or portions thereof, located within the Gowanus Canal Waterfront Access Plan, the portion of the #street# that is adjacent to a #shore public walkway# shall be improved as

upland access, for a depth equivalent to the adjacent #shore public walkway#. This upland access area shall be designed to include, at a minimum, the following design elements:

(1) a foot path with a minimum clear width of ten feet, providing a connection to both the sidewalk located in the #street# as well as to the adjacent #zoning lot#;

(2) eight linear feet of seating complying with Section 62-652 (Seating) for every 30 feet of #shoreline# upon which the #street# fronts; and

(3) planted areas, containing planting or trees complying with Section 62-655 (Planting and trees) and occupying no less than 25 percent of the continuation area.

The provisions of this paragraph (e) shall not apply to portions of #streets# which will be improved pursuant to a site plan approved prior to November 23, 2021.

(f) Bulkheads

Wherever the United States Environmental Protection Agency requires the installation of a bulkhead in a location seaward of the #zoning lot line#, the area located between the #lot line# and bulkhead may be utilized for the purposes of satisfying the #waterfront public access area# requirements of the #zoning lot#. Where the provisions of this paragraph (f) are utilized, the location of the bulkhead shall be considered the #shoreline# for the purposes of providing

the required #waterfront public access areas#.

(g) Issuance of foundation permits

Notwithstanding the provisions of Section 62-811 (Waterfront public access and visual corridors), within 18 months of November 23, 2021, a foundation permit may be issued for any #development# within the Waterfront Access Plan, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings or Department of Business Services, as applicable, that:

(1) a remedial action plan has been submitted to the Office of Environmental Remediation or the New York State Department of Environmental Conservation, which includes the #zoning lot# containing the #development#; and

(2) a site plan has been submitted to the Department of City Planning, depicting that the proposed foundation will not conflict with the basic dimensional requirements of any required #waterfront public access area# or #visual corridor#, and, in addition, that the proposed foundation shall not conflict with any of the site-specific provisions below, based on the applicable Parcel number and Type:

(i) Type 1

For #developments# on Parcels 1, 2, 3, and 9, the site plan shall additionally designate all other potential locations where a #supplemental public access area# could be located, including:

(a) adjoining each #street# abutting the #shore public walkway#; and

(b) adjoining the #shore public walkway#.

In addition, for all #developments# on #zoning lots# which are not coterminous with the Parcel boundary, the #waterfront public access area# requirement for the depicted #zoning lot# shall be based on the combined #lot area# of the entire Parcel.

(ii) Type 2

For #developments# on Parcels 4, 5, and 12a, the site plan shall additionally designate any area located landward of the #shore public walkway# as necessary to achieve a 50-foot buffer from the #shoreline#.

(iii) Type 3

For #developments# on Parcels 6a, 6b, 8a, 8b, 8d, 11, 13, 14, 15, and 17, where the #developments# are on #zoning lots# which are not coterminous with the Parcel boundary, the #waterfront public access area# requirement for the depicted #zoning lot# shall be based on the combined #lot area# of the entire Parcel.

An application made pursuant to this paragraph (g) shall include a survey of the #zoning lot# and additional documentation set forth Section 62-80 (SPECIAL REVIEW PROVISIONS), inclusive. Except for excavation and foundation permits permitted by this paragraph (g), no other building permits shall be issued except pursuant to Section 62-811.

139-52 - Special Public Access Provisions

LAST AMENDED
11/23/2021

The provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map 1 in Appendix B of this Chapter.

139-521 - Parcels 4, 5, 13, 14 and 15

LAST AMENDED
11/23/2021

On Parcels 4, 5, 13, 14 and 15, where a #shore public walkway# is required, such #shore public walkway# shall have a minimum width of 30 feet. The required minimum depth of a #waterfront yard# shall be 30 feet.

139-522 - Parcels 8 and 9

LAST AMENDED
11/23/2021

On Parcels 8a, 8b, 8d and 9, where a #shore public walkway# is required, such #shore public walkway# shall have a minimum width of 30 feet, except that for #shore public walkways# adjoining the First Street Basin, the minimum width shall be 20 feet. The required minimum depth of a #waterfront yard# shall be 30 feet, except that for #waterfront yards# adjoining the First Street Basin, the minimum depth shall be 20 feet. In addition, for parcels where the required #shore public walkway# only adjoins the First Street Basin, the provisions of Section 62-57 (Requirements for Supplemental Public Access Areas) shall not apply. An area equal to at least 25 percent of the area of the #shore public walkway# shall be planted, and one linear foot of seating shall be provided for every 125 feet of frontage along the Gowanus Canal.

139-523 - Parcel 12

LAST AMENDED
11/23/2021

On Parcel 12, where a #supplemental public access area# adjoining an #upland connection# or #street# is provided, such #supplemental public access area# shall be permitted to be provided with a maximum width to depth ratio of 3:1, and the longest side shall be permitted to adjoin the #street#.

139-524 - Parcel 14

LAST AMENDED

11/23/2021

On Parcel 14a, a #supplemental public access area# shall be provided along the entire length of the #lot line# adjoining Parcel 13, connecting the #street# to the #shore public walkway#, and shall comply with the design reference standards applicable to a Type 1 #upland connection# set forth in Section 62-64 (Design Requirements for Upland Connections). Such #supplemental public access area# may coincide with a #visual corridor# required pursuant to Section 139-53 (Special Visual Corridor Provisions).

139-525 - Parcel 17

LAST AMENDED
11/23/2021

On Parcel 17, the total #lot area# utilized in the calculation of required #supplemental public access area# shall include all #zoning lot# portions located within Parcel 17, including portions of a #zoning lot# located within a #street#.

139-53 - Special Visual Corridor Provisions

LAST AMENDED
11/23/2021

The provisions of Section 62-512 (Dimensions of visual corridors) shall be modified by the provisions of this Section.

The lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation five feet

above #curb level# with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (b) of Section 62-332 (Rear yards and waterfront yards), or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation five feet above #curb level# at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (b) of Section 62-332, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

139-54 - Special Design Standards

LAST AMENDED
11/23/2021

The design requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified by the provisions of this Section, inclusive.

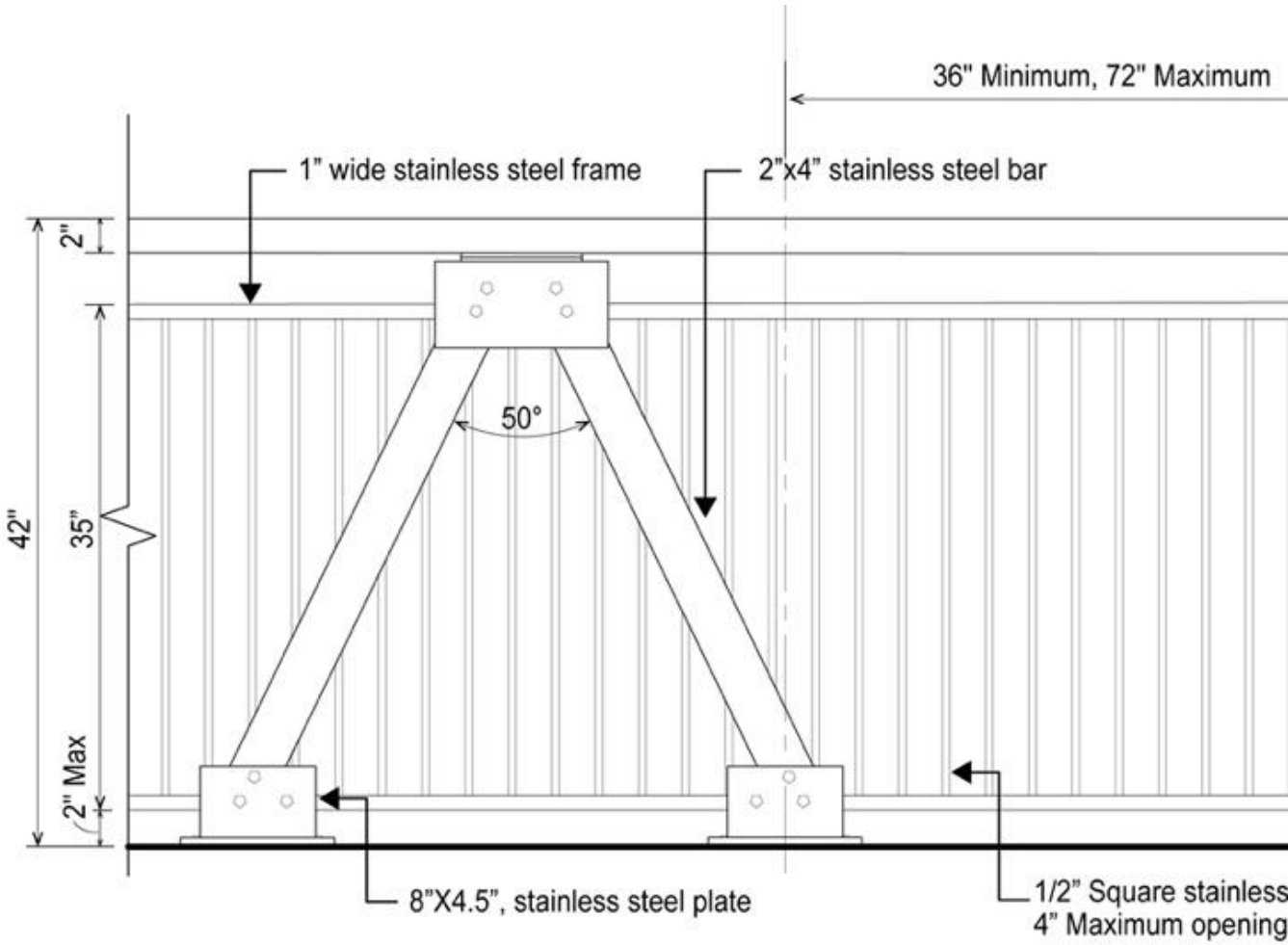
139-541 - Special design standards for guardrails

LAST AMENDED
11/23/2021

In addition to the provisions of paragraph (a) of Section 62-651 (Guardrails, gates and other protective barriers), guardrails shall comply with the illustrations provided in either paragraph (a) or (b) of this

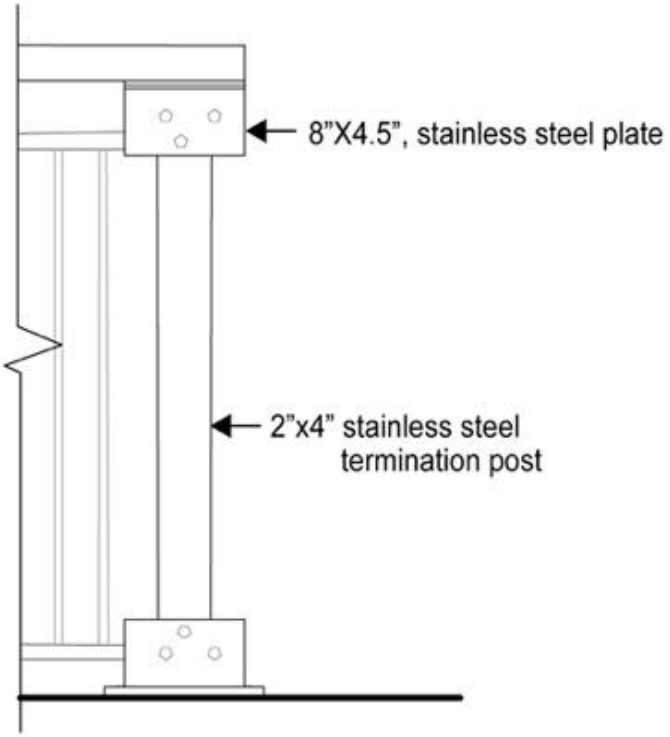
Section, or shall be of a comparable design which is the minimum modification needed. Where modification is sought, it shall be deemed suitable by the Chairperson of the City Planning Commission in consultation with the Department of Parks and Recreation (DPR).

(a) Option 1: vertical bar guardrail

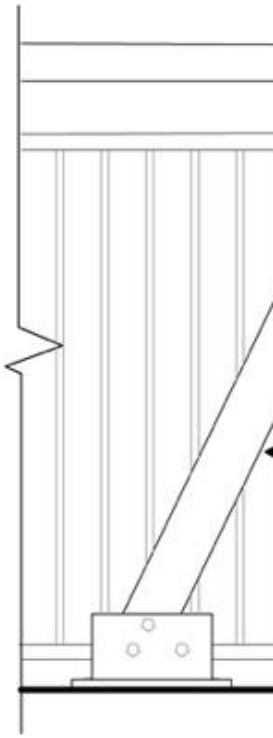


GUARDRAIL (TYPIC
Front Elevation

GUARDRAIL TERMIN
Front Elevation



Alternate 1



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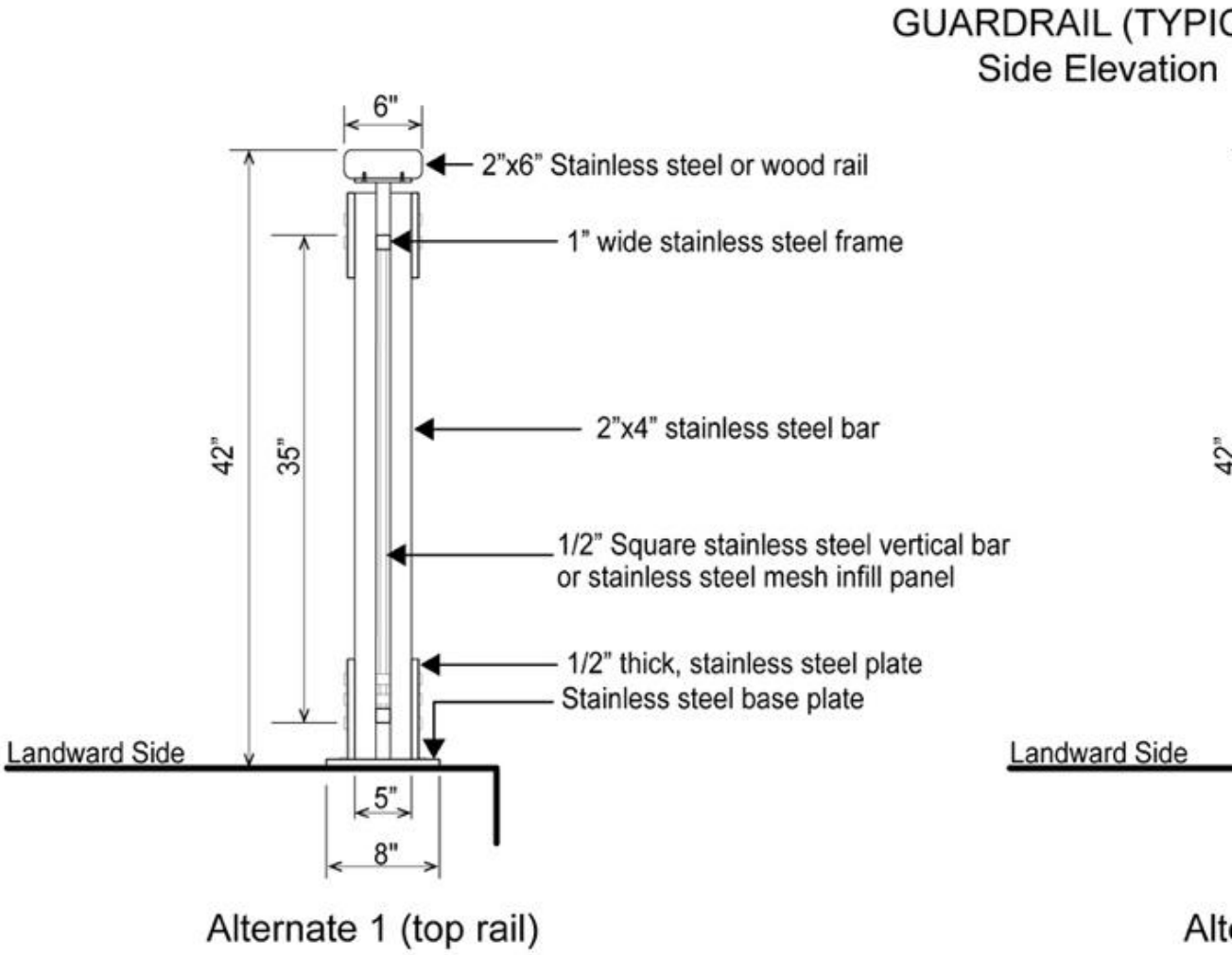
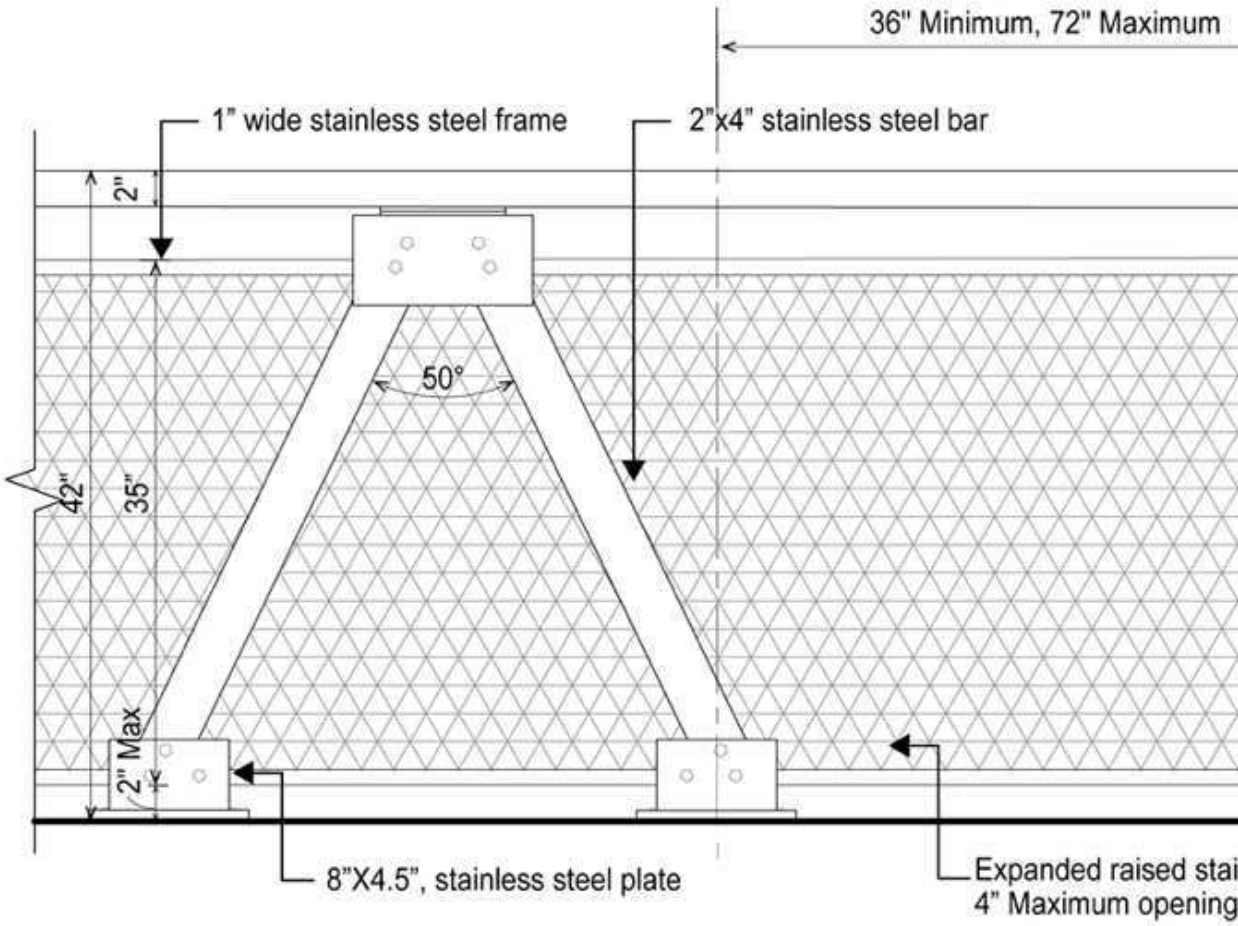
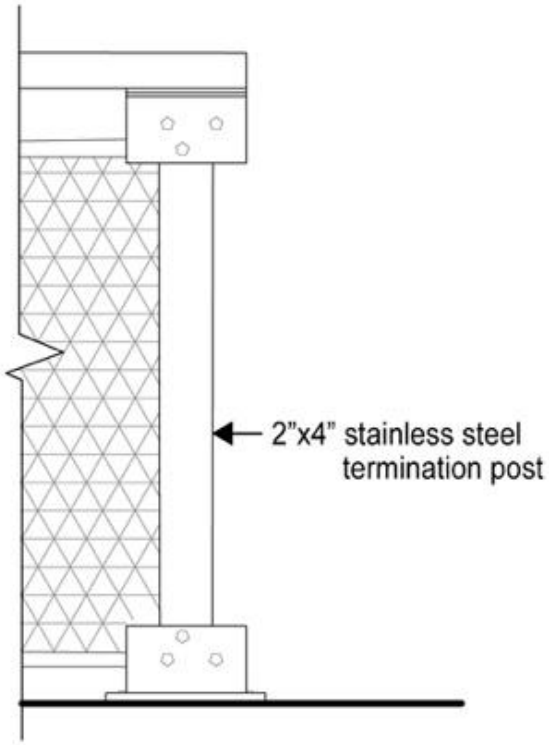


(b) Option 2: mesh guardrail

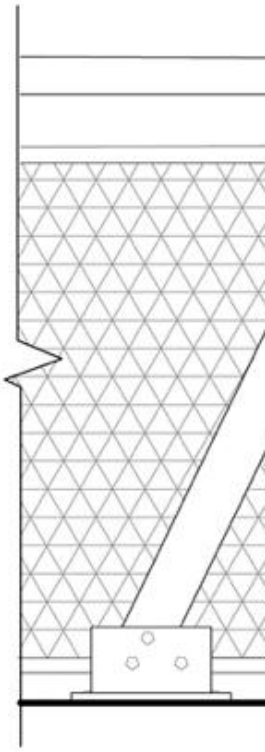


GUARDRAIL (TYPIC
Front Elevation

GUARDRAIL TERMIN
Front Elevation



Alternate 1



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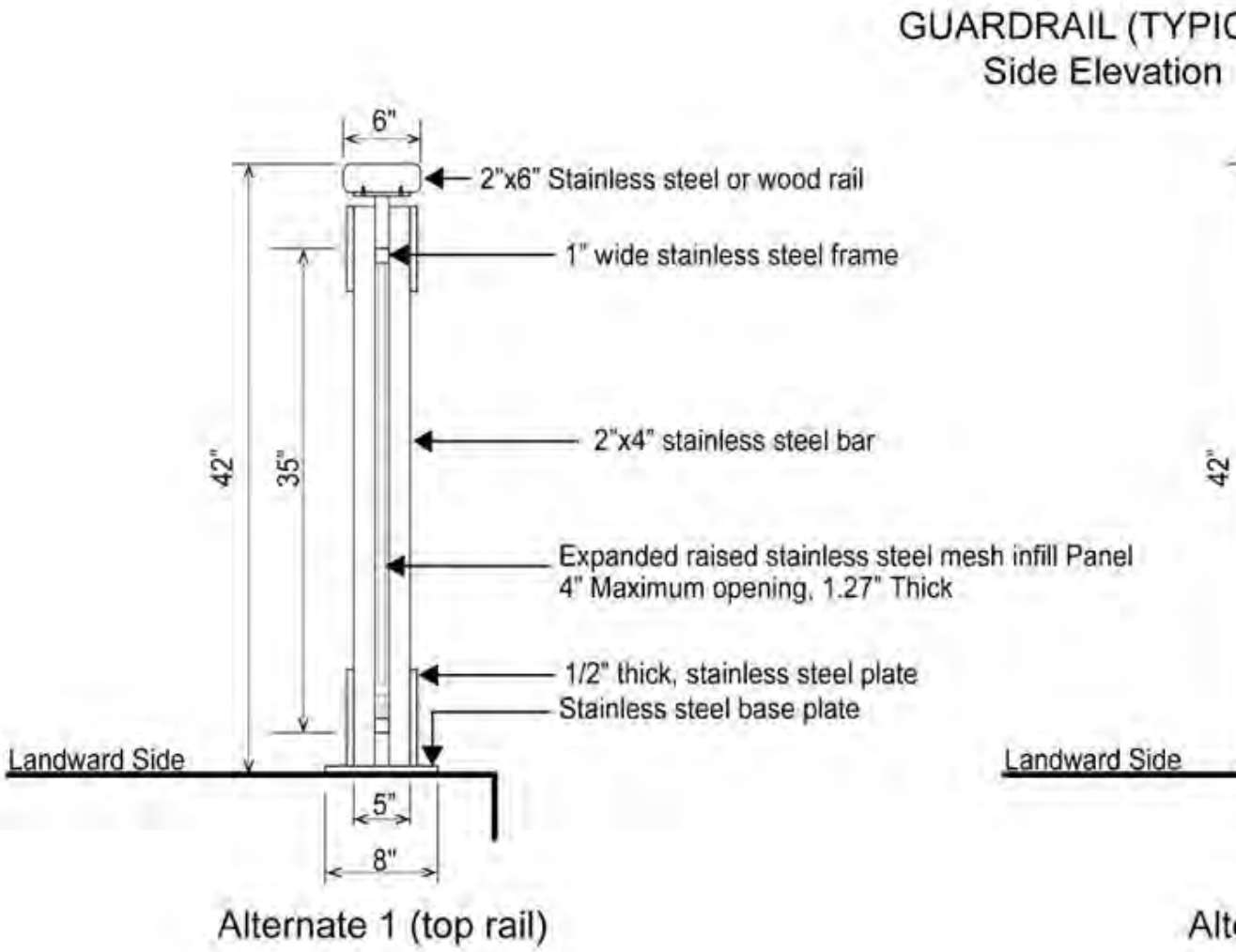


All guardrail components and hardware shall be in unpainted stainless steel and shall conform to any additional standards set forth by DPR.

139-542 - Special design standards for seating

LAST AMENDED

11/23/2021

The design requirements of paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) and the design reference standards of 62-652 (Seating) shall be modified as follows:

(a) Design feature seating

Planter ledges, seating walls, and seating steps may be provided, and shall be limited to 50 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(b) Seating depth

For all #waterfront public access areas#, the minimum seat depth requirement of paragraph (b) of Section 62-652 shall be modified to 16 inches.

139-543 - Special design standards for lighting

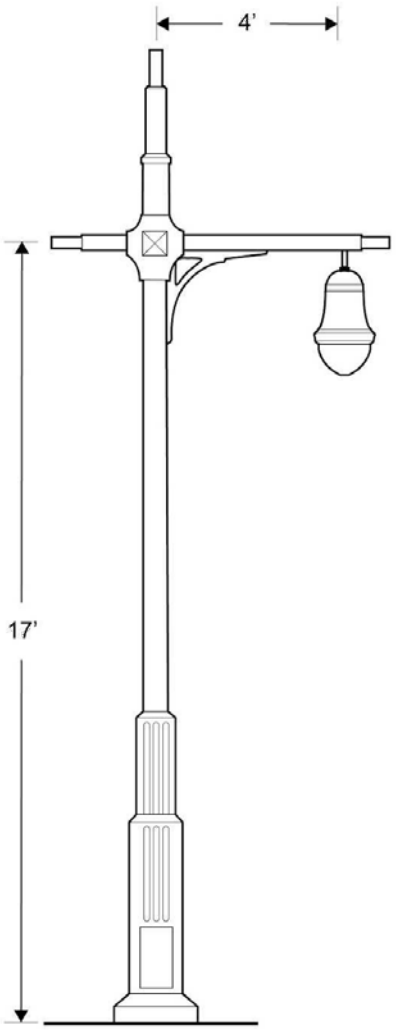
LAST AMENDED
11/23/2021

The lighting requirements of 62-653 (Lighting) shall be modified such that an average maintained level of illumination not less than 0.5 horizontal foot candle (lumens per foot) shall be provided throughout all walkable areas, and the average illumination to minimum foot candle uniformity ratio shall be no greater than 6:1 within any #waterfront public access area#.

In addition, fixtures providing the required lighting along any public access area shall comply with the lightpost illustration in this Section, or shall be of a comparable design which is the minimum modification needed. Where modification is sought, it shall be deemed suitable by the Chairperson of the City Planning Commission in consultation with the by the New York City Department of

Transportation (DOT).

Fixtures providing supplemental lighting beyond the requirements of this Section need not comply with this illustration.



LIGHTPOST
Side Elevation

The lightpost shall conform to the street lighting standard drawings for a 17 foot “TBTA” short pole with “Tear Drop Luminare” set forth by the DOT.

139-544 - Special design standards for planting

LAST AMENDED
11/23/2021

The design requirements of paragraph (c)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) and the design reference standards of Section 62-655 (Planting and trees) shall be modified as follows:

(a) Reduction in planting requirement

An area equal to at least 35 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted. Such planting area may be reduced to 30 percent if an amenity is provided in accordance with the following tables:

TABLE 1

Amenity	Reduction per feature (in square feet)
Picnic tables	22 square feet
Historic interpretation elements	20 square feet
Public art pieces	100 square feet
Fountains and water features	150 square feet

TABLE 2

Amenity	Ratio of reduction to size of feature (in square feet)
Active recreation courts	1:1
Tot-lots and playgrounds	1:1
Dog runs	1:1
Boat or kayak launches	1:1.5
Interactive water features	1:1.5

(b) Shade tree substitution

Where shade trees are required, no more than one required shade tree may be substituted by a shading element covering at least 450 square feet, when viewed in plan.

139-545 - Special design standards for paving

LAST AMENDED
11/23/2021

The design reference standards of Section 62-656 (Paving) shall be modified as follows:

(a) #Upland connections#

Paving for driveways and pedestrian paths located within Type 2 #upland connections# shall be subject to the "shared street" standards of the New York City Department of Transportation for roadbeds and sidewalks.

In addition, where a Type 2 #upland connection# is provided with a vehicular turnaround, the paved area of the vehicular turnaround shall be designed with at least two different paving materials, or a single material with at least two different unit paver or slab sizes.

(b) Dimensional requirements

The maximum sizes for unit pavers or concrete slabs shall not apply.

139-55 - Special Signage Regulations

LAST AMENDED
11/23/2021

Any #accessory sign# that is provided adjacent to any #waterfront public access area# shall be limited to a single non-illuminated #sign#, indicating only the name or address of the #building# or commercial establishment to which it is #accessory#, not exceeding 16 inches in height.

139-56 - Special Maintenance and Operation Regulations

LAST AMENDED
11/23/2021

The owners of two or more parcels may, either for purposes of certification pursuant to Section 62-811 or at any time thereafter, submit an alternate plan to the Chairperson of the City Planning Commission for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-72 (Performance and Maintenance Requirements), as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:

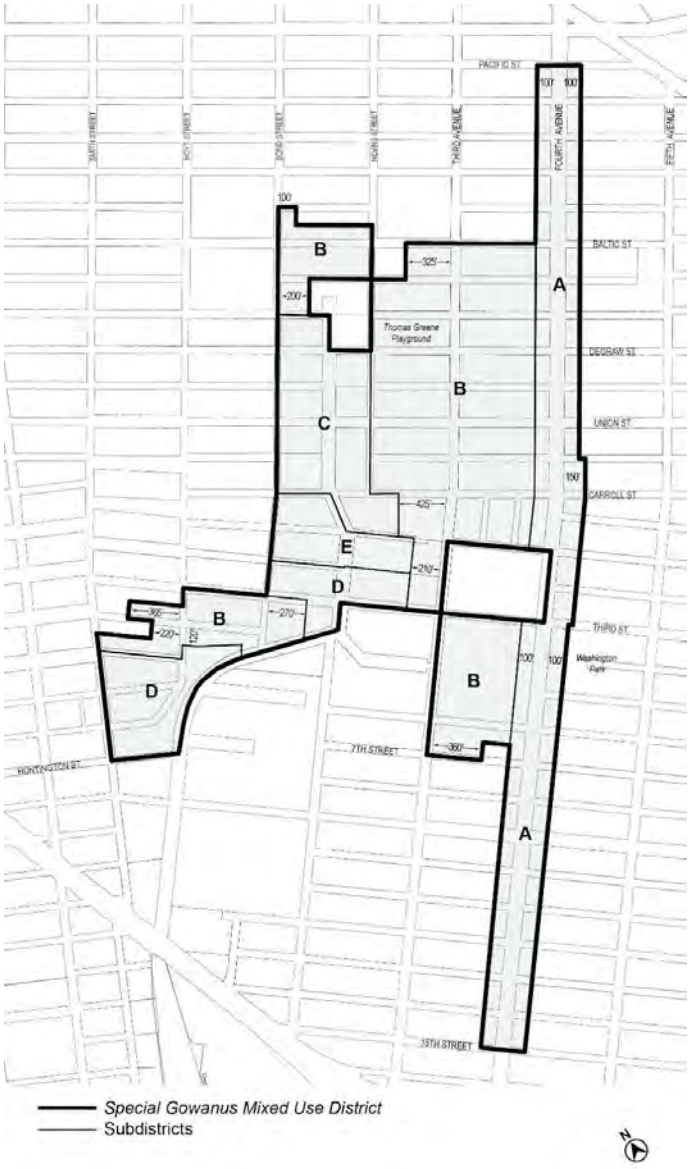
(1) implementation of the plan would enhance maintenance and operation of the #waterfront public access areas# consistent with the purposes of this Chapter; and

(2) participation in the plan is available to owners of contiguous parcels identified in the Gowanus Canal Waterfront Access Plan on an equal basis.

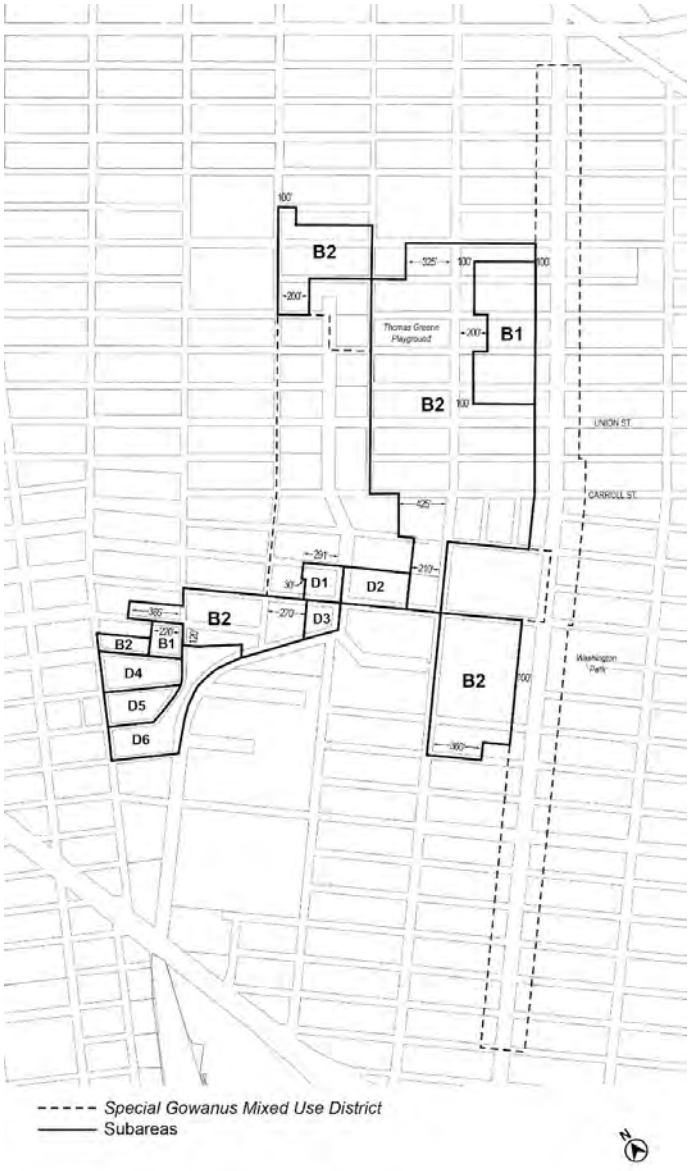
Appendix A - Special Gowanus Mixed Use District Plan

LAST AMENDED
6/6/2024

Map 1: Subdistricts (11/23/21)

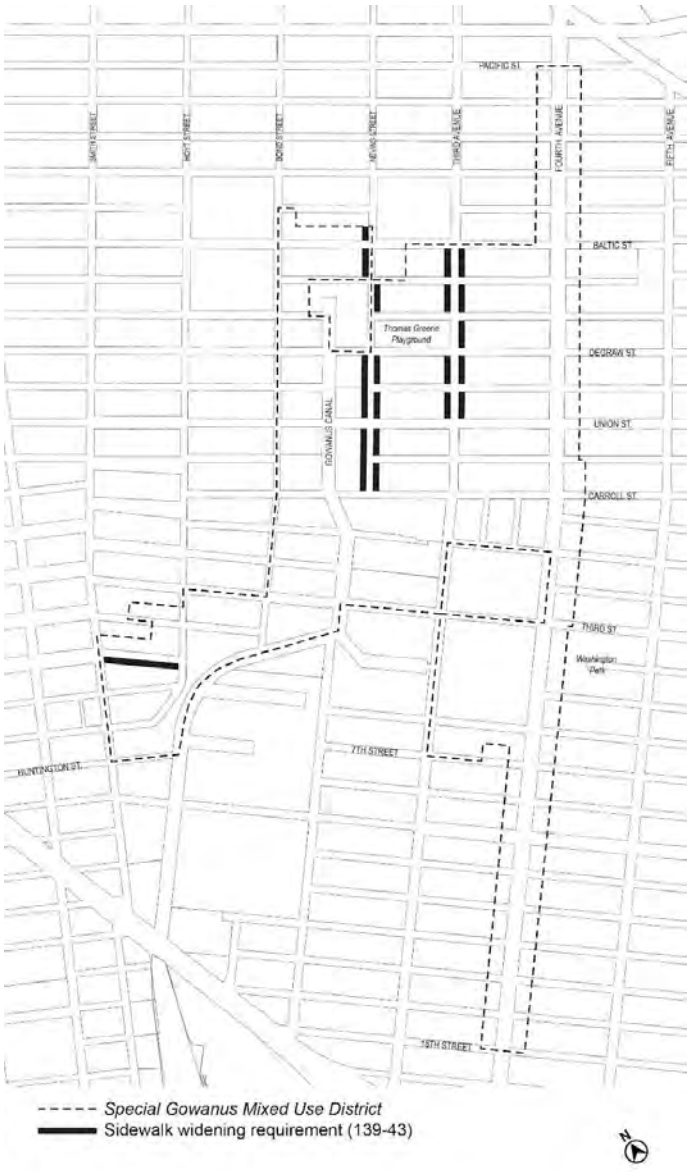

PACIFIC ST
BALTIC ST
DEGRAW ST
UNION ST
CARROLL ST
THIRD ST
7TH STREET
15TH STREET
HUNTINGTON ST
SMITH STREET
HOYT STREET
BOND STREET
NEVINS STREET
THIRD AVENUE
FOURTH AVENUE
FIFTH AVENUE
Thomas Greene Playground
Washington Park
A
B
C
D
E
100'
150'
325'
200'
425'
210'
270'
360'
Special Gowanus Mixed Use District
Subdistricts
N

Map 2: Subareas (11/23/21)



Map 3: Ground Floor Use Requirements (6/6/24)

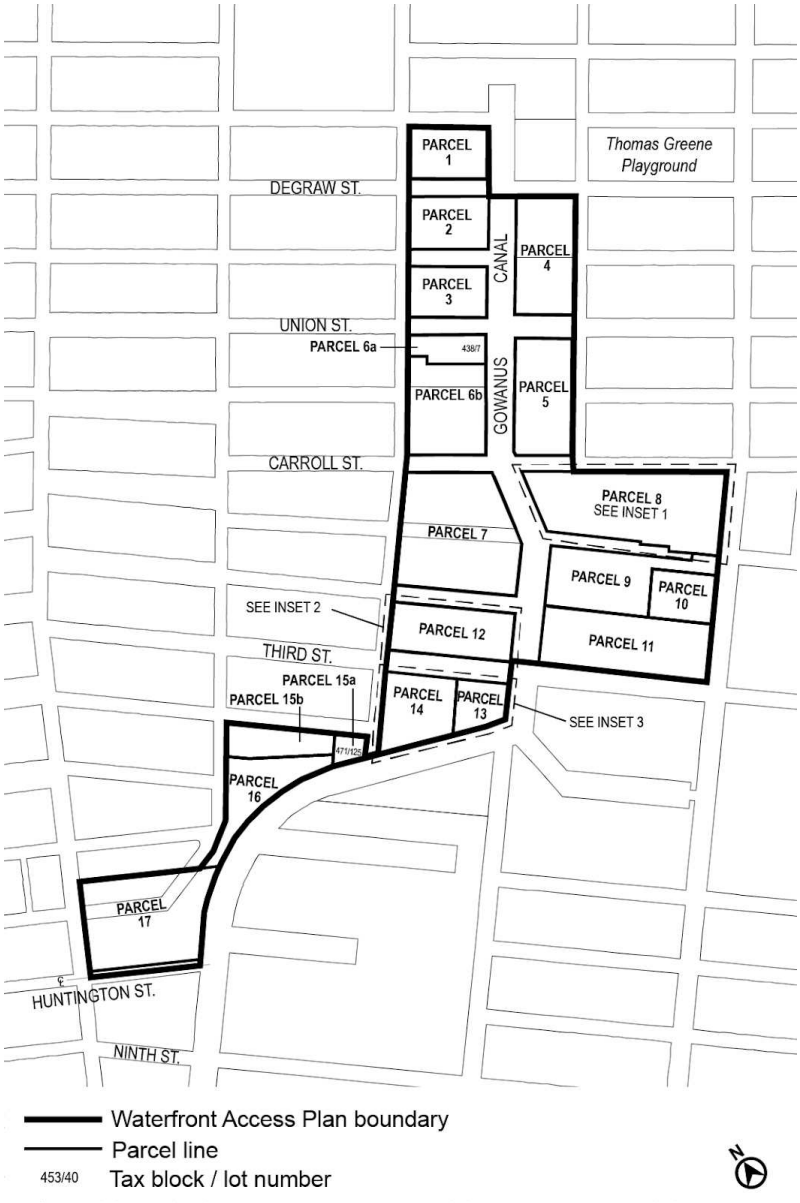
Map 4: Sidewalk Widening Lines (11/23/21)



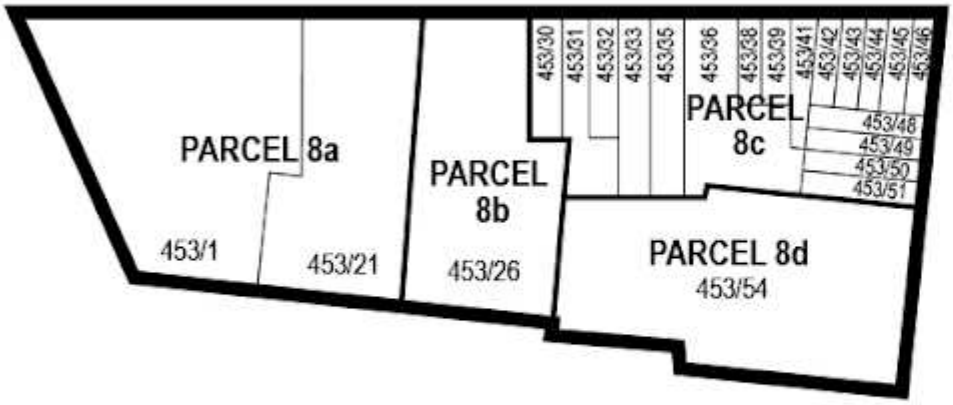
Appendix B - Gowanus Canal Waterfront Access Plan

LAST AMENDED11/23/2021

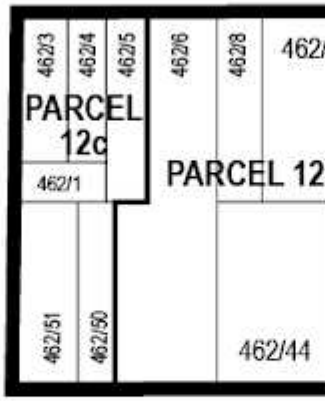
Map 1: Parcel Designation (11/23/21)



INSET 1



INSET 2



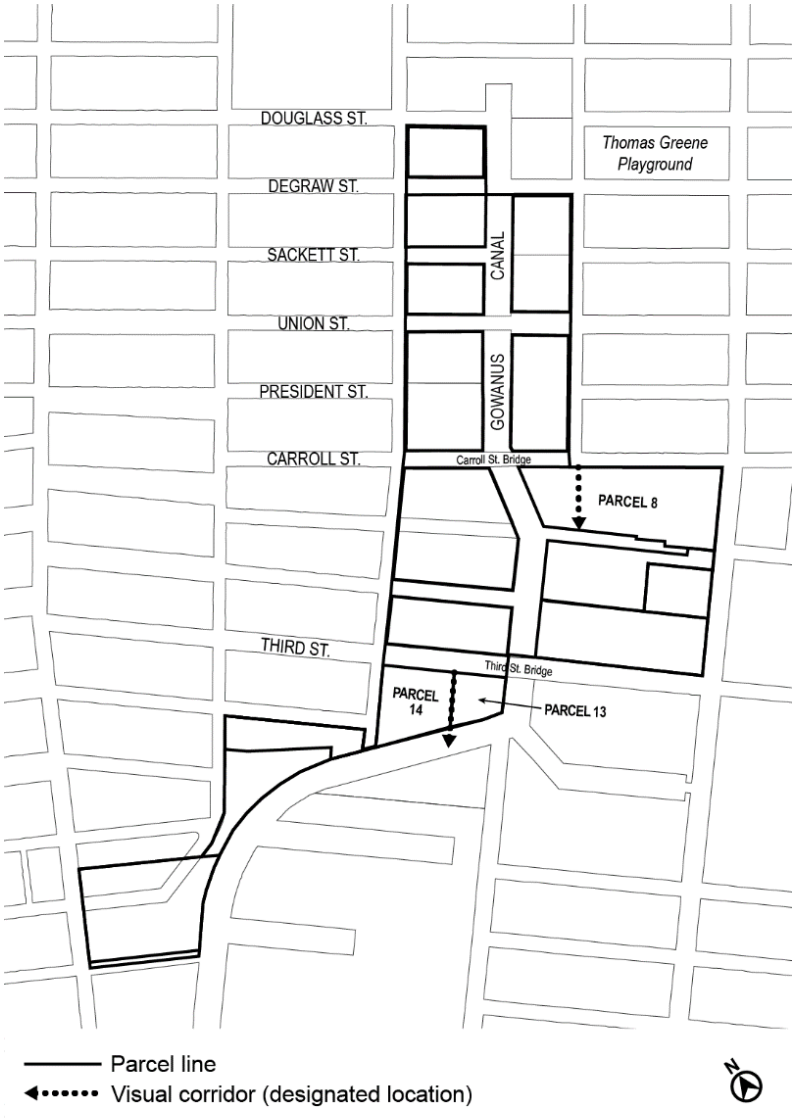
——— Tax lot line

453/40 Tax block / lot number

Map 2: Public Access Elements (11/23/21)



Map 3: Designated Visual Corridors (11/23/21)



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Article XIV - Special Purpose Districts

File generated by https://zr.planning.nyc.gov on 9/21/2026

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 1 - Special Jerome Corridor District (J)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 1 - Special Jerome Corridor District (J)

141-00 - GENERAL PURPOSES

LAST AMENDED
3/22/2018

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

(a) to encourage well-designed buildings that complement the built character of the Highbridge, Concourse, Mount Eden, Mount Hope, Morris Heights and University Heights neighborhoods;

(b) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;

(c) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(d) to create a livable community combining housing, retail and other uses throughout the district;

(e) to create a walkable, urban streetscape environment through a mix of ground floor uses;

(f) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;

(g) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms on zoning lots with irregular shapes and on zoning lots fronting on the elevated rail structure along Jerome and River Avenues; and

(h) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

141-01 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Jerome Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

141-02 - District Plan and Maps

LAST AMENDED
3/22/2018

In order to carry out the purposes and provisions of this Chapter, district maps are located in the Appendix to this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1. Special Jerome Corridor District, Subdistrict and Subareas

Map 2. Designated locations for street wall continuity and ground floor requirements in Subarea A1

Map 3. Designated locations for street wall continuity and ground floor requirements in Subarea A2

Map 4. Designated locations for street wall continuity requirements in Subarea A3

Map 5. Boundary of Subarea A4

141-03 - Subdistricts and Subareas

LAST AMENDED
3/22/2018

To carry out the provisions of this Chapter, Subdistrict A, comprised of Subareas A1, A2, A3 and A4, is established. The location and boundaries of this Subdistrict and Subareas are shown on Map 1 (Special Jerome Corridor District, Subdistrict and Subareas) in the Appendix to this Chapter.

141-04 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), inclusive, #Mandatory Inclusionary Housing areas# within the #Special Jerome Corridor District# are shown on the maps in APPENDIX F of this Resolution.

141-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/6/2024

Within the #Special Jerome Corridor District#, the underlying #use# regulations shall apply.

141-11 - Modification of Supplemental Use Provisions

LAST AMENDED
6/6/2024

In C1 or C2 Districts mapped within R7 or R8 Districts and located along the elevated rail structure on Jerome or River Avenues, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified for #buildings# containing #residences# as follows. The limitations set forth in paragraph (a) of such Section shall be modified to apply to #buildings# constructed before March 22, 2018.

141-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
3/22/2018

The underlying #bulk# regulations are modified by the provisions of this Section.

141-21 - Special Yard Regulations

LAST AMENDED
12/6/2023

In #Commercial Districts#, for #zoning lots# or portions thereof, with #street lines# along the elevated rail structure on Jerome or River Avenues and within 100 feet of such #street lines#, the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to permit any #building# or portion of a #building# used for any permitted #use# other than #residences#, to be a permitted obstruction within a required #yard#, #rear yard equivalent# or other #open space# required pursuant to the provisions of Section 33-20 (YARD REGULATIONS), inclusive, or Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), inclusive, provided that the height of such portion of a #building# shall not exceed two #stories#, excluding #basement#, nor in any event 30 feet above #curb level#. Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 33-23, shall be permitted above such modified height limitations.

141-22 - Special Floor Area Regulations in R8A Districts

LAST AMENDED
12/5/2024

For #zoning lots# in R8A Districts, or #Commercial Districts# mapped within, or with a #residential equivalent# of an R8A District, within 100 feet of a #wide street# located outside of #Mandatory Inclusionary Housing areas#, the underlying #floor area# provisions applicable to an R8 District within 100 feet of a #wide street# shall apply.

141-23 - Special Height and Setback Regulations Along the Elevated Rail Structure Outside Subdistrict A

LAST AMENDED
12/5/2024

For #zoning lots#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, and located outside Subdistrict A, the underlying height and setback provisions are modified by the provisions of this Section.

(a) #Street wall# location

The #street wall# location provisions of paragraph (a)(1) of Section 35-643 (Special provisions in other geographies) shall apply.

Any open space between a #street wall# and a #street line# along the elevated rail structure on Jerome or River Avenues shall comply with the special open space provisions of paragraph (a) of Section 141-32.

(b) Base heights, maximum #building# heights

The underlying height and setback provisions of Section 35-63 (Height and Setback Requirements in Commercial Districts with R6 Through R12 Equivalency), inclusive, shall apply, as modified by the provisions of paragraph (a) of Section 35-643 (Special provisions in other geographies). However, for #street walls# facing the elevated rail structure, beyond 75 feet of the corner of #streets# intersecting Jerome or River Avenues, the maximum base height shall be 30 feet.

(c) Required and permitted articulation

For #street walls# fronting the elevated rail structure on Jerome or River Avenues with widths exceeding 100 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections shall be considered a permitted obstruction into a required setback, and the depth of such projections along the elevated rail structure shall not exceed three feet.

In addition, the underlying dormer provisions of paragraph (b) of Section 23-413 (Permitted obstructions in certain districts) shall be modified for portions of #buildings# facing the elevated rail structure, so that above the maximum base height set forth in paragraph (b) of this Section, dormers shall be permitted only within 75 feet of a corner.

141-24 - Special Height and Setback Regulations in Subdistrict A

LAST AMENDED
12/5/2024

In Subdistrict A, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback provisions are modified by the provisions of this Section.

(a) #Street wall# location

(1) Along the elevated rail structure

For #street walls#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, the #street wall# location provisions of paragraph (a)(1) of Section 35-643 (Special provisions in other geographies) shall apply.

(2) Along designated #streets#

In Subareas A1 through A3, along the #streets# designated on Maps 2 through 4 in the Appendix to this Chapter, the following shall apply:

(i) In #Commercial Districts#

In #Commercial Districts#, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply, except that the #street wall# shall extend to at least a height of 30 feet, or the height of the #building#, whichever is lower. In addition, above a height of 30 feet, at least 50 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least a minimum base height of 60 feet, or the height of the #building#, whichever is lower.

The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

In the corner locations designated on Maps 2 and 3, an open space may be provided within 75 feet of the corner, pursuant to the provisions of paragraph (b) of Section 141-33.

(ii) In #Residence Districts#

For #street walls#, or portions thereof, located in #Residence Districts#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and shall extend to at least the minimum base height set forth in paragraph (b) of this Section, or the height of the #building#, whichever is lower.

The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

The underlying allowances for #street wall# articulation, set forth in paragraph (d) of Section 23-431 shall be permitted to project or recess, where applicable, beyond the #street wall# locations established in this paragraph.

In the corner locations designated on Map 4, an open space may be provided

within 75 feet of the corner, pursuant to the provisions of paragraph (b) of Section 141-33.

(3) Along other #streets#

In Subareas A1 through A3, along #streets# that are not designated on Maps 2 through 4, and in Subarea A4, along all #streets#, no #street wall# location provisions shall apply, and no minimum base heights shall apply.

(b) Base heights and maximum #building# heights

The underlying height and setback regulations shall apply, except as modified below:

(1) for #street walls# facing the elevated rail structure, beyond 75 feet of the corner of #streets# intersecting Jerome or River Avenues, the maximum base height shall be 30 feet;

(2) the setback provisions of Section 23-433 (Standard setback regulations) shall apply except that for portions of #buildings or other structures# along Cromwell Avenue located beyond 200 feet from a corner, a minimum setback with a depth of at least 30 feet shall be provided;

(3) In R9A Districts, or in #Commercial Districts# mapped within R9A Districts:

(i) the maximum base height shall be 125 feet;

(ii) above the required setback, the height of a #building# shall not exceed a maximum transition height of 175 feet;

(iii) where the #lot coverage# of all #buildings# on the #zoning lot# above the maximum transition height has been reduced to 50 percent on #zoning lots# with a #lot area# less than or equal to 15,000 square feet, 40 percent on #zoning lots# with a #lot area# greater than 15,000 square feet but less than 30,000 square feet, and 30 percent for all other #zoning lots#, a #building# may rise to a maximum #building# height of 225 feet. The maximum #street wall# width of any #story# above the maximum transition height shall not exceed 165 feet and, where two or more non-contiguous portions of a #building# exist at the same level above the maximum transition height, such portions shall provide a minimum distance of 60 feet between facing walls at any point.

(c) Required and permitted articulation

In Subareas A1 through A3, along #streets# designated in Maps 2, 3 and 4 in the Appendix to this Chapter, for #street wall# widths exceeding 100 feet, a minimum of 20 percent of the surface area of #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections shall be considered a permitted obstruction into a required setback, provided that any projections with a depth greater than five feet shall be considered a dormer.

In addition, the underlying dormer provisions of paragraph (b) of Section 23-413 (Permitted obstructions in certain districts) shall apply, except that in Subareas A1 through A3, for #street walls# intersecting within 100 feet of the corners designated on Maps 2, 3 and 4, and irrespective of the width of the #street wall# below the maximum base height, dormers shall be

permitted within 100 feet of such intersecting #street walls#. Such dormers need not decrease in width as the height above the maximum base height increases.

Any dormers or projections provided in accordance with this paragraph need not be included in the maximum #lot coverage# permitted above the maximum transition height, nor be included in the maximum #street wall# width of a #story#.

141-25 - Special Height and Setback Regulations in R8A Districts

LAST AMENDED
12/5/2024

For #zoning lots# in R8A Districts, or in #Commercial Districts# mapped within, or with a #residential equivalent# of an R8A District, within 100 feet of a #wide street# located outside of #Mandatory Inclusionary Housing areas#, the underlying height and setback provisions applicable to an R8 District within 100 feet of a #wide street# shall apply. However, #sky exposure plane buildings# shall not be permitted, and the additional height allowances for eligible sites set forth in Section 23-434 (Height and setback modifications for eligible sites) shall not apply.

141-30 - SPECIAL STREETSCAPE REGULATIONS

LAST AMENDED
3/22/2018

141-31 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along Jerome Avenue or River Avenue, or portions thereof, as well as designated #street frontages# shown on Maps 2 or 3 in the Appendix to this Chapter, shall be considered #Tier C street frontages#.

Defined terms in this Section shall include those in Sections 12-10 and 32-301.

141-32 - Special Open Space Provisions

LAST AMENDED
12/5/2024

Along the elevated rail structure on Jerome or River Avenues, where open space is provided between the #street line# of the #zoning lot# and the #street wall# of a #building# facing the elevated rail structure, or in Subdistrict A, for Subareas A1 through A3, where open space is provided between the #street wall# and the corner at a location designated on Maps 2, 3 or 4 in the Appendix to this Chapter, the provisions of Section 22-613 (Front yard planting requirements) shall apply to all #buildings#, whether the ground floor is occupied by #residential uses# or non- #residential uses#, subject to the modifications of this Section.

(a) Along the elevated rail structure

Along the elevated rail structure on Jerome or River Avenues, a sidewalk widening, built to Department of Transportation standards, may be provided as an alternative to planting, provided that the area that would otherwise be allocated to planting, measured in square feet, is allocated to streetscape amenities, including, but not limited to, trees, bicycle racks, benches or wall treatment, that are provided along such sidewalk widening, as set forth below.

Where benches are provided as an alternative to such planting, the length of such benches shall not exceed, in the aggregate, 15 feet per every 50 feet of #street wall# frontage. Where bicycle racks are provided, such racks shall be oriented so that the bicycles are placed parallel to the #street wall#, and the width of such bicycle racks shall not exceed, in the aggregate, 10 feet per every 50 feet of #street wall# frontage. Such benches or bicycle racks shall be located entirely within the #zoning lot#, and each bench or bicycle rack so provided shall be equivalent to 15 square feet of planted area.

Where trees, and associated tree pits are provided as an alternative, the minimum depth of any open space between the #street wall# and #street line# shall be eight feet. Each tree provided shall be equivalent to 15 square feet of planted area.

Where a wall treatment is provided as an alternative, it shall be in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material along the #street wall#. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and shall have a minimum width of 10 feet, as measured parallel to the #street wall#. Portions of a #street wall# providing such wall treatment may satisfy applicable requirements of Section 141-32, or the planting requirement directly in front of such #street wall#.

Where planting is provided, the minimum depth of open space between the #street line# and the #street wall# shall not be less than three feet.

(b) In Subdistrict A

In Subdistrict A, where open space is provided between the #street wall# and the intersection of two #streets#, pursuant to paragraph (a)(2) of Section 141-23, streetscape amenities may be provided as an alternative to planting, provided that the area that would otherwise be allocated to planting, measured in square feet, is allocated to trees, benches, or tables and chairs, as set forth below. However, planting shall not be reduced to less than 20 percent of the area of the open space.

Each bench provided shall be equivalent to 10 square feet of planted area, and each set of tables and at least two chairs shall be equivalent to 15 square feet of planted area. Seating shall be publicly accessible, unless tables and chairs are associated with an open eating or drinking establishment on the #zoning lot#. The area under such seating shall be paved with permeable materials and shall either abut the adjoining sidewalk or be connected to such sidewalk by a circulation path at least five feet wide that is also paved with permeable materials.

Each tree and associated tree pits provided shall be equivalent to 15 square feet of planted area, and shall be located at least 10 feet from any #building wall# or the adjoining sidewalk.

Where planting is provided, the minimum depth of a planted bed shall not be less than three feet.

In no event shall chain link fencing or barbed or razor wire be permitted in any open space provided pursuant to this Section.

141-40 - SPECIAL PARKING AND LOADING REGULATIONS

LAST AMENDED
3/22/2018

The underlying parking provisions are modified by the provisions of this Section.

141-41 - Location of Curb Cuts

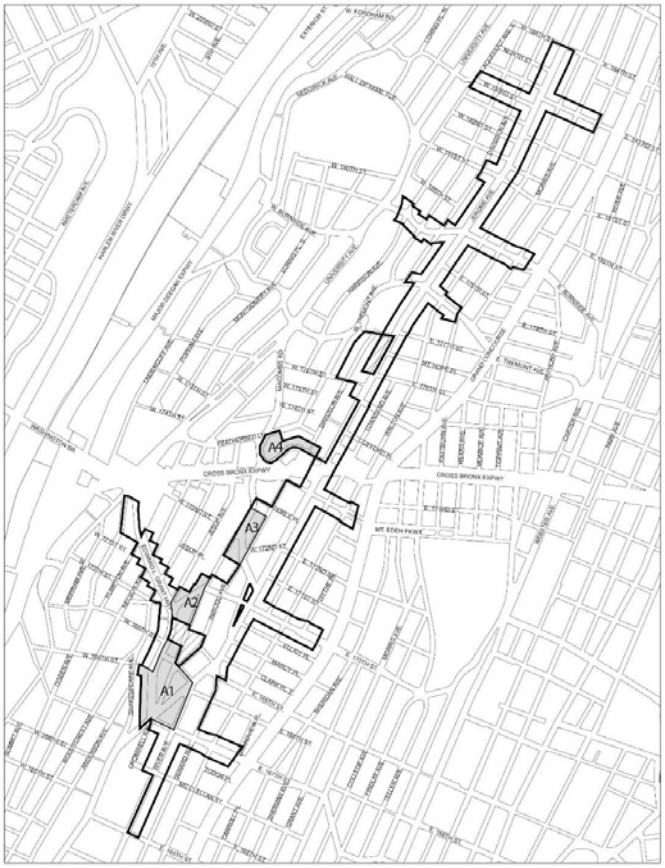
LAST AMENDED
3/22/2018

In all districts, for #zoning lots# existing on March 22, 2018, with frontage along Edward L. Grant Highway, West 170th Street, or the portions of Jerome or River Avenues with an elevated rail structure, and fronting along other #streets#, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along such #streets#, as applicable.

APPENDIX -

LAST AMENDED
6/6/2024

Map 1. Special Jerome Corridor District, Subdistrict and Subareas



#Special Jerome Corridor District#

Subdistrict A, including Subareas A1, A2, A3 and A4

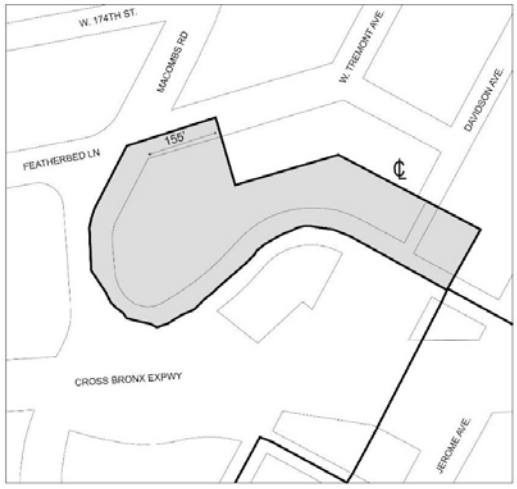
Excluded Area

Map 2. Designated locations for street wall continuity and ground floor requirements in Subarea A1

Map 3. Designated locations for street wall continuity and ground floor requirements in Subarea A2

Map 4. Designated locations for street wall continuity requirements in Subarea A3

Map 5 Boundary of Subarea A4



#Special Jerome Corridor District#

Subdistrict A

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 2 - Special Inwood District (IN)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 2 - Special Inwood District (IN)

142-00 - GENERAL PURPOSES

LAST AMENDED8/8/2018

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

(a) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(b) to encourage well-designed #development# that complements and enhances the built character of the neighborhood;

(c) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;

(d) to maintain and establish physical and visual public access to and along the waterfront;

(e) to promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;

(f) to take advantage of the waterfront along the Harlem River, Sherman Creek, and the North Cove and create a public open space network;

(g) to focus higher-density development in appropriate locations along wide, mixed-use corridors with good access to transit;

(h) to provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms; and

(i) to promote the most desirable use of land and development in accordance with the District Plan for the Inwood waterfront, and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

142-01 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Inwood District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

142-02 - District Plan and Maps

LAST AMENDED8/8/2018

The regulations of this Chapter are designed to implement the #Special Inwood District# Plan. The District Plan, including Map 1 (Special Inwood District – Subdistricts and Subareas), Map 2 (Special Inwood District – Ground Floor Use and Curb Cut Regulations), and Map 3 (Special Inwood District – Transit Easement Zones) is set forth in the Appendix to this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply. In order to carry out the purposes and provisions of this Chapter, district maps are located in the Appendix to this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1. Special Inwood District – Subdistricts and Subareas

Map 2. Special Inwood District – Ground Floor Use and Curb Cut Regulations

Map 3. Special Inwood District – Transit Easement Zones

Map 4. Waterfront Access Plan: Parcel Designation

Map 5. Waterfront Access Plan: Public Access Areas

Map 6. Waterfront Access Plan: Visual Corridors

142-03 - Subdistricts and Subareas

LAST AMENDED8/8/2018

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows:

Sherman Creek Subdistrict A

Tip of Manhattan Subdistrict B

Library Subdistrict C

Upland Area Subdistrict D

Infrastructure Zone Subdistrict E

Commercial “U” Subdistrict F

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Inwood District#. Within certain subdistricts, subareas are established, as follows:

Within Sherman Creek Subdistrict A:

Subarea A1

Subarea A2

Subarea A3

Within Tip of Manhattan Subdistrict B:

Subarea B1

Subarea B2

Subarea B3

Subarea B4

Within Upland Area Subdistrict D

Subarea D1

Subarea D2

Subarea D3

Subarea D4

The location and boundaries of subdistricts and subareas are outlined on Map 1 (Special Inwood District - Subdistricts and Subareas) in the Appendix to this Chapter.

142-04 - Definitions

LAST AMENDED
6/6/2024

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 32-301 (Definitions) and in this Section.

Shoreline adjacent lot

For the purposes of this Chapter, a “shoreline adjacent lot” shall refer to a #waterfront zoning lot# with a #shoreline# length of more than 100 feet, or any #zoning lot# that has entered into a binding agreement to improve and maintain a #waterfront public access area# for an adjoining #waterfront zoning lot#.

142-05 - Applicability

LAST AMENDED8/8/2018

142-051 - Applicability of Mandatory Inclusionary Housing

LAST AMENDED
12/5/2024

#Mandatory Inclusionary Housing areas# within the #Special Inwood District# are shown in APPENDIX F of this Resolution.

142-052 - Applicability of Article XII, Chapter 3

LAST AMENDED
12/5/2024

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated

#Residence# or M1 District, as applicable.

142-06 - Modification of Use and Bulk Regulations for Zoning Lots Fronting on Former West 208th Street

LAST AMENDED8/8/2018

Where the #lot line# of a #zoning lot# coincides with the former boundary of West 208th Street, as shown on Map 1 in the Appendix to this Chapter, such #lot line# shall be considered a #street line# for the purpose of applying all #use# and #bulk# regulations of this Resolution.

142-07 - Development over a Street in Subarea A1

LAST AMENDED8/8/2018

In Subarea A1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, when a volume above a #street#, or portion thereof, has been eliminated, discontinued or closed, such volume may, at the option of an owner of a #zoning lot# adjoining such volume, be considered part of the adjoining #zoning lot#, and a #development# or #enlargement# may be located within such volume that is part of or connected to a #building# on the adjoining #zoning lot# utilizing #floor area# generated by the adjoining #zoning lot#, provided that the #street# below the volume is provided with lighting in accordance with Department of Transportation standards. In no event shall such volume contribute to the amount of #lot area# of any #zoning lot# for the purposes of generating #floor area#.

142-08 - Shoreline Boundary

LAST AMENDED8/8/2018

For the purposes of this Chapter, the #shoreline# shall be as shown on a survey available on the Department of City Planning website.

142-09 - Off-street Relocation of Subway Station Entrances

LAST AMENDED
10/7/2021

For all #developments# or #enlargements# involving ground floor level construction on a #zoning lot# that is wholly or partially located within a Transit Easement Zone, as shown on Map 3 (Special Inwood District – Transit Easement Zones) in the Appendix to this Chapter, a transit easement volume may be needed on such #zoning lot# for public access between the #street# and the adjacent above- or below-grade subway station, pursuant to the provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES). Such #zoning lots# that are wholly or partially within a Transit Easement Zone shall be considered a #primary transit-adjacent site#, as defined in Section 66-11 (Definitions).

142-10 - SPECIAL USE REGULATIONS

LAST AMENDED8/8/2018

The underlying #use# regulations are modified by the provisions of this Section, inclusive. In M1-4/R7A and M1-4/R9A Districts, the #use# regulations of Article XII, Chapter 3 (Special Mixed Use

District) shall apply, except where modified by the provisions of this Section, inclusive.

142-11 - Permitted Uses

LAST AMENDED
6/6/2024

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, listed under Use Group IX(C), shall be a permitted #use#, open or enclosed.

In Subareas B2 and B3, as shown on Map 1, #uses# listed under Use Group III, shall be permitted, and #uses# listed under Food and Beverage Retailers in Use Group VI shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# listed under Use Group IX(A), shall be permitted as-of-right in C6-2A Districts.

142-111 - Regulations for manufacturing uses in Subareas B2 and B3

LAST AMENDED
6/6/2024

In Subareas B2 and B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the #manufacturing uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-20 (SPECIAL USE REGULATIONS), inclusive.

142-12 - Location of Uses

LAST AMENDED
6/6/2024

In C2 Districts mapped within R7 or R8 Districts, provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified or #buildings# containing #residences# as follows. The limitations set forth in paragraph (a) of such Section shall be modified to apply to #buildings# constructed before August 8, 2018.

Within the portion of the C2-4 District mapped within an R8A District and the portion of the C2-4 District mapped within an R9A District, located east of Tenth Avenue, south of West 207th Street, west of Ninth Avenue and north of West 206th Street, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be inapplicable. In lieu thereof, Section 32-422 (Location of floors occupied by commercial uses) shall apply.

In C4 or C6 Districts, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified such that the limitations set forth in paragraph (a) of such Section need not apply, and the requirements in paragraph (b) of such Section shall apply only where #commercial uses# are located above any #story# containing #dwelling units#.

In Subareas A1, B2 and B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, no #uses# listed under Use Group VI shall be permitted above the ground floor level.

142-13 - Enclosure Requirements in Subdistrict E

LAST AMENDED

6/6/2024

In Subdistrict E, #commercial# and #manufacturing# activities and storage #uses# shall not be subject to the provisions of Section 42-51 (Enclosure of Commercial and Manufacturing Activities) or Section 42-52 (Enclosure or Screening of Storage).

142-14 - Streetscape Requirements

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street frontages# along #streets#, or portions thereof, designated on Map 2 (Special Inwood District – Ground Floor Use and Curb Cut Regulations) in Appendix A of this Chapter shall be considered #Tier C street frontages#.

142-20 - SPECIAL FLOOR AREA REGULATIONS

LAST AMENDED8/8/2018

The underlying #floor area# regulations are modified by the provisions of this Section, inclusive.

142-21 - Floor Area Regulations on Waterfront Blocks

LAST AMENDED8/8/2018

On #waterfront blocks#, the provisions of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall be modified so that #lot area# that is seaward of the #shoreline# shall not be included for the purpose of determining allowable #floor area# or to satisfy any other #bulk# regulation.

142-22 - Floor Area Regulations in Subareas A2, A3 and B1

LAST AMENDED
12/5/2024

In Subareas A2, A3 and B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the #floor area# regulations shall be modified as follows:

For #zoning lots# other than #shoreline adjacent lots# the maximum #residential# #floor area ratio# shall be 4.6. For #shoreline adjacent lots#, the maximum #residential# #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing# shall be as set forth in Section 23-22 (Floor Area Regulations for R6 Through R12 Districts) for the particular district.

For #zoning lots# that are divided by zoning district boundary lines, #floor area# may be distributed within a #zoning lot# without regard to zoning district boundary lines.

#Accessory# parking located below a height of 33 feet shall be exempt from the definition of #floor area#.

142-23 - Floor Area Regulations in Subareas B2 and B3

LAST AMENDED8/8/2018

In Subarea B2, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, all permitted #uses# shall have a permitted #floor area ratio# of 2.0. In Subarea B3, as shown on Map 1, the base #floor area ratio# shall be 5.0, and may be increased only in accordance with the provisions of this Section.

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of #floor area# from a #zoning lot# located in Subarea B2 to a #zoning lot# located in Subarea B3 provided that the provisions of this Section are met. For the purpose of this Section, a "granting lot" shall mean a #zoning lot# within Subarea B2 that transfers #floor area# pursuant to this Section, and a "receiving lot" shall mean a #zoning lot# within Subarea B3 that receives additional #floor area# pursuant to this Section.

Such certification for a transfer of #floor area# shall be subject to the following conditions:

(a) the maximum amount of #floor area# that may be transferred from a granting lot shall be based on a #floor area ratio# of 2.0, less the total #floor area# of all existing #buildings# on the granting lot and any previously transferred #floor area#;

(b) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the granting lot by the amount of #floor area# transferred;

(c) for #developments# or #enlargements#, which in the aggregate for both the granting lot and the receiving lot, involve an increase in the #floor area# of more than 20,000 square feet of the amount existing on August 8, 2018, a waterfront certification pursuant to Section 62-811 (Waterfront public access and visual corridors) has been granted; and

(d) prior to the issuance of a building permit, as set forth in this Section, the owners of the granting lot and the receiving lot shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the

restrictions upon further #development# or #enlargement# of the granting lot and the receiving lot shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be submitted to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by #block# and lot numbers, the granting lot and the receiving lot that are a party to such transfer.

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the granting lot and the receiving lot, and shall include site plans and zoning calculations for the granting lot and receiving lot showing the additional #floor area# associated with the transfer, and any such other information as may be required by the Chairperson.

The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only after the transfer instrument and notice of restrictions required by this Section have been executed and recorded with proof of recordation provided to the Chairperson. Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development#.

A separate application shall be filed for each transfer of #floor area# to any #zoning lot# pursuant to this Section.

142-24 - Floor Area Regulations in Subdistrict D

LAST AMENDED8/8/2018

For #zoning lots# that are located partially in a #Commercial District# mapped within an R8A District and partially in a #Commercial District# mapped within an R9A District, #residential# #floor

area# may transfer across the zoning district boundary from the #Commercial District# mapped within an R8A District to the #Commercial District# mapped within an R9A District.

142-30 - SPECIAL YARD REGULATIONS

LAST AMENDED8/8/2018

The underlying #yard# regulations are modified by the provisions of this Section.

In M1-4/R7A and M1-4/R9A Districts, in Subareas A1 and B3 as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, and in the portion of the C2-4 District mapped within an R8A District or the portion of the C2-4 District mapped within an R9A District, located east of Tenth Avenue, south of West 207th Street, west of Ninth Avenue, and north of West 206th Street, no #rear yard equivalents# are required for #through lots# or #through lot# portions of a #zoning lot#.

In Subdistrict D, no #rear yard# is required along any portion of a #rear lot line# that is coincident with a #lot line# of the rail yard for the Metropolitan Transportation Authority located east of Tenth Avenue between West 207th Street and West 215th Street.

A #waterfront yard#, as defined in Section 62-11 (Definitions), shall be provided on any portion of a #zoning lot# located within 40 feet of the #shoreline#. Any other #yard# regulations shall be inapplicable within such portion of a #zoning lot#.

142-40 - SPECIAL HEIGHT AND SETBACK REGULATIONS

LAST AMENDED8/8/2018

In Subareas A1 and B2, and in Subdistrict E, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the height and setback regulations of the underlying districts shall apply.

In Subareas A2, A3, B1, B3 and B4, the height and setback regulations of the underlying district regulations are modified by Sections 142-41 through 142-47 shall apply, and all heights shall be measured from the #base plane#.

In Subdistricts C, D and F, the height and setback regulations of the underlying district regulations are modified by Sections 142-48 (Special Regulations for Certain Sites in Subdistricts C and F) and 142-49 (Height and Setback for Certain Zoning Lots in Subdistricts C and D), as applicable.

142-41 - Permitted Obstructions in Subareas A2, A3, B1, B3 and B4

LAST AMENDED
12/5/2024

In Subareas A2, A3, B1, B3 and B4, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section 23-413 (Permitted obstructions in certain districts), and balconies shall be permitted in conjunction with #residential uses# as set forth in Section 23-62 (Balconies).

142-42 - Height and Setback for Non-Shoreline Adjacent Lots in Subareas A2, A3 and B1

LAST AMENDED
12/5/2024

In Subareas A2, A3 and B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #zoning lots# other than #shoreline adjacent lots#, the height and setback regulations for R7A Districts set forth in the applicable provisions of Section 23-43, inclusive, shall apply.

The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to #street# frontages along and within 50 feet of Ninth Avenue, and the #street wall# requirements of paragraph (b) of Section 35-631 shall apply along all other #street# frontages of the #zoning lot#.

142-43 - Height and Setback for Shoreline Adjacent Lots in Subarea A2

LAST AMENDED
12/5/2024

In Subarea A2, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #shoreline adjacent lots#, the following height and setback regulations shall apply:

(a) #Street wall# location

The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to #street# frontages along and within 50 feet of Ninth Avenue, and the #street wall# requirements of paragraph (b) of Section 35-651 shall apply along all other #street# frontages of the #zoning lot#. However, the #street walls# shall extend to at least the minimum base height set forth in paragraph (b) of this Section, or the height of the #building#, whichever is less.

(b) Base height and setbacks

The minimum base height shall be 60 feet on all #street# frontages. Within R9A Districts, or C1 or C2 Districts mapped within R9A Districts, the maximum base height shall be 105 feet. Within R8 Districts, or C1 or C2 Districts mapped within R8 Districts, the maximum base height before setback shall be 105 feet if the #building's# maximum overall height does not exceed 155 feet, or 85 feet if a #building# is developed with a tower in accordance with the regulations of paragraph (e) of this Section.

At a height not lower than the minimum base height nor higher than the maximum base height specified for the applicable district, a setback with a minimum depth of 10 feet shall be provided from the #street wall# of the base. Such setbacks may be modified in accordance with the provisions of Section 23-433.

(c) Within 50 feet of the #shoreline#

Within 50 feet of the #shoreline#, the height of a #building# along 30 percent of the length of a #zoning lot#, as measured parallel to Ninth Avenue, shall be limited to a maximum height of 30 feet, and the height along the remaining 70 percent may rise to a maximum height of 85 feet.

(d) Maximum transition height

After the required setback, #buildings# may rise to a maximum transition height of 155 feet. However, for portions of #buildings# exceeding the maximum base height with a gross area of a #story# of 10,000 square feet, or more, exclusive of any permitted dormers, setbacks shall be taken at any point above 125 feet to achieve a footprint reduction of 10 percent from #stories# below 125 feet. Any portion of a #building# that exceeds the maximum transition height shall be considered a tower and subject to the provisions of paragraph (e) of this Section.

(e) Tower regulations

Any portion of a #building# that exceeds the maximum transition height shall be subject to the following tower provisions:

(1) the gross area of any #story# shall not exceed 10,000 square feet, except that any dormers provided within the setback area shall not be included in such gross area;

(2) the gross area of any #story# located above 205 feet shall not exceed 90 percent of the gross area of that #story# located directly below a height of 205 feet;

(3) no portion of such tower shall be located within 80 feet of the #shoreline#;

(4) the width of such tower shall not exceed 100 feet, as measured parallel to Ninth Avenue. Such width shall be measured in plan and shall include the total width of the combined #lot coverage# of all #stories# above 125 feet; and

(5) the maximum height of such tower shall not exceed 245 feet.

#Zoning lots# with a #lot area# in excess of 1.5 acres may contain a second tower, provided that the heights of the two towers differ by at least 50 feet from each other, and provided that the combined width of the towers does not exceed 140 feet, as measured parallel to Ninth Avenue. Such width shall be measured in plan and shall include the total width of the combined #lot coverage# of all #stories# above 125 feet.

142-44 - Height and Setback for Shoreline Adjacent Lots in Subarea A3

LAST AMENDED
12/5/2024

In Subarea A3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #shoreline adjacent lots#, the height and setback regulations of this Section shall apply:

(a) Base along West 207th Street and Ninth Avenue

Along the West 207th Street and Ninth Avenue frontages, the #street wall# location provisions of paragraph (b) of Section 35-631 shall apply except that the #street wall# shall extend up to a minimum base height of 60 feet, or the height of the #building#, whichever is less, and a maximum base height of 105 feet. The boundary of any easement required for a #street# or sidewalk widening pursuant to Section 142-64 shall be considered the #street line# for the purpose of this Section.

At a height not lower than the minimum base height nor higher than the maximum base height, a setback with a minimum depth of 10 feet shall be provided from the #street wall# of the base. Such setbacks may be modified in accordance with the provisions of Section 23-433.

(b) Within 50 feet of the #shoreline#

Within 50 feet of the #shoreline#, the maximum #building# height shall be 85 feet.

(c) Within 30 feet of former West 208th Street

Within 30 feet of Former West 208th Street, as shown on Map 1 in the Appendix to this Chapter, the height of a #building# along 30 percent of the length of a #zoning lot#, as measured along the former extent of West 208th Street, shall not exceed 30 feet, and the height of the remaining 70 percent may rise to a maximum height of 85 feet.

(d) Maximum transition height

Within the portion of the #zoning lot# that is beyond 100 feet of West 207th Street, after the required setback, #buildings# may rise to a maximum transition height of 145 feet. No towers shall be permitted above such maximum transition height.

Within the portion of the #zoning lot# that is within 100 feet of West 207th Street, after the required setback, #buildings# may rise to a maximum transition height of 175 feet. Any portion of a #building# that exceeds such maximum transition height shall be considered a tower and subject to the provisions of paragraph (e) of this Section.

(e) Tower regulations

Any portion of a #building# that exceeds the maximum transition height shall be subject to the following tower provisions:

(1) the gross area of any #story# shall not exceed 10,000 square feet, except that any dormers provided within the setback area shall not be included in such gross area;

(2) the gross area of any #story# located above 255 feet shall not exceed 90 percent of the gross area of that #story# located directly below a height of 255 feet; and

(3) the maximum height of such tower shall not exceed 295 feet.

142-45 - Height and Setback for Shoreline Adjacent Lots in Subarea B1

LAST AMENDED
12/5/2024

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, for #shoreline adjacent lots#, the height and setback regulations of Section 142-43 (Height and Setback for Sites in Subarea A2 With More Than 100 Feet of Shoreline) shall apply, except that paragraph (e) of such Section shall be modified to allow a tower to rise to a height of 265 feet, provided that the gross area of any #story# above 225 feet does not exceed 90 percent of the gross area of that #story# located directly below 225 feet. The #visual corridor# located between a line parallel to and 20 feet south of the prolongation of the centerline of West 218th Street and a line parallel to and 30 feet north of such centerline established by Section 142-60 (INWOOD WATERFRONT ACCESS PLAN) shall be treated as a narrow #street line# for the purposes of applying all height and setback regulations.

142-46 - Height and Setback in Subarea B3

LAST AMENDED
8/8/2018

In Subarea B3, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the maximum #building# height shall be 125 feet within 10 feet of a #street line#. Beyond 10 feet of a #street line#, the maximum #building# height shall be 265 feet.

142-47 - Height and Setback in Subarea B4

LAST AMENDED
8/8/2018

In Subarea B4, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the height of a #building# within 10 feet of a #street line# shall not exceed 125 feet. Portions of #buildings# located beyond 10 feet of a #street line# may rise to a maximum height of 210 feet. Any #development# or #enlargement# with frontage on West 218th Street must provide a sidewalk widening with a minimum depth of five feet along such frontage. Any #development# or #enlargement# with frontage on Ninth Avenue must provide a sidewalk widening with a minimum depth of five feet along such frontage.

142-48 - Special Regulations for Certain Sites in Subdistricts C and F

LAST AMENDED
12/5/2024

In Subdistrict C, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, and in Subdistrict F, the underlying height and setback provisions shall be modified for #zoning lots# that share a #side lot line# with an adjacent #zoning lot# that is #developed# with a #building# constructed prior to December 15, 1961 that contain #residences# with #legally required windows# facing and located within 15 feet of the shared #side lot line#.

The #street wall# location provisions of paragraph (a)(1) of Section 35-631 shall apply except that where an adjoining #zoning lot# contains #residences# with #legally required windows# facing and within 15 feet of a shared #side lot line#, the #street wall# of a #building# need not extend along the entire #street# frontage of such a #zoning lot# if an open area is provided above the level of the first #story# or a height of 15 feet, whichever is lower, along the entire shared #side lot line#. Where such an open area is provided, the #street# frontage of such open area may be excluded for the purpose of applying the #street wall# location provisions of paragraph (a)(2) of Section 35-631.

In addition, where an open area with a depth of at least 15 feet, as measured perpendicular from the shared #side lot line#, and is provided in the form of a recess, #court# or other open area is provided along shared #side lot line#, and such open area is provided adjacent to all portions of a #building# on an adjoining #zoning lot# that contain #legally required windows# facing and located within 15 feet of the shared #side lot line#, the applicable maximum #building# height set forth in Section 35-63, inclusive, may be increased by 10 feet; and the maximum number of #stories#, if applicable, may be increased by one.

#Zoning lots# may apply the regulations of this Section along multiple #side lot lines# where applicable, but in no case shall the permitted #building# height be increased by more than one #story# or 10 feet, whichever is lower.

142-49 - Height and Setback for Certain Zoning Lots in Subdistricts C and D

LAST AMENDED
12/5/2024

In Subdistricts C and D, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, all non-#residential# #buildings# in C4 and C6 Districts shall follow the height and setback regulations for #qualifying affordable housing# or #qualifying senior housing# as set forth in Section 23-432 (Height and setback requirements) for the applicable #residential equivalent#.

In Subdistrict D, all #developments# or #enlargements# on #zoning lots# within M1-4/R7A and M1-4/R9A Districts shall follow the height and setback regulations for #qualifying affordable housing# or #qualifying senior housing# as set forth in Section 23-432, for the applicable #Residence District#, except portions of #zoning lots# that are located within 30 feet of West 201st Street shall be limited to a maximum #building# height to 85 feet.

In Subdistrict D, for #street walls# with a #transportation infrastructure adjacent frontage#, the underlying height and setback regulations, or those set forth in Section 142-491, shall be modified pursuant to the provisions of paragraph (a) of Section 35-643 (Special provisions in other geographies).

142-491 - Special base height regulations for certain zoning lots within Subdistrict D

LAST AMENDED8/8/2018

The underlying height and setback regulations shall be further modified for the following areas within Subdistrict D:

(a) for portions of #zoning lots# located in Subarea D2, the maximum permitted base height shall be 75 feet;

(b) for portions of #zoning lots# located in Subarea D3, the maximum permitted base height shall be 65 feet; and

(c) for portions of #zoning lots# located in Subarea D4, the maximum permitted base height shall be 85 feet, and for portions of a #development# or #enlargement# containing #residences#, the maximum permitted base height shall be 65 feet.

142-50 - SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED8/8/2018

The underlying off-street parking and loading regulations are modified by the provisions of this Section, inclusive.

142-51 - Public Use of Accessory Parking

LAST AMENDED
12/5/2024

All required or permitted #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request for such space is made to the landlord.

142-52 - Accessory Parking on a Roof in Subarea A1

LAST AMENDED
12/5/2024

In Subarea A1, the underlying off-street parking regulations of Section 44-11 (General Provisions) are modified to permit #accessory# parking to be located on the roof of any #story# of a #building#.

142-60 - INWOOD WATERFRONT ACCESS PLAN

LAST AMENDED8/8/2018

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

Map 4 (Waterfront Access Plan: Parcel Designation), Map 5 (Waterfront Access Plan: Public Access Areas) and Map 6 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter show the boundaries of the area comprising the Inwood Waterfront Access Plan, boundaries of parcels within the Plan and the location of certain features mandated or permitted by the Plan.

The Plan has been divided into parcels consisting of tax blocks and lots and other lands as established on August 8, 2018, as follows:

Parcel 1:	block 2215, lots 877 and 885; and block 2197, lots 67, 71, 74 and 174
Parcel 2/3:	block 2197, lots 47 and 75
Parcel 4:	block 2197, portion of lot 1
Parcel 5:	block 2188, lot 1
Parcel 6:	block 2187, lots 1, 5, 7 and 20
Parcel 7:	block 2185, lots 25, 36 and 51
Parcel 8:	block 2185, lots 1 and 10
Parcel 9:	block 2184, lots 20 and 40

Within the #Special Inwood District#, the parcels of land designated in this Section need not be contiguous for the area to be considered to be a Waterfront Access Plan pursuant to Section 62-911.

For the purposes of this Section, inclusive, defined terms shall include those listed in Section 12-10 (DEFINITIONS) and Section 62-11 (Definitions).

142-61 - Lot area and waterfront public access area requirements

LAST AMENDED8/8/2018

For the purposes of determining requirements for #waterfront public access areas#, #lot area# shall not include any portion of a #zoning lot# that is seaward of the #shoreline#. For the purposes of determining the applicability of #waterfront public access area# requirements, pursuant to Section 62-52, all #zoning lots# with portions located within 40 feet of the #shoreline# shall be considered #waterfront zoning lots#.

On Parcel 1, as shown on Map 4 (Waterfront Access Plan: Parcel Designation) in the Appendix to this Chapter, for the purposes of calculating the total #waterfront public access area# requirements on a "granting lot," as described in Section 142-23 (Floor Regulations in Subarea B2 and B3), #lot area# shall be the combined #lot area# of all "granting lots" and all "receiving lots."

142-62 - Tip of Manhattan, Subdistrict B

LAST AMENDED
6/6/2024

In Tip of Manhattan Subdistrict B, for Parcels 1 and 2/3, as shown on Map 4 (Waterfront Access Plan: Parcel Designation) in the Appendix to this Chapter, the following regulations shall apply.

(a) Applicability of #waterfront public access area# requirements to Use Group IX(C)

In Subarea B1, as shown on Map 1, #developments# of #buildings# containing exclusively

commercial or public utility vehicle storage, including #accessory# fuel pumps, as listed in Use Group IX(C), shall be exempted from #waterfront public access area# requirements.

(b) #Shore public walkways#

On Parcel 1, no #shore public walkway# shall be required.

(c) #Upland connections#

On Parcel 2/3, #upland connections# shall be provided along the shared boundary between Parcels 1 and 2/3, and within the area located between a line parallel to and 20 feet south of the prolongation of the centerline of West 218th Street and a line parallel to and 30 feet north of such centerline.

(d) #Supplemental public access areas#

(1) on Parcel 1, #supplemental public access area# shall be bounded by Ninth Avenue to the west, the shared boundary of Parcels 1 and 2/3 to the south, and the stabilized shore to the east. Section 62-571 (Location and area requirements for supplemental public access areas) shall not apply to such #supplemental public access area#;

(2) on Parcel 2/3, #supplemental public access area#, if required, shall be located at the intersection of the #upland connection# and the #shore public walkway#. Section 62-571 shall be modified to allow the longest side of such #supplemental public access area# to adjoin the #upland connection# provided that the maximum depth measured perpendicular to the #upland connection# does not exceed 1.5 times the width measured parallel to the #upland connection#.

(e) #Visual corridors#

#Visual corridors# shall be provided at three locations as shown on Map 6 (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter:

(1) within the prolongation of the #street lines# of West 220th Street;

(2) within the prolongation of the #street lines# of Ninth Avenue;

(3) within the area located between a line parallel to and 20 feet south of the prolongation of the centerline of West 218th Street and a line parallel to and 30 feet north of such centerline. In the event that such #visual corridor# #abuts# an open area with a minimum depth of 20 feet along the entire length of such #visual corridor#, and an easement for such open area has been recorded against the property, the minimum dimension of a #visual corridor# set forth in Section 62-512 (Dimensions of visual corridors) may be reduced to 30 feet.

142-63 - Sherman Creek Subdistrict A

LAST AMENDED8/8/2018

In the Sherman Creek Subdistrict A, Parcels 5, 6, 7, 8 and 9, as shown on Map 4 (Waterfront Access Plan: Parcel Designation) in the Appendix to this Chapter, the following regulations shall apply.

(a) #Shore public walkways#

(1) #Waterfront zoning lots# that have a #shoreline# measuring more than 100 feet shall provide a #shore public walkway# as required by Section 62-53 (Requirements for Shore Public Walkways).

(2) #Zoning lots# within or partially within 40 feet of the #shoreline# that do not #abut# the #shoreline#, or that contain a #shoreline# measuring 100 feet or less shall provide either:

(i) a #shore public walkway#, located partly on the #zoning lot# and partly on an adjoining #waterfront zoning lot#; or

(ii) a #shore public walkway# on any portion of the #zoning lot# within 40 feet of the #shoreline#. Such #shore public walkway# shall have a minimum width of 14 feet, and its pedestrian circulation path shall connect to and provide access from adjoining public #streets#, parks or public places. Such #shore public walkway# shall extend beyond 40 feet of the #shoreline# as necessary to satisfy the minimum dimensional requirements, but the total area of the #shore public walkway# need not exceed an area equivalent to that portion of the #zoning lot# within 40 feet of the #shoreline#. The provisions of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be modified to allow the circulation path to have a minimum width of 10 feet and to be located entirely beyond 10 feet from the #shoreline#. In addition, for Parcels 6, 7 or 8, the planting requirements set forth in paragraph (c)(1) of Section 62-62 need not apply.

Where the #zoning lot# does not include all of the adjacent #shoreline#, the design of the #shore public walkway# shall be compatible with the future improvement of public access areas on the land between the #zoning lot# and the #shoreline#.

(3) The primary circulation path required pursuant to Section 62-62 shall be provided at a minimum elevation of 7.5 feet above the #shoreline#, except that such requirement need not include portions of a circulation path that slope downward to meet the elevation of an existing publicly accessible sidewalk.

(b) #Supplemental public access areas#

On Parcel 5, no #supplemental public access area# shall be required.

142-64 - Special Regulations on Parcel 5

LAST AMENDED8/8/2018

(a) Section 62-811 (Waterfront public access and visual corridors) shall not apply to Parcel 5, as shown on Map 4 (Waterfront Access Plan: Parcel Designation) in the Appendix to this Chapter. In lieu thereof, the following regulations shall apply:

Required Certification

No excavation or building permit shall be issued for any #development# on Parcel 5 until the Chairperson of the City Planning Commission has certified to the Department of Buildings, that:

(1) a site plan has been submitted showing compliance with the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) as modified by Section 142-60 (INWOOD WATERFRONT ACCESS PLAN);

(2) the Chairperson has certified that an easement, the requirements for which shall be determined in consultation with the Department of Transportation, has been

provided to enlarge the adjoining mapped #streets#, an instrument creating such easement has been recorded in the Office of the City Register, and a certified copy of such easement has been submitted to the Department of City Planning; and

(3) an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

(b) Buildout of Adjoining #Streets#

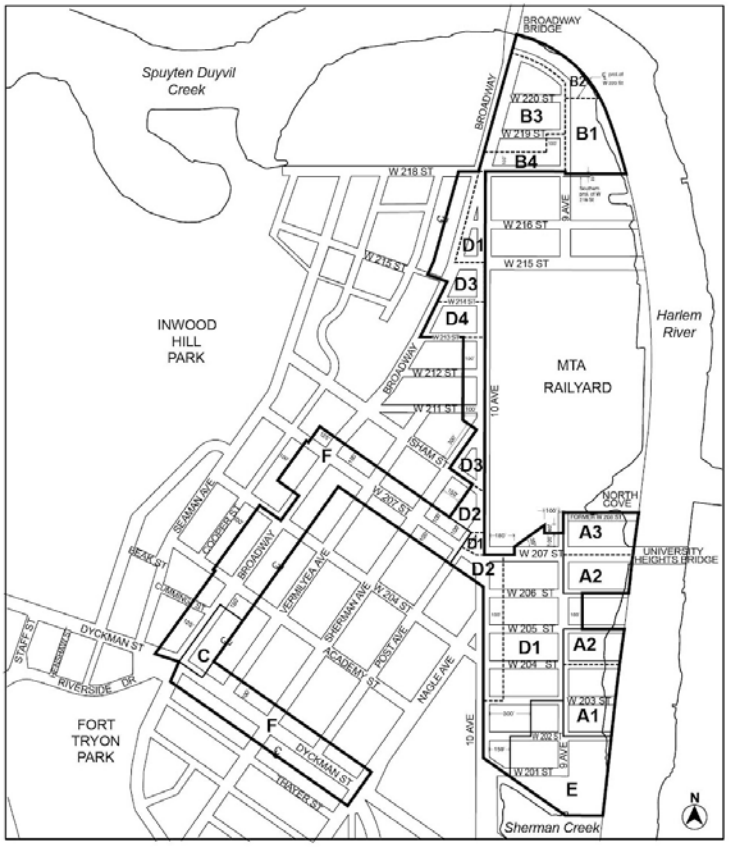
No certificate of occupancy for any #development# on Parcel 5 shall be issued until the Department of Buildings has been furnished with a certification by the Department of Transportation that adjoining mapped #streets# have been built out to Department of Transportation standards.

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

APPENDIX - Special Inwood District Plan

LAST AMENDED
6/6/2024

Map 1. Special Inwood District – Subdistricts and Subareas



Special Inwood District
Subdistricts
Subareas within Subdistricts

SUBDISTRICTS AND SUBAREAS:

A – Sherman Creek Subdistrict A
- Subarea **A1**
- Subarea **A2**
- Subarea **A3**

B – Tip of Manhattan Subdistrict B
- Subarea **B1**
- Subarea **B2**
- Subarea **B3**
- Subarea **B4**

C – Library Subdistrict C

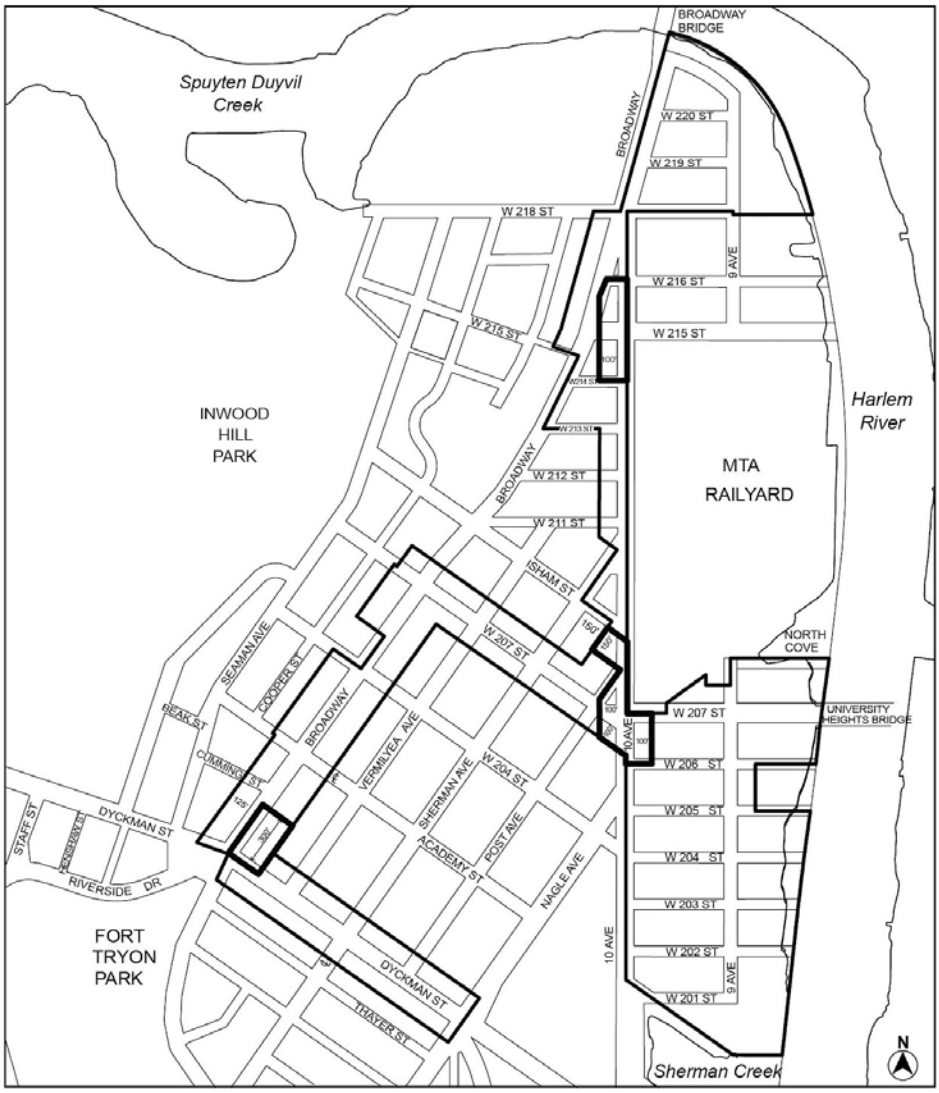
D – Upland Area Subdistrict D
- Subarea **D1**
- Subarea **D2**
- Subarea **D3**
- Subarea **D4**

E – Infrastructure Zone Subdistrict E

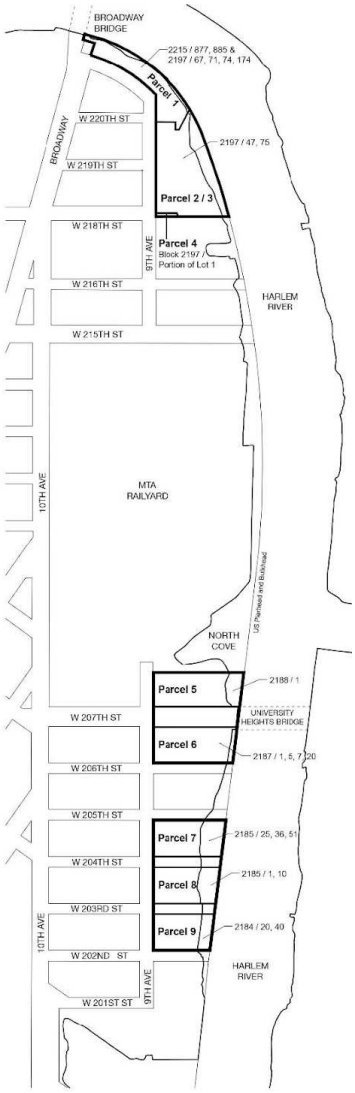
F – Commercial "U" Subdistrict F

Map 2. Special Inwood District – Ground Floor Use and Curb Cut Regulations

Map 3. Special Inwood District – Transit Easement Zones



Map 4. Waterfront Access Plan: Parcel Designation



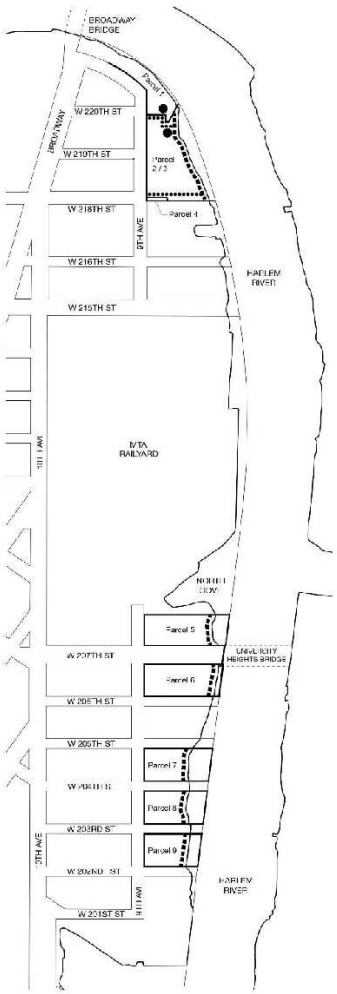
Parcel Designation

WAP boundary

Parcel line

2185 / 1, 10 Tax *Block* / *Lot* numbers

Map 5. Waterfront Access Plan: Public Access Areas



Public Access Areas

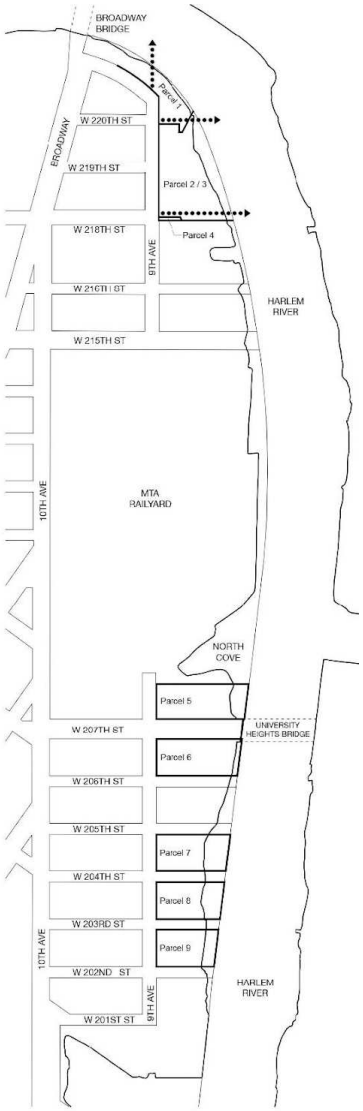
——— Parcel line

▪▪▪▪▪▪ Shore Public Walkway - 40-ft minimum required, or as modified by Section 142-63(a)

● Supplemental Public Access Area

····· Upland Connection (Designated Location)

Map 6. Waterfront Access Plan: Visual Corridors



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 3 - Special SoHo-NoHo Mixed Use District (SNX)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 3 - Special SoHo-NoHo Mixed Use District (SNX)

143-00 - GENERAL PURPOSES

LAST AMENDED
12/15/2021

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

(a) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;

(b) to reinforce the longstanding mixed-use character of the area by allowing a wider range of residential, commercial and community facility uses while retaining significant concentration of commercial and manufacturing space;

(c) to ensure the development of buildings is compatible with existing neighborhood character;

(d) to sustain SoHo/NoHo's cultural legacy and support New York City's creative economy with provisions that support arts, cultural and creative uses, organizations and their broader public audience;

(e) to retain jobs within New York City; and

(f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

143-01 - General Provisions

LAST AMENDED
12/15/2021

The provisions of this Chapter shall apply within the ***Special SoHo-NoHo Mixed Use District***. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

143-02 - Definitions

LAST AMENDED
6/6/2024

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Sections 12-10 (DEFINITIONS) and 32-301 (Definitions).

Qualifying building

For the purposes of this Chapter, a "qualifying building" shall be any #building# where, prior to December 15, 2021:

(a) such #building# contained at least 60,000 square feet of #floor area#; and

(b) at least 20 percent of the #floor area# within such #building# was allocated to non-#residential# #floor area#, as such term is utilized in Section 143-14.

SoHo-NoHo Arts Fund

For the purposes of this Chapter, the "SoHo-NoHo Arts Fund" (the "Arts Fund") shall be a separate interest-bearing account established for the deposit of contributions made when converting #joint living-work quarters for artists# to #residences# in accordance with the provisions of Section 143-13 (Joint Living-Work Quarters for Artists). Funds within the #SoHo-NoHo Arts Fund# shall be allocated by the New York City Department of Cultural Affairs, or a not-for-profit entity designated by the Department of Cultural Affairs, to support arts programming, projects, organizations, and facilities that promote the public presence of the arts within the Special District and surrounding neighborhoods and extend the cultural legacy of SoHo and NoHo generally. Such allocation should prioritize under-resourced organizations and under-served areas within Lower Manhattan neighborhoods south of 14th Street.

No later than June 30 of each year, the Department of Cultural Affairs shall submit a report to the Speaker detailing the amount of money deposited into the #SoHo-NoHo Arts Fund# and any expenditure of funds.

143-03 - District Plan and Map

LAST AMENDED
12/15/2021

In order to carry out the purposes and provisions of this Chapter, a district map is located in the Appendix to this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements, as

set forth in the text of this Chapter, apply:

Appendix A

Map 1. Ground Floor Use Requirements

Such map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

143-04 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special SoHo-NoHo Mixed Use District# are shown on the maps in APPENDIX F of this Resolution. Such provisions are modified as follows:

(a) #Conversions# from #joint living-work quarters for artists# to #residences#, as set forth in Section 143-12 (Joint Living-Work Quarters for Artists), shall not be subject to the provisions of paragraph (a)(1) of Section 27-131 (Mandatory Inclusionary Housing).

(b) The provisions of paragraph (a)(4)(i) of Section 27-131 shall apply:

(1) in M1 Districts paired with R7D Districts, to #developments# or #enlargements# on #zoning lots# existing on December 15, 2021, on which the maximum permitted #residential floor area#, less #floor area# equivalent to a #floor area ratio# of 0.6, does

not exceed 12,500 square feet; and

(2) in all other districts, to #developments# or #enlargements# on #zoning lots# existing on December 15, 2021, on which the maximum permitted #residential floor area#, less the #lot area#, does not exceed 12,500 square feet.

(c) For #conversions# in #buildings# existing prior to December 15, 2021, that are not otherwise subject to paragraph (a)(3)(v) of Section 27-131, the Board of Standards and Appeals may permit a contribution to the #affordable housing fund#, pursuant to the provisions of Section 73-624 (Modification of Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District).

143-05 - Applicability of Article VI, Chapters 4 and 6

LAST AMENDED
12/15/2021

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

143-06 - Applicability of Article XII, Chapter 3

LAST AMENDED

12/15/2021

In the #Special SoHo-NoHo Mixed Use District#, M1 Districts are paired with a #Residence District#. In paired districts, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

Notwithstanding the provisions of Section 123-10 (GENERAL PROVISIONS), in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

143-07 - Applicability of Article I, Chapter 5

LAST AMENDED
12/5/2024

The provisions of Article I, Chapter 5 shall apply to the #conversion# of non-#residential floor area# to #residences# or #community facilities# with sleeping accommodations, except where such regulations are modified by the provisions of this Chapter. Where the regulations in effect prior to the establishment of this Chapter were utilized to provide #floor area# for #joint living-work quarters for artists# in a manner not otherwise permitted by Article I, Chapter 5, such provisions may continue to apply in order to #convert# such #floor area# to #residences#, provided that light and air provisions of Section 15-112 (Light and air provisions), and #conversion# provisions of Section 143-13 (Joint Living-Work Quarters for Artists) are met.

143-10 - SPECIAL USE REGULATIONS

LAST AMENDED

12/15/2021

Within the #Special SoHo-NoHo Mixed Use District#, the #use# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

143-11 - Modifications for Certain Uses

LAST AMENDED
6/6/2024

Within the #Special SoHo-NoHo Mixed Use District#, the following #use# modifications shall apply:

(a) the following #uses# listed under Use Group III shall not be permitted:

colleges or universities, including professional schools but excluding business colleges or trade schools

college or school student dormitories and fraternity or sorority student houses;

(b) eating or drinking establishments listed under Use Group VI, shall be limited to 8,500 square feet of #floor area# per establishment; and

(c) #uses# listed under Use Group VI with a size limitation, as denoted in the Use Group table with an “S”, are subject to the following modifications:

(1) for establishments with a #primary entrance# along a #wide street#, 25,000 square feet of #floor area# per establishment; and

(2) for all other establishments, 10,000 square feet of #floor area# per establishment.

However, the City Planning Commission may, by special permit, allow #uses# that exceed the size limitations of this paragraph, pursuant to Section 143-31 (Special Permit for Certain Retail Uses).

143-12 - Home Occupation

LAST AMENDED
6/6/2024

For the purposes of this Chapter, the #home occupation# provisions of Section 12-10 shall apply, except that a #home occupation# may occupy more than 1,000 square feet of #floor area# and up to three persons not residing in the #dwelling unit# or #rooming unit# may be employed. In addition to the #uses# listed in Section 12-10, a #home occupation# may include any permitted #commercial use#.

143-13 - Joint Living-Work Quarters for Artists

LAST AMENDED
6/6/2024

#Conversions# to #joint living-work quarters for artists# shall not be permitted after December 15, 2021, within the #Special SoHo-NoHo Mixed Use District#.

For #developments#, #enlargements#or #conversions#, for the purposes of applying Section 123-22 (Additional Conditions for Certain Uses), #joint living-work quarters for artists# shall not be considered an existing #manufacturing# or #commercial use#.

For #joint living-work quarters for artists# existing on December 15, 2021, any #conversion# to a #residence# shall only be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of the Department of Building that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #SoHo-NoHo Arts Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing the #conversion# a #joint living-work quarters for artists# to a #residence#.

The contribution amount shall be $100.00 per square foot of #floor area# to be #converted# from a #joint living-work quarters for artists# to a #residential use# as of December 15, 2021, and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the 12 months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received.

143-14 - Non-residential Retention for Qualifying Buildings

LAST AMENDED
12/15/2021

For #developments#, #enlargements#, and #conversions# on #zoning lots# with #qualifying buildings# existing on December 15, 2021, #residential uses# shall only be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of the Department of Buildings that the #zoning lot#, as it existed on December 15, 2021, will contain at least the amount of non-#residential# #floor area# that existed within such #qualifying buildings# on the #zoning lot# on December 15, 2021, or where the #qualifying building# will be #converted# to #residences# that are

exclusively #dwelling units# that either comply with the definition of "affordable housing unit" set forth in Section 27-111 (General definitions), or have a legally binding restriction limiting rents to households with incomes at or below 80 percent of the #income index#. For the purposes of this Section, non-#residential floor area# shall not include #residences#, including #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7-C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980, #joint living-work quarters for artists#, #community facility uses# with sleeping accommodations or #transient hotels#, where permitted.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within #qualifying buildings# on December 15, 2021, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register.

143-15 - Streetscape Regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 1 in the Appendix of this Chapter shall be considered #Tier C street frontages#.

143-20 - SPECIAL BULK REGULATIONS

LAST AMENDED

12/15/2021

Within the #Special SoHo-NoHo Mixed Use District#, the #bulk# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

143-21 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

The applicable #floor area# regulations shall be modified as follows:

(a) the maximum #floor area ratio# for #qualifying affordable housing# or #qualifying senior housing# shall be as set forth in the table below:

District	Maximum #floor area ratio#
M1-5/R7D	5.6
M1-5/R7X	6.0
M1-5/R9A	8.5
M1-5/R9X, south of East Houston Street	9.7
M1-5/R10 and M1-6/R10	12.0

(b) the #floor area ratio# for #community facility# #uses# shall be 6.5; and

(c) in M1-6 Districts paired with an R10 District east of Broadway and north of Great Jones Street, the #floor area ratio# for all other non-#residential uses# shall be 7.0.

143-22 - Special Yard Regulations

LAST AMENDED
12/5/2024

The applicable #rear yard# and #rear yard equivalent# regulations shall be modified as follows:

(a) Permitted obstructions

In any #rear yard# or #rear yard equivalent#, any #building# or portion of a #building# used for #commercial#, #manufacturing#, or #residential uses#, other than dwelling units, shall be a permitted obstruction, provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#.

In addition, in M1-5 Districts paired with an R9X District north of Howard Street, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use#, shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 43-23, shall be permitted above such modified height limitations.

(b) Required #rear yards#

For all #uses#, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot#, except as follows:

(1) no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less;

(2) whenever a #front lot line# of a #zoning lot# coincides with the #short dimension# of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#; and

(3) for shallow #interior lots#, the provisions of paragraph (b) of Section 23-342 (Rear yard requirements) may be applied.

(c) Required #rear yard equivalents#

For #buildings#, or portions thereof, containing non-#residential uses#, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

For #buildings#, or portions thereof, containing #residential uses#, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, a #rear yard equivalent# consisting of an open area with a minimum depth of 40 feet midway, or within 10 feet of being midway, between the two #street lines# upon which such #through lot# fronts, shall be provided.

For shallow #through lots#, the provisions of paragraph (b)(2) of Section 23-343 (Rear yard equivalent requirements) may be applied.

(d) Along district boundaries

The provisions of 43-30 (Special Provisions Applying Along District Boundaries), shall not apply along the district boundaries of two M1 Districts paired with #Residence Districts#.

143-23 - Special Height and Setback Regulations

LAST AMENDED
12/5/2024

For the purposes of this Section, Watts Street, West Broadway, Centre Street, and Great Jones Street shall be considered #wide streets#.

The applicable height and setback regulations are modified as follows:

(a) #Street wall# location

The #street wall# location provisions of paragraph (a) of Section 35-631 shall apply to all #street# frontages, except that the #street wall# shall extend to at least the minimum base height as set forth in paragraph (b) of this Section, or the height of the #building#, whichever is less. On #through lots#, the additional regulations set forth in paragraph (b) of Section 23-436 shall not apply.

(b) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, and maximum #building# height for all #buildings#.

A setback is required for all portions of a #building# that exceed the maximum base height specified for the applicable district and shall be provided in accordance with paragraph (c) of this Section.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,
AND MAXIMUM BUILDING HEIGHTS

District	Minimum base height (in feet)	Maximum base height (in feet)	Maximum #building# height (in feet)
M1-5/R7D	60	105	115
M1-5/R7X	60	105	145
M1-5/R9A	60	125	175
M1-5/R9X, north of East Houston Street	60	125	195
M1-5/R9X, south of East Houston Street	85	145	205
M1-5/R10 and M1-6/R10	125	155	275

(c) Setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in the table in paragraph (b) of this Section, a setback shall be provided in accordance with paragraphs (a) through (c) of Section 23-433 (Standard setback regulations).

(d) Dormers

For all #buildings or other structures#, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

143-24 - Additional Bulk Modifications

LAST AMENDED
12/5/2024

For #buildings# containing #residences#, or portions thereof, the following additional #bulk# modifications shall apply.

(a) #Outer court# modifications

For #outer courts# containing #legally required windows#, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#. If an #outer court# is 20 feet or more in width, it may extend to any depth.

(b) #Inner court# modifications

For #inner courts# containing #legally required windows#, the area shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet.

The minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 20 feet.

143-30 - SPECIAL PERMITS

LAST AMENDED

143-31 - Special Permit for Certain Retail Uses

LAST AMENDED
6/6/2024

Within the #Special SoHo-NoHo Mixed Use District#, the City Planning Commission may, by special permit, allow #uses# that exceed the size limitations of paragraph (c) of Section 143-11, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

For #buildings# that do not contain #accessory# off-street loading berths, the application shall include a delivery plan for the retail #use#. Such loading plans shall be based upon a traffic and curbside management study prepared by a qualified professional, outlining and identifying the operational needs of the tenant as well as adjacent #uses#.

(b) Findings

The Commission shall find that:

(1) in consultation with the Department of Transportation, where a loading plan is provided, such plan will incorporate sustainable best practices in loading, consolidating, timing of deliveries and other delivery methods and procedures;

(2) such retail #use# will not create or contribute to serious safety concerns, unduly inhibit pedestrian, cyclist or vehicular movement adjacent to the site; and

(3) such retail #use# will not impair the character or the future #use# or #development# of the surrounding mixed-use neighborhood.

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

APPENDIX A - Special SoHo-NoHo Mixed Use District Plan

LAST AMENDED
6/6/2024

Map 1: Ground Floor Use Requirements (6/6/24)

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 4 - Special Brooklyn Navy Yard District (BNY)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 4 - Special Brooklyn Navy Yard District (BNY)

144-00 - GENERAL PURPOSES

LAST AMENDED12/15/2021

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

(a) to encourage investment in the Brooklyn Navy Yard and facilitate the expansion of the Brooklyn Navy Yard as a modern manufacturing complex;

(b) to promote job growth;

(c) to allow for a mix of office, community facility, retail, and other commercial uses to complement the industrial and manufacturing facilities at the Brooklyn Navy Yard;

(d) to use traffic management planning to meet loading and parking needs including through alternate means of travel;

(e) to better integrate the Brooklyn Navy Yard with the urban fabric of surrounding residential and mixed-use communities and to introduce publicly accessible open space areas within the perimeter of the Yard; and

(f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

144-01 - Definitions

LAST AMENDED12/15/2021

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where a term in italics is defined in both Section 12-10 and in this Chapter, the definitions in this Chapter shall govern. The terms #pier#, #platform#, and #floating structure# shall have the meaning set forth in Section 62-11 (Definitions).

Barge Basin

"Barge Basin" shall mean that inlet from the East River identified on Map 2 in the Appendix to this Chapter as the Barge Basin.

Shoreline

The definition of #shoreline# set forth in Section 12-10 is modified for the purposes of this Chapter to mean the shoreline on a survey available on the Department of City Planning website.

144-02 - General Provisions

LAST AMENDED12/15/2021

The provisions of this Chapter shall apply within the #Special Brooklyn Navy Yard District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded,

supplemented, or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4 shall control.

144-03 - District Plan and Maps

LAST AMENDED12/15/2021

The regulations of this Chapter are designed to implement the #Special Brooklyn Navy Yard District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

Map 1 Special Brooklyn Navy Yard District and Subdistricts

Map 2 Barge Basin Subareas

Map 3 Navy Street Central Subarea

Map 4 Flushing Avenue Subareas and View Corridors

Map 5 Street Line Locations in the Barge Basin Subdistrict

Map 6 Primary Street Frontages

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

144-04 - Subdistricts and Subareas

LAST AMENDED12/15/2021

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special Brooklyn Navy Yard District# comprised of three perimeter subdistricts and one core subdistrict for the remainder of the Yard. In addition, one subarea is established within the Navy Street Subdistrict, two subareas are established within the Flushing Subdistrict and two subareas are established within the Barge Basin Subdistrict.

Perimeter Subdistricts

Navy Street Subdistrict

Navy Street Central Subarea

Flushing Subdistrict

Flushing West Subarea

Flushing East Subarea

Barge Basin Subdistrict

Barge Basin East Subarea

Barge Basin West Subarea

Core Subdistrict

The boundaries of the Subdistricts are shown in Map 1 and the boundaries of the Subareas are shown on Maps 2 through 4 in the Appendix to this Chapter.

144-05 - Applicability of Special Regulations Applying in the Waterfront Area

LAST AMENDED12/15/2021

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Brooklyn Navy Yard District# except as expressly provided in this Chapter.

144-06 - Single Zoning Lot

LAST AMENDED12/15/2021

For all purposes of this Chapter, the #Special Brooklyn Navy Yard District# shall be deemed to be a single #zoning lot# except where expressly provided otherwise in this Chapter. #Floor area# attributable to the #zoning lot# may be located anywhere on the #zoning lot# without regard to Subdistrict boundary lines, and all #floor area# located within a Subdistrict shall be subject to the #use# and #bulk# requirements of such Subdistrict.

144-10 - SPECIAL USE REGULATIONS

LAST AMENDED

12/15/2021

Within the #Special Brooklyn Navy Yard District#, the #use# provisions of Article IV, Chapter 2 are modified by the provisions of this Section, inclusive.

144-11 - Additional Uses Permitted in All Districts

LAST AMENDED
6/6/2024

In all districts, the underlying #use# regulations are modified as follows:

The provisions of Section 62-21 (Classification of Uses in the Waterfront Area), Section 62-22 (Commercial Docking Facilities), Section 62-24 (Uses on Piers and Platforms), and Section 62-25 (Uses on Floating Structures) shall apply, provided that all #uses# existing on #piers# and #platforms# as of December 15, 2021, shall be deemed conforming #uses#.

144-12 - Additional Uses Permitted in M2-1 Districts

LAST AMENDED
12/5/2024

The provisions of Section 42-10 (USE ALLOWANCES) shall be modified to permit the following uses in M2-1 Districts, subject to the requirements of Section 144-213 (Floor area limitations on additional uses):

(a) all #uses# listed under Use Group III(B) shall be permitted; and

(b) all #uses# listed under Use Group VI shall be permitted, and where such #uses# have a size limitation, as denoted with an "S" in the Use Group tables set forth in Section 42-16 (Use Group VI – Retail and Services), such size limitation shall not apply.

144-13 - Additional Uses in M3-1 Districts

LAST AMENDED
12/15/2021

Within M3-1 Districts, the City Planning Commission may allow, by authorization, #schools#, colleges or universities, without sleeping accommodations, as listed in Use Group 3A, provided that the Commission finds that:

(a) such #school#, college or university has an academic program compatible with a tenant or industrial operation in the #Special Brooklyn Navy Yard District#; and

(b) the location of the #school#, college or university will not interfere with any #manufacturing use# or alter the essential industrial character of the #Special Brooklyn Navy Yard District#.

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

144-14 - Special Sign Regulations

LAST AMENDED
12/5/2024

In the #Special Brooklyn Navy Yard District#, the underlying #sign# regulations of Section 42-60 (SIGN REGULATIONS) shall apply, except as modified by the provisions of Section 144-141 (Illuminated non-flashing signage) through Section 144-143 (Special provisions near certain parks).

144-141 - Illuminated non-flashing signage

LAST AMENDED
12/5/2024

The provisions of Section 42-633 (Illuminated or flashing signs) shall be modified to allow one #accessory# non-#flashing# #illuminated sign# to have a #surface area# of 750 square feet in each of the following Subareas: the Navy Street Central Subarea, the Flushing East Subarea, between Clinton Avenue and Washington Avenue, the Barge Basin East Subarea, and the Barge Basin West Subarea. All other #illuminated signs# shall comply with the requirements of Section 42-633.

144-142 - Special provisions along district boundaries

LAST AMENDED
12/5/2024

The provisions of Section 42-66 (Special Provisions Applying Along District Boundaries) shall be modified as follows:

(a) within the Flushing East Subarea, the provisions of Section 42-661 (Restrictions along the district boundary located in a street) shall not apply to any #sign# provided in accordance with

Section 144-141 (Illuminated non-flashing signage); and

(b) within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin Subdistrict, the orientation provisions of Section 42-662 (Restriction on angle and height above curb level) shall not apply to #signs# provided in accordance with Section 144-141.

144-143 - Special provisions near certain parks

LAST AMENDED
12/5/2024

The provisions of Section 42-65 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) shall not apply to any #signs# provided in accordance with Section 144-141 (Illuminated non-flashing signage) within the Barge Basin East Subarea.

144-20 - SPECIAL BULK REGULATIONS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, the #bulk# provisions of Article IV, Chapter 3 are modified by the provisions of this Section, inclusive.

144-21 - Floor Area Regulations

LAST AMENDED12/15/2021

The underlying #floor area# regulations of Section 43-10 (FLOOR AREA REGULATIONS), inclusive, are modified by the provisions of Sections 144-211 (Floor area ratio) through 144-213 (Floor area limitations on additional uses).

144-211 - Floor area ratio

LAST AMENDED12/15/2021

In all districts, the maximum #floor area ratio# for all #uses# shall be 2.0.

144-212 - Floor area ratio calculations

LAST AMENDED12/15/2021

For the purposes of calculating #floor area# on #waterfront zoning lots#, the provisions of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply.

144-213 - Floor area limitations on additional uses

LAST AMENDED12/15/2021

The additional #uses# allowed pursuant to Section 144-11 (Additional Uses Allowed in M2 Districts) shall be limited to 300,000 square feet of #floor area# within each Subdistrict where such additional #uses# are allowed, and the total #floor area# allocated to such additional #commercial uses# shall not

exceed 100,000 square feet in each Subdistrict where the additional #uses# are allowed.

144-22 - Yard and Shoreline Setback

LAST AMENDED12/15/2021

The underlying #yards# regulations of Section 43-20 (YARD REGULATIONS), inclusive, and Section 43-31 (Other Special Provisions for Rear Yards) shall not apply. In lieu thereof, the provisions of this Section shall apply.

In all districts, no #building# shall be located closer to the #shoreline# than 30 feet, except for #buildings# used for water dependent #uses#, as set forth in Section 62-21 (Classification of Uses in the Waterfront Area), or #buildings# containing not more than 5,000 square feet of #floor area#.

The #shoreline# setback requirement shall be reduced in dimension, or eliminated, where the Chair of the City Planning Commission certifies to the Commissioner of the Department of Buildings or the Commissioner of the Department of Small Business Services, as applicable, that either:

(a) a #building# proposed to be located within such 30-foot setback area incorporates flood protection measures for the immediate area of the #building# that protect the #building# to a level that is 58 inches above the mean high water line existing on December 15, 2021; or

(b) a district-wide resiliency plan for the #Special Brooklyn Navy Yard District# has been adopted and the measures to be incorporated in connection with the #development# or already in place are in furtherance of the district-wide plan.

Measures shall be deemed protective if they alone or together with other measures in place at the time of construction protect the #building# from flooding to the elevation set forth in paragraph (a) of this Section or if they would support protection of the entire #Special Brooklyn Navy Yard District# to

such elevation without further improvement of the portion of area directly seaward of the proposed #building#.

The Chairperson shall certify the application within 45 days of receipt of a complete application. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-23 - Height and Setback Regulations

LAST AMENDED12/15/2021

The underlying height and setback regulations of Section 43-40 (HEIGHT AND SETBACK REGULATIONS) are modified by the provisions of this Section, inclusive.

144-231 - Flushing East Subarea

LAST AMENDED12/15/2021

In the Flushing East Subarea, the following height and setback modifications shall apply:

(a) Wide street designation

For purposes of applying the height and setback controls, Flushing Avenue shall be deemed a #wide street#.

(b) Street wall location

The #street wall# of any #development# or horizontal #enlargement# within the Flushing East Subarea shall be located at least 50 feet from the Flushing Avenue #street line#. The area between such #development# or horizontal #enlargement# and the adjoining #street# shall be improved as publicly accessible space in accordance with Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS).

(c) View corridors

View corridors with a minimum width of 50 feet shall be provided:

(1) within the Vanderbilt Avenue view corridor; and

(2) within one of the Clinton Avenue or Waverly Avenue view corridors.

The locations of such required view corridors are designated on Map 4 in the Appendix to this Chapter.

No #development# or #enlargement# may be located in the required view corridors, provided that gates and fencing, entry signage, sentry booths, and other entry and security measures may be located within such areas. Any gates or fencing shall be designed to allow for views into the #Special Brooklyn Navy Yard District#.

144-232 - Barge Basin Subdistrict

LAST AMENDED12/15/2021

In the Barge Basin Subdistrict, as shown on Map 5 in the Appendix to this Chapter, the height and setback regulations set forth in Section 43-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, shall apply, as modified by the provisions of this Section.

For purposes of applying the height and setback provisions of this Section, the #street walls# of #abutting# #buildings# shall be considered a single #building# #street wall#.

(a) Sidewalk widening

A sidewalk widening shall be provided along Kent Avenue to the extent necessary so that a minimum width of 15 feet is achieved, including portions within and beyond the #zoning lot#. Such sidewalk widening shall be:

(1) improved as a sidewalk to Department of Transportation standards;

(2) at the same level as the adjoining public sidewalk; and

(3) accessible to the public at all times.

The interior boundary of the sidewalk widening shall be considered the #street line# for the purposes of this Section.

(b) Establishing #street lines# along #Barge Basin#

For the purposes of applying the height and setback regulations of this Section to portions of #buildings# fronting #Barge Basin# and prolongations thereof, the following shall be considered #street lines# along a #wide street#:

(1) Along the long dimension of the #Barge Basin#

Along the long dimension of the #Barge Basin# a line offset 40 feet northeast from the northeastern boundary of the #Barge Basin# in the Barge Basin East Subarea, and a line offset 50 feet southwest from the southwestern boundary of the #Barge Basin# in the Barge Basin West Subarea, shall be considered #street lines#.

The area between the #Barge Basin# and such #street lines# shall be improved as publicly accessible areas in accordance with the applicable provisions of Section 144-30 (SPECIAL PUBLIC ACCESS AREA REGULATIONS), inclusive.

(2) Along the short dimension of the #Barge Basin#

Along the short dimension of the #Barge Basin#, the southeasterly boundaries of the Barge Basin Subdistrict, including the boundary extending from the centerline prolongation of Taylor Street, and the boundary constructed from an offset of the southeastern terminus of the #Barge Basin#, shall be considered #street lines#.

Within the area between the #Barge Basin# and such #street lines# shall be an area adjacent to the short dimension of the #Barge Basin# that connects the Barge Basin East Subarea pedestrian esplanade and the Barge Basin West Subarea pedestrian esplanade that shall be:

(i) improved as a sidewalk to Department of Transportation standards;

(ii) at the same level as the adjoining public sidewalk; and

(iii) accessible to the public at all times the public access areas are required to be open to the public, pursuant to Section 144-33 (Hours of Operation).

The locations of these #street lines#, are shown on Map 5 in the Appendix to this Chapter.

(c) #Street wall# location, and articulation

At least 70 percent of the #aggregate width of street walls# facing #Barge Basin# shall be located within eight feet of the #street line# and shall extend to at least a minimum base height of 30 feet, or two #stories#, whichever is lower. The remaining #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any recesses deeper than 10 feet are located within an #outer court#.

Any open area between a #street wall# and the #street lines# along #Barge Basin# that is within eight feet of such #street line# shall be improved as publicly accessible areas in accordance with the applicable provisions of Section 144-30, inclusive. Open areas between the #street line# and #street walls# that are beyond eight feet of such #street line# may be publicly accessible areas, as needed, to achieve the minimum percentage of public access area required by each Subarea pursuant to Section 144-31 (Required Public Access Area).

For those portions of #buildings# facing #Barge Basin# with a #street wall# width exceeding 200 feet, a minimum of 20 percent of the surface area of such #street wall# up to the height of the second #story#, or 30 feet, whichever is lower, and a maximum of 50 percent of such surface area, shall either recess or project from the remaining surface area of the #street wall# by a minimum of three feet. #Building# projections shall be a permitted obstruction within any open area between the #street wall# and #street line#, including publicly accessible areas, provided that the minimum percentage of public access area required by each Subarea pursuant to Section 144-31 remains open to the sky. Additional permitted obstructions are

allowed in accordance with paragraph (a) of Section 144-32 (Design Requirements).

(d) Base heights, required setbacks, and dormers

The front setback provisions applicable to an M1-5 District set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) shall apply, except as modified by the provisions of this Section. The alternate front setback regulations of Section 43-44 (Alternate Front Setbacks) shall not apply.

(1) #Initial setback distances#

The #initial setback distance# regulations shall be modified as follows:

(i) along the #Barge Basin#, such #initial setback distance# shall have a depth of at least 30 feet from the #street line#;

(ii) along all other #wide streets#, such #initial setback distance# shall have a depth of at least 15 feet from the #street line#; and

(iii) such #initial setback distance# shall be provided at a height not lower than the minimum base height, where applicable, nor higher than a maximum base height of 85 feet, or six #stories#, whichever is lower.

(2) Dormers

Along the #Barge Basin# frontages, dormers shall be a permitted obstruction within an #initial setback distance#, provided that:

(i) the depth of such dormers does not exceed 10 feet for #buildings# fronting along the northeastern boundary of the #Barge Basin# or 20 feet for #buildings# fronting along the southwestern boundary;

(ii) the #street wall# width of such dormer does not exceed 30 percent of the #street wall# width of the #building# above the maximum base height; and

(iii) the #street wall# width of such dormer along a single tower does not exceed 100 feet.

(e) Towers

The allowances for towers to penetrate a #sky exposure plane# applicable to an M1-5 District, as set forth in Section 43-45 (Tower Regulations), shall apply, except as modified by the provisions of this Section.

The tower allowances shall be modified as follows:

(1) for the purposes of determining the #lot area# a tower may occupy, the Barge Basin East Subarea and the Barge Basin West Subarea shall each be considered an individual #zoning lot#;

(2) the underlying setback provisions, including the aggregate area permitted within 40 feet of a #wide street#, shall not apply. In lieu thereof, the setbacks and dormer allowances set forth in paragraph (d) of this Section shall apply; and

(3) the #street wall# width of a tower fronting #Barge Basin# shall not exceed 200 feet within 200 feet of the #street line# fronting #Barge Basin#.

144-24 - Special Permit for Modification of Bulk Regulations

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District# the City Planning Commission may, by special permit, allow modifications to the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

(a) such modifications further the needs and objectives of the #Special Brooklyn Navy Yard District#;

(b) such #bulk# modifications will result in a better site plan and will benefit the occupants and users of the #Special Brooklyn Navy Yard District# and the residents of the surrounding neighborhood;

(c) such #bulk# modifications will permit adequate access to light and air to surrounding public access areas, #streets# and properties; and

(d) such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Brooklyn Navy Yard District# to the detriment of the occupants or users of #buildings# in the #Special Brooklyn Navy Yard District# or on nearby #blocks#.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

144-30 - SPECIAL PUBLIC ACCESS AREA REGULATIONS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, public access areas shall be provided in connection with #developments# or #enlargements# located within the Subareas identified in this Section, inclusive, as applicable. For the purposes of determining the amount of public access area required in the Navy Street Central Subarea, the Barge Basin East Subarea, and the Barge Basin West Subarea, each such Subarea shall be deemed a single #zoning lot#.

144-31 - Required Public Access Areas

LAST AMENDED12/15/2021

Mandatory public access areas in connection with any #development# or #enlargement# shall be provided in accordance with the provisions of paragraphs (a) through (c) of this Section. The phasing of public access areas shall be permitted in accordance with paragraph (d). #Developments# or #enlargements# that are exempt from public access area requirements are set forth in paragraph (e).

(a) Navy Street Central Subarea

A public access area in an amount equal to at least 15 percent of the #lot area# of the Navy Street Central Subarea shall be provided within the boundaries of such Subarea. The required public access area shall have a minimum dimension, in all directions, of 50 feet for at least 80 percent of the public access area and shall have no dimension of less than 30 feet for the remainder of the required public access area.

(b) Flushing East Subarea

A public access area with a minimum depth of 50 feet, as measured perpendicular to the #street line# of Flushing Avenue, shall be provided within the boundaries of such Subarea

along the entire length of the #street wall line# adjacent to the #development# or #enlargement#, and shall extend to the nearest view corridors depicted on Map 4 (Flushing Avenue Subareas and View Corridors) of this Chapter, and for #developments# or #enlargements# located east of the Waverly Avenue view corridor, to the boundary of the prolongation of Washington Avenue.

(c) Barge Basin East and West Subareas

A public access area in an amount of at least 30 percent of the #lot area# of Barge Basin East Subarea, and a public access area in an amount of at least 20 percent of the #lot area# of Barge Basin West Subarea shall be provided within such respective Subareas.

Such public access areas shall consist of:

(1) in the Barge Basin East Subarea, a pedestrian esplanade with a seaward edge contiguous with the eastern edge of the #Barge Basin# and a minimum width of 40 feet, as measured perpendicular to such edge, and in the Barge Basin West Subarea, a pedestrian esplanade with a seaward edge contiguous with the western edge of the #Barge Basin# and a minimum width of 50 feet, as measured perpendicular to such edge;

(2) in the Barge Basin East Subarea, a pedestrian connection with a minimum width of 30 feet located along the shared boundary between the Barge Basin East Subarea and the contiguous property to the northeast connecting the Kent Avenue and the eastern portion of the pedestrian esplanade required by this Section;

(3) in the Barge Basin East Subarea, a pedestrian connection with a minimum width of 60 feet, located within 150 feet of the southern boundary of the Barge Basin East Subarea and connecting Kent Avenue and the pedestrian esplanade required by this Section;

(4) in the Barge Basin West Subarea, an esplanade entry area at the southern end of the Barge Basin West Subarea, having a minimum width of 60 feet and a minimum length of 30 feet measured parallel to the western edge of the #Barge Basin#; and

(5) any supplemental publicly accessible space contiguous to one or more of the elements set forth above as may be required to achieve the required percentage of publicly accessible area.

(d) Public Access Area Phasing

Where the Navy Street, Barge Basin East and Barge Basin West Subareas are #developed# with more than one #building# or #enlarged# in phases, or there is an increase in #building# #lot coverage#, the mandatory public access area may be constructed in phases, provided that, at the completion of each phase by certification of the Chairperson of the City Planning Commission, the following criteria are met:

(1) the square footage of public access area being provided in any phase shall be in proportion to the total public access requirement based on the area of the Subarea being #developed# or #enlarged# as compared to the #lot coverage# of the Subarea. Any public access area provided in an earlier phase in excess of the amount required for such phase may be applied to a later phase;

(2) the public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved;

(3) any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;

(4) any phased portion of the required public access area shall connect directly to either a #street# or an improved public access area;

(5) in the Barge Basin West Subarea:

(i) public access to be provided shall include the portion of the required public access area located between the #development# or #enlargement# and the #Barge Basin#; and

(ii) where any #development# or #enlargement# included in a phase is located within 100 feet of the southern boundary of the Subarea, the public access area shall also include the required public access area between the southern boundary and the #development# or #enlargement#; and

(6) a proportionate amount of planting shall be included within each phase.

(e) Exceptions to Public Access Area Requirements for Minor Developments

The public access area requirements of paragraphs (a) through (d) of this Section shall not apply to any #development# or #enlargement# where:

(1) the additional #floor area# created through such #development# or #enlargement# in the respective Subarea, as compared to the #floor area# existing on December 15, 2021, does not exceed:

(i) 10,000 square feet in either the Barge Basin East or the Navy Street Central Subareas; or

(ii) 20,000 square feet in either the Barge Basin West or Flushing East Subareas;

(2) such #floor area# is allocated exclusively to #uses# in Use Group 11, 16, 17, or 18; and

(3) such #floor area# is not located within the boundaries of designated public access areas required pursuant to this Section or, if located in the Navy Street Central Subarea, is not within 50 feet of a #street#.

144-32 - Design Requirements

LAST AMENDED12/15/2021

The required public access areas in each Subarea shall comply with the following provisions:

(a) The required public access area shall be open to the sky, provided that #building# awnings, entrance canopies, solar shading devices, and similar structures attached to an adjoining #building# and extending over the public access area shall be permitted;

(b) The required public access area shall include planted areas in an amount not less than 20 percent of the area of the required open space;

(c) At least one linear foot of seating shall be provided for each 200 square feet of required public access areas, except that for the pedestrian connection required pursuant to paragraph (c)(2) of Section 144-31, at least 12 linear feet of seating for every 100 feet of pedestrian connection shall be provided; and

(d) Public access area signage complying with the requirements of Section 37-751 (Public space signage systems) shall be located at all entry points to the public access areas.

(e) In the Barge Basin Subdistrict:

(1) the pedestrian esplanade around the #Barge Basin# and the pedestrian connections from Kent Avenue to the eastern pedestrian esplanade shall include a primary circulation path along the length of such elements with a minimum clear width of 10 feet; and

(2) at least three different types of seating shall be provided, which may include moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps.

Additional amenities including pathways, seating steps, entrances to adjoining #buildings#, artwork, maritime or industrial elements, tables, seating above the required minimum, lighting fixtures, litter receptacles, kiosks, children play areas, railings, drinking fountains, water features, planting and trees may be included in the public access areas and shall be permitted obstructions.

144-33 - Hours of Operation

LAST AMENDED12/15/2021

All public access areas shall be open to the public from 6:00 a.m. to 10:00 p.m. from April 15th to October 31st and from 7:00 a.m. to 8:00 p.m. from November 1st to April 14th, except when required to be closed for repairs.

144-34 - Maintenance

LAST AMENDED12/15/2021

The owner of each applicable portion of a Subarea, or a ground tenant if the applicable portion is subject to a ground lease, shall be responsible for the maintenance and operation of the required public access area. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner or ground tenant of a public access area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent areas.

144-35 - Chairperson Certification of Waterfront Compliance and Phasing

LAST AMENDED12/15/2021

No excavation or building permit shall be issued for any #development# or #enlargement# requiring the provision of a public access area in the Navy Street Central Subarea, the Barge Basin East Subarea, or the Barge Basin West Subarea until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Small Business Services, as applicable, that a complete application has been submitted showing compliance with the applicable provisions of Section 144-30, inclusive.

Within 45 days of submission of such complete application, the Chairperson shall either certify that the proposed public access area complies with the requirements of this Section or disapprove such complete application in writing, citing the nature of any failure to comply. Failure to certify or disapprove such complete application within the 45-day period will release the Department of Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-36 - Certificates of Occupancy for Developments or Enlargements in Public Access Areas

LAST AMENDED
6/6/2024

No temporary certificate of occupancy shall be issued by the Department of Buildings or Department of Small Business Services for #floor area# in a #development# or #enlargement# resulting in a public access area requirement under Section 144-31 (Required Public Access Areas) without the substantial completion of the public access area required for such #development# or #enlargement#, and no final certificate of occupancy shall be issued prior to the final completion of the required public access area.

Notwithstanding the provisions above, the Department of Buildings or the Department of Small Business Services, as applicable, may issue a temporary certificate of occupancy allowing for #floor area# allocated to #uses# listed under Use Group IV(B), IX or X without the substantial completion of the required public access area, in which case the public access area shall be completed within one year of the issuance of the first such certificate of occupancy. Following such one-year period, no additional #floor area# within the #development# or #enlargement# shall receive a certificate of occupancy until the substantial completion of the required public access area.

144-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, mandatory district plan elements shall be provided in connection with #developments# or #enlargements# in the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin Subdistrict.

144-41 - Ground Floor Streetscape Provisions

LAST AMENDED
6/6/2024

The provisions of this Section shall apply to #developments# and #ground floor level# #enlargements#.

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive, a #ground floor level# #street# frontage designated on Map 6 in the Appendix to this Chapter shall be considered a #primary frontage#, and any #ground floor level# frontage within 50 feet of a #primary frontage# shall be considered a #secondary frontage#. #Primary frontages# shall also include Priority Zones, which are also designated on Map 6.

Any #primary# or #secondary frontages# shall be considered #streets# for the purposes of applying the provisions of this Section. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

(a) Along #primary frontages#

(1) Minimum frontage width

For portions of #buildings# fronting a #primary frontage#, at least 50 percent of the #street wall# width of the #ground floor level# of such #primary frontage# shall be occupied by #floor area#.

In addition, for portions of #buildings# fronting a Priority Zone of a #primary frontage#, at least 50 percent of the #street wall# width of the #ground floor level# of

such Priority Zone shall be occupied by #floor area#. #Floor area# provided within a Priority Zone may be counted towards the #floor area# requirement along the #primary frontage#.

(2) Minimum depth

The #floor area# provided to meet the requirements of paragraph (a)(1) of this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses) within the Priority Zone, and outside of a Priority Zone shall extend to a minimum depth of 15 feet.

(3) Transparency requirement

The portion of the #ground floor level# #street wall# along a #primary street frontage# allocated to such minimum #floor area# requirements of paragraph (a)(1) of this Section shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements). However, where such minimum #floor area# is attributed to #uses# listed under Use Groups IV(B), IX or X, the minimum percentage to fulfill the minimum transparency requirement shall be reduced to 25 percent and the maximum width of a portion of the #ground floor level# #street wall# without transparency may exceed 10 feet provided that any portion of the #ground floor level# #street wall# without transparency shall be subject to the provisions for Type 1 blank walls.

(b) Blank wall provisions along #primary# and #secondary frontages#

Along both #primary# and #secondary frontages#, any #street wall# width of 50 feet or more with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

144-50 - SPECIAL PARKING AND LOADING REGULATIONS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, the #accessory# off-street parking and loading regulations of Article IV, Chapter 4 shall not apply, except as specifically set for the in this Section.

144-51 - Permitted Accessory Parking

LAST AMENDED12/15/2021

In all districts, #accessory# off-street parking spaces shall be permitted in #group parking facilities# without a limitation in the overall number of spaces.

144-52 - Required Accessory Off-street Parking

LAST AMENDED12/15/2021

In all districts, the requirements of Section 44-21 (General Provisions) shall apply, except that, in the event that a Transportation Management Plan has been prepared in accordance with Section 144-56 (Transportation Management Planning), no parking shall be required.

144-53 - Loading Berths

LAST AMENDED12/15/2021

In all districts, loading berths are not required, but are permitted. Any loading berths provided shall be deemed required loading berths for purposes of determining the amount of #floor area# in any #building#.

144-54 - Curb Cuts

LAST AMENDED12/15/2021

Access to any #accessory# off-street loading berth and off-street parking areas for a #development# or #enlargement# within the Navy Street Central Subarea, the Flushing East Subarea, and the Barge Basin East Subarea shall be limited to one curb cut from the adjoining #street#.

An additional curb cut may be added in the Barge Basin East Subarea upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings or the Department of Small Business Services, as applicable, that an additional curb cut has been approved by the Commissioner of the Department of Transportation.

In addition, where the Chairperson of the City Planning Commission certifies such additional curb cut, the Chairperson may certify a reduction in the #ground floor level# streetscape provisions of paragraph (a) of Section 144-41 (Ground Floor Streetscape Provisions), to the minimum extent necessary, where the applicant demonstrates that the reduction is necessary to accommodate the proposed loading configuration on the ground floor. For such portions of the #ground floor level#, the provisions of paragraph (b) of Section 144-41 shall continue to apply.

The Chairperson shall issue the certification within 45 days of receipt of a communication from the Department of Transportation approving an additional curb cut or receipt of application materials demonstrating the proposed loading configuration, as applicable. Failure to certify within the 45-day period will release the Department of Buildings or the Department of Small Business Services from

any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-55 - Bicycle Parking

LAST AMENDED12/15/2021

The requirements of Section 44-60 (BICYCLE PARKING) shall apply, provided that up to half of the required spaces may be provided as unenclosed bicycle parking spaces, and may be located anywhere on the #zoning lot#.

144-56 - Transportation Management Planning

LAST AMENDED12/15/2021

In lieu of the requirements of Section 44-21 (General Provisions), a Transportation Management Plan may be prepared for the #Special Brooklyn Navy Yard District# that documents:

(a) existing parking within the Special District;

(b) parking and bicycle parking utilization rates;

(c) transportation mode choice;

(d) plans, if any, for additional parking within the Special District;

(e) public transportation options in and around the Special District;

(f) indoor and outdoor bicycle parking facilities, including any covered outdoor bicycle spaces; and

(g) measures being employed and planned to incentivize alternate means of transportation.

Any Transportation Management Plan shall be filed with the Department of City Planning and made available to the public via a website. The Transportation Management Plan shall be updated not less than every three years with surveys or other data collection undertaken not less than annually to document changes in parking facilities and utilization; the average number of employees and visitors arriving at the #Special Brooklyn Navy Yard District# and their modes of arrival; bike parking availability and utilization of both open and enclosed facilities; transit options, and new technologies and strategies for managing the number of private vehicles accessing the Special District. Such updates shall be submitted to the Department of City Planning and made available to the public via a website and the submission to the Department of City Planning shall be accompanied by an affidavit from the owner or ground tenant stating that the Transportation Management Plan remains in effect or, if it is no longer in effect, the date on which the Transportation Management Plan terminated.

Any #development# or #enlargement# occurring after the date a Transportation Management Plan has terminated will be subject to the requirements of Section 44-21.

144-57 - Reporting Requirements

LAST AMENDED
6/6/2024

No later than April 1 of every other calendar year, beginning April 1, 2023, the Brooklyn Navy Yard Development Corporation shall submit to the Chairperson of the City Planning Commission and to the Speaker of the City Council a report on the #development# and #enlargement# of #buildings#, and the types of #uses# contained within the #Special Brooklyn Navy Yard District#. Such report shall include, but shall not be limited to:

(a) the name of each business establishment existing in the #Special Brooklyn Navy Yard District#. For each business establishment, the address or #building# number and floor, type of business, size, and lease duration;

(b) new leases executed during the reporting period, categorized by tenant name, type of business, size, and lease duration;

(c) the amount of #floor area# in #developments# and #enlargements# created after December 15, 2021, in each of the following Use Groups, subgroups and specific #use# as listed in this Resolution:

(1) # uses# listed under Use Group III;

(2) retail #uses# listed under Use Group VI;

(3) #uses# listed under Use Group VII;

(4) art, music, dancing or theatrical studios listed under Use Group VIII;

(5) production or entertainment studios listed under Use Group VIII;

(6) #uses# listed under Use Group IX(A);

(7) #uses# listed under Use Group X; and

(8) any other #uses#; and

(d) the number of #buildings# #developed# or #enlarged# during the reporting period and the amount of #floor area# and #uses# contained within such #development# or #enlargement#.

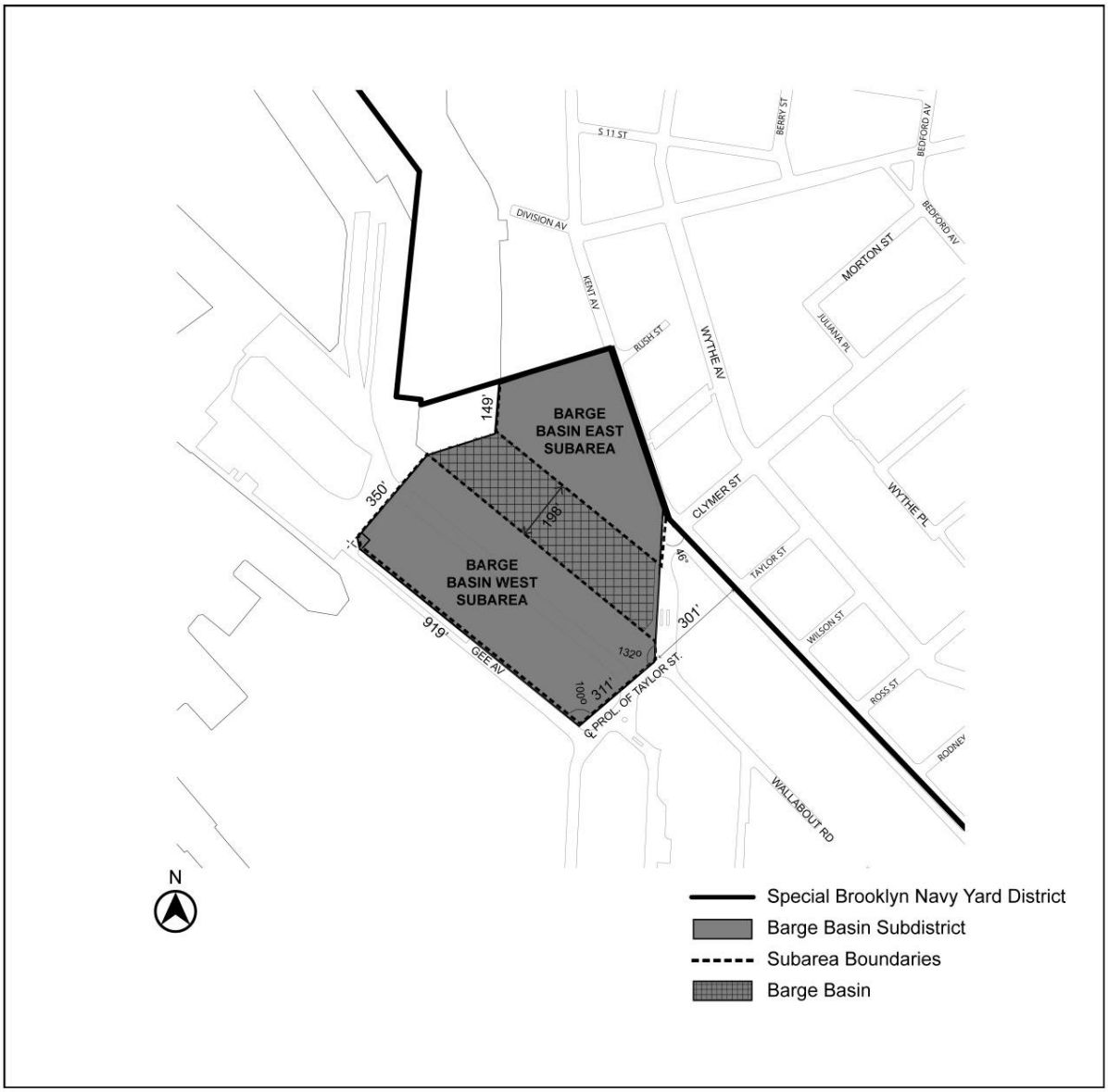
APPENDIX A - Special Brooklyn Navy Yard District Plan

LAST AMENDED12/15/2021

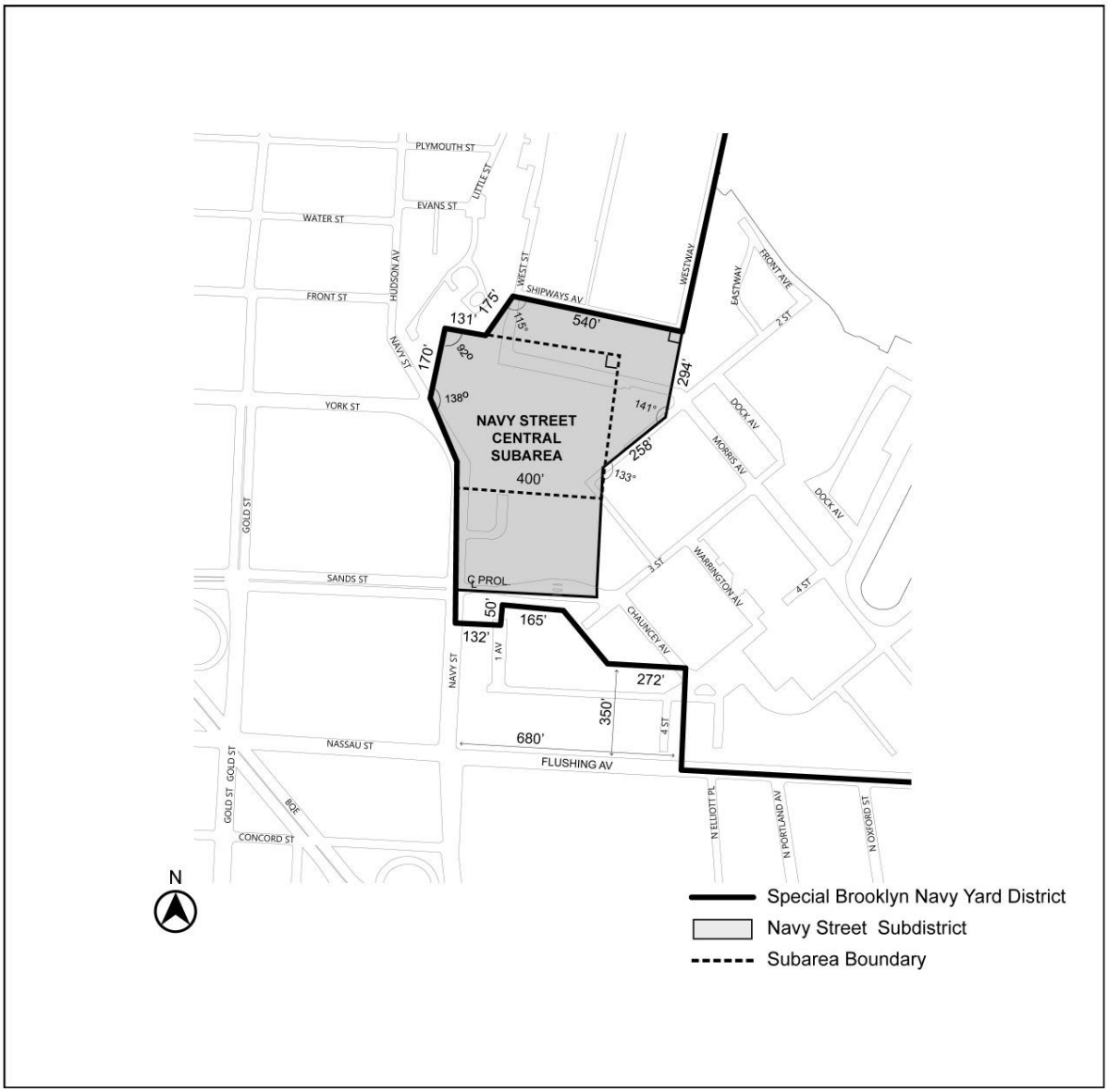
Map 1 — Special Brooklyn Navy Yard District and Subdistricts


N
Special Brooklyn Navy Yard District
Core Subdistrict
Navy Street Subdistrict
Flushing Subdistrict
Barge Basin Subdistrict
Barge Basin

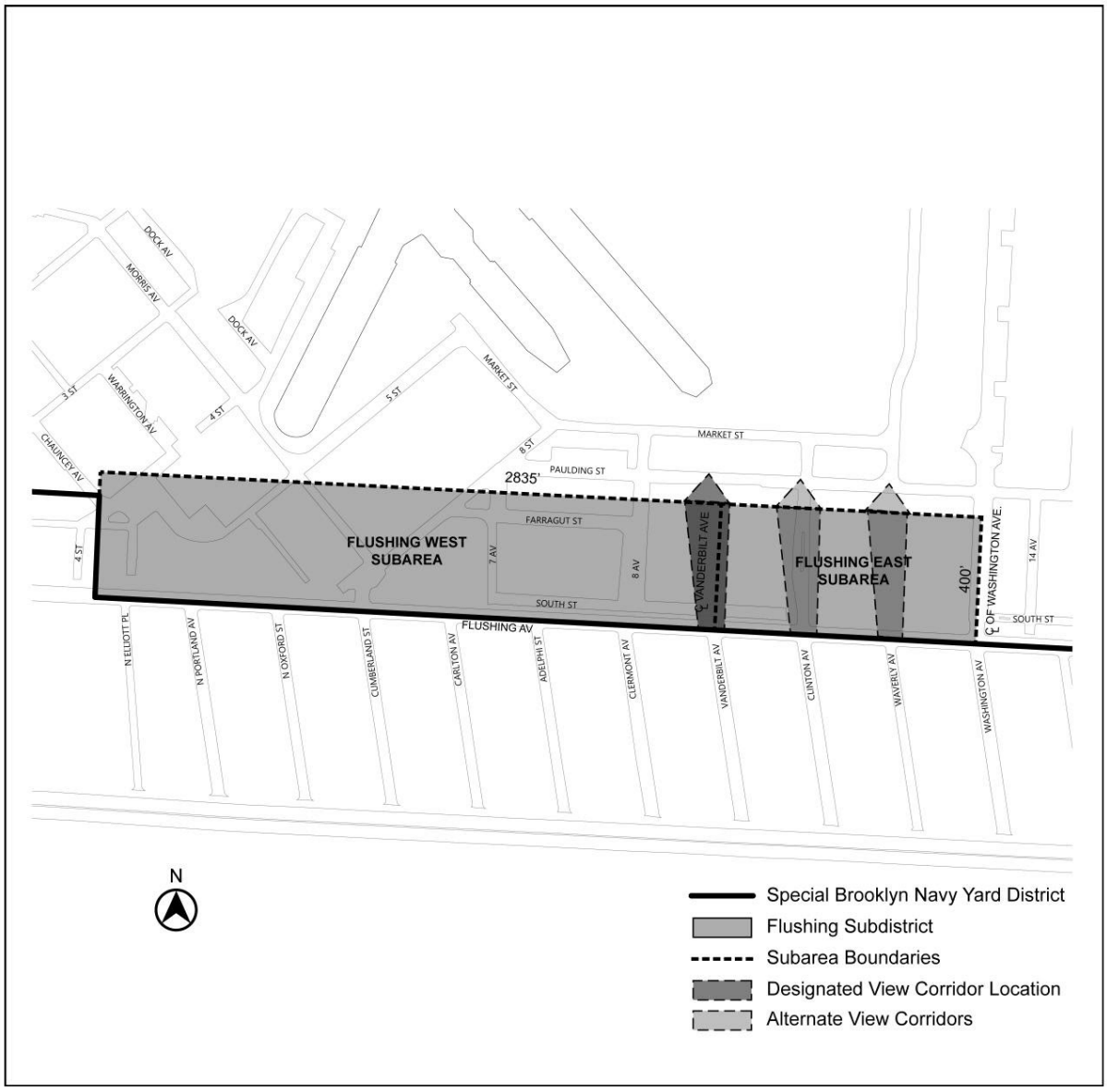
Map 2 — Barge Basin Subareas



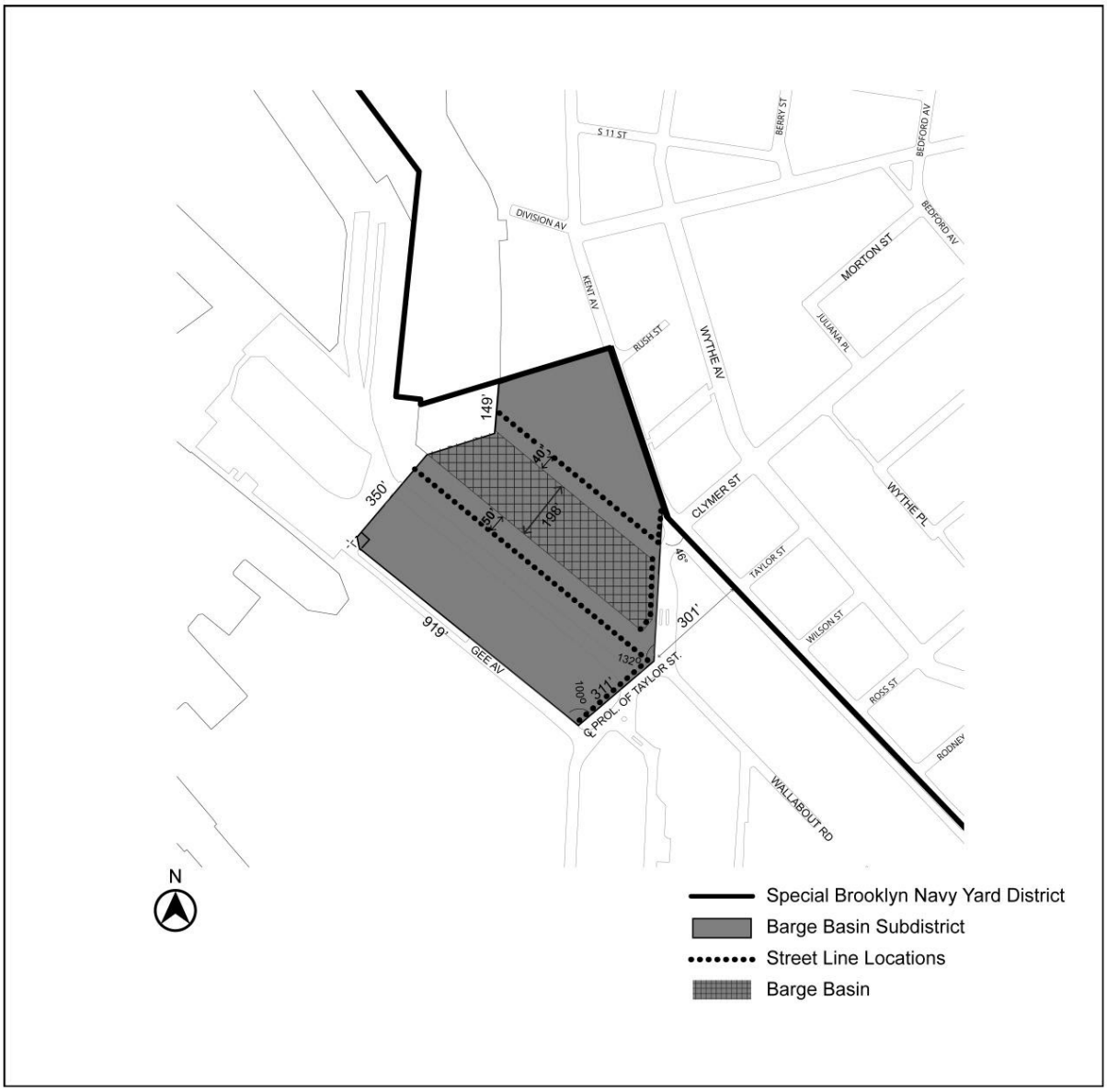
Map 3 — Navy Street Central Subarea



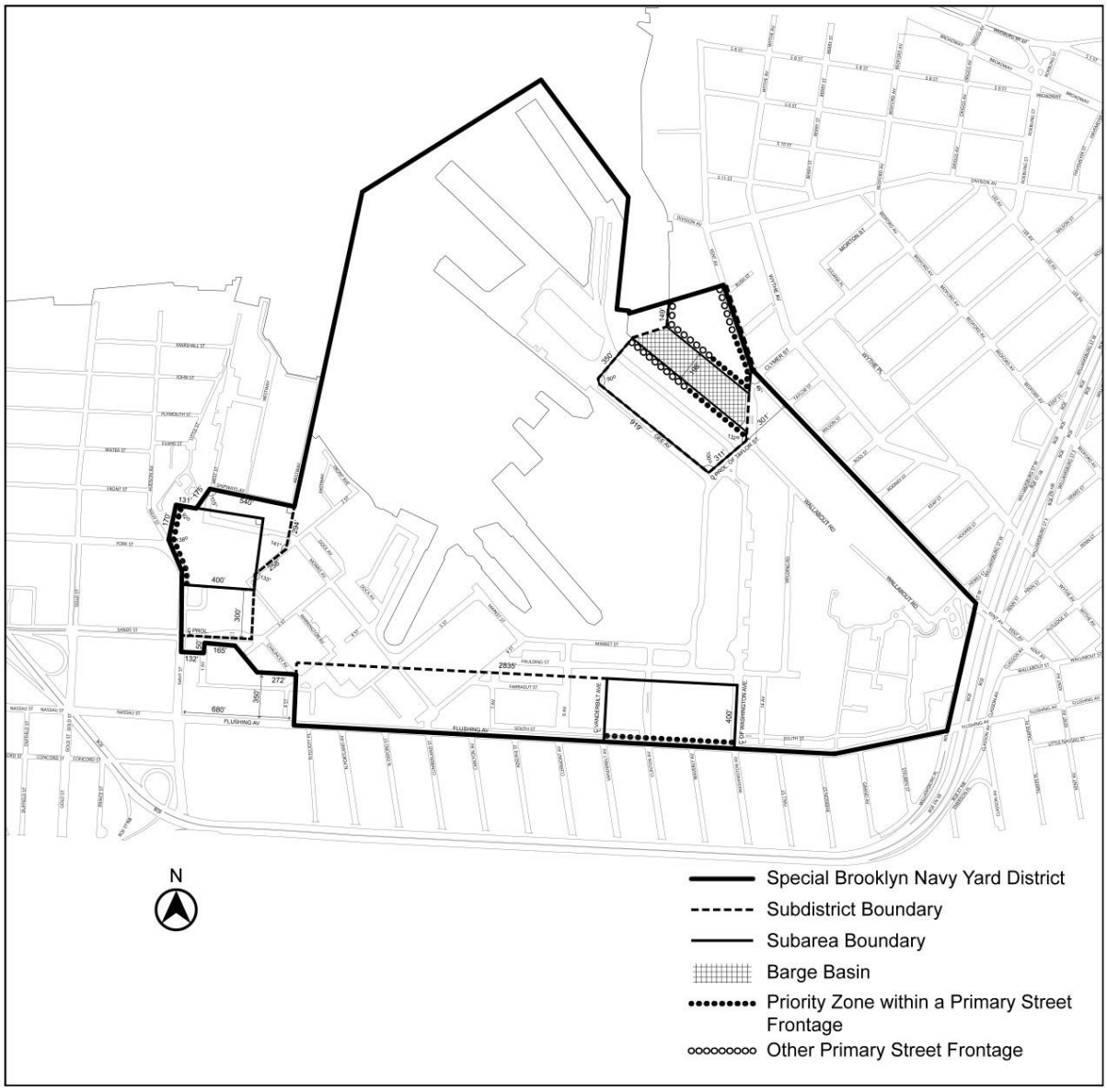
Map 4 — Flushing Avenue Subareas and View Corridors



Map 5 — Street Line Locations in the Barge Basin Subdistrict



Map 6 — Primary Street Frontages



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 5 - Special Eastchester – East Tremont Corridor District (ETC)

File generated by https://zr.planning.nyc.gov on 9/21/2026

Chapter 5 - Special Eastchester – East Tremont Corridor District (ETC)

145-00 - GENERAL PURPOSES

LAST AMENDED
8/15/2024

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

(a) to encourage the development of a mixed-use neighborhood around planned mass transit stations in Parkchester, Van Nest, and Morris Park;

(b) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(c) to support a variety of community facility and commercial uses and provide opportunities for the expansion of large academic, scientific and medical facilities in a manner that benefits the surrounding community;

(d) to establish walkable retail corridors in the neighborhood;

(e) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers, and visitors;

(f) to coordinate development with planned mass transit stations and facilitate improved pedestrian access to such facilities; and

(g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

145-01 - General Provisions

LAST AMENDED
8/15/2024

The provisions of this Chapter shall apply within the #Special Eastchester – East Tremont Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

145-02 - District Plan and Maps

LAST AMENDED
8/15/2024

The regulations of this Chapter are designed to implement the #Special Eastchester – East Tremont Corridor District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

Map 1. Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas

Map 2. Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements

Map 3. Subdistrict A Site Plan

Map 4. Subdistrict B, Subarea B1, Morris Park Avenue Site Plan

145-03 - Subdistricts

LAST AMENDED
8/15/2024

In order to carry out the provisions of this Chapter, two subdistricts, Subdistrict A and Subdistrict B, are established. In Subdistrict B, Subarea B1 is established. The location and boundaries of these subdistricts and subarea are shown on Map 1 (Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas) in the Appendix to this Chapter.

145-04 - Definitions

LAST AMENDED
8/15/2024

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions), 66-11 (Definitions) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Qualifying public realm improvement sites

For the purposes of this Chapter, “qualifying public realm improvement sites” shall refer to #zoning lots# in Subarea B1, as shown in Map 1 (Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas) in the Appendix, that have a #lot area# of 20,000 square feet or more.

145-05 - Applicability

LAST AMENDED
8/15/2024

145-051 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
12/5/2024

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Eastchester – East Tremont Corridor District# are shown in APPENDIX F of this Resolution.

145-052 - Applicability of Article VI, Chapter 4

LAST AMENDED
12/5/2024

The provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones) shall apply. In the event of a conflict between the provisions of this Chapter and Article VI, Chapter 4, the

provisions of Article VI, Chapter 4 shall control.

145-053 - Applicability of Article XII, Chapter 3

LAST AMENDED
12/5/2024

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

145-10 - SPECIAL USE REGULATIONS

LAST AMENDED
8/15/2024

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

145-11 - Streetscape Regulations

LAST AMENDED
8/15/2024

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

(a) #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 (Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements) in the Appendix to this Chapter shall be considered #Tier C street frontages#; and

(b) remaining applicable frontages shall be considered #Tier B street frontages#.

145-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
8/15/2024

The #bulk# regulations of the underlying districts shall apply except as modified by the provisions of this Section, inclusive. For the purposes of applying the provisions of this Section, inclusive, the #bulk# regulations for #residential# portions of #buildings# in #Commercial Districts# are modified as follows:

(a) In C4-3 Districts, the applicable #residential equivalent# shall be an R6-1 District, as modified by the provisions of this Section, inclusive, shall apply; and

(b) In C4-4 Districts within Subdistrict B, the applicable #residential equivalent# shall be an R7-3 District, without a letter suffix, shall apply.

145-21 - Floor Area Regulations

LAST AMENDED
8/15/2024

The #floor area# regulations of the underlying districts shall apply, except as modified by the provisions of this Section, inclusive.

145-211 - Basic floor area regulations

LAST AMENDED
12/5/2024

(a) #Commercial # #floor area ratio#

In C4-3 or C4-4 Districts, the maximum #floor area ratio# for #commercial# #uses# shall be 4.0.

(b) #Community facility# #floor area ratio#

In M1 Districts with an A suffix paired with an R7-3 District, the maximum #floor area ratio# for #community facility# #uses# shall be 6.5.

145-212 - Floor area provisions for zoning lots containing schools in Subdistrict A

LAST AMENDED
8/15/2024

In Subdistrict A, on a #zoning lot# improved with public #schools# pursuant to an agreement with the New York City School Construction Authority, up to 100,000 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

145-22 - Yard Regulations

LAST AMENDED
8/15/2024

The #yard# regulations of the underlying districts shall apply except that in C8-2 Districts, no #rear yard# regulations shall apply to any #zoning lot# abutting a railroad or transit right-of-way.

145-23 - Height and Setback Regulations

LAST AMENDED
12/5/2024

In all districts, except in C8-2 Districts, all #developments# and #enlargements# shall comply with the height and setback provisions of this Section.

(a) #Street wall# location rules

For #zoning lots#, or portions thereof, along #streets#, or portions thereof, designated on Map

2 (Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements) in the Appendix to this Chapter, the #street wall# location provisions of paragraph (b) of Section 35-631 (Street wall location) shall apply except that the #street walls# shall extend to minimum base heights as specified in paragraph (b) of this Section.

Along other #streets#, no #street wall# location rules shall apply.

(b) Base and #building# heights

In R6A and R8X Districts, the underlying height regulations shall apply. For all other districts, the table in this Section sets forth the minimum base height, maximum base height and the maximum height of a #building or other structure#. For the purposes of this Section, in a #Commercial District#, the applicable height and setback provisions are the regulations for the #Residence District# within which such #Commercial District# is mapped, the equivalent #Residence District#, or the designated #Residence District# where such district is paired with an M1 District with an A suffix.

A setback, pursuant to the provisions of Section 23-433 (Standard setback regulations), is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district and shall be provided at a height not lower than the minimum base height or higher than the permitted maximum base height.

BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS

District	**Minimum base height (in feet)**	**Maximum base height (in feet)**	**Maximum height of #buildings or other structures# (in feet)**
R6-1	40	65	125

R7-2	40	85	155
R7-3	60	95	185
R8	60	105	215

(c) Modifications in certain areas

In Subdistrict B and in other areas, the provisions of paragraphs (a) and (b) of this Section shall be modified as follows:

(1) Modifications in Subdistrict B

(i) In Subdistrict B, the maximum base and #building# height provisions of an R8 District without a letter suffix, as set forth in paragraph (b) of this Section, shall apply.

(ii) In Subarea B1, portions of #buildings or other structures# located adjacent to an open space, as designated on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, may rise without setback, provided that such open space has a minimum depth of 30 feet from the point of intersection of two #street lines#. For the purposes of applying the #street wall# location rules of paragraph (a) of this Section, the interior boundary of such publicly accessible area shall be considered a #street line#.

(2) Modifications in other areas

In C2 Districts mapped within R8 Districts without a letter suffix, for #zoning lots#

with a #street# frontage of at least 200 feet along East Tremont Avenue, the maximum building height set forth in paragraph (b) of this Section shall be increased by 20 feet.

(d) Dormers

For all #buildings or other structures#, dormers shall be a permitted obstruction in a required setback, and may be provided in accordance with the provisions of paragraph (b)(1) of Section 23-413 (Permitted obstructions in certain districts).

145-30 - SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

LAST AMENDED
8/15/2024

The #accessory# off-street parking and loading regulations of the underlying districts are modified by the provisions of this Section, inclusive.

145-31 - Accessory Off-street Parking Spaces for Non-residential Uses

LAST AMENDED
8/15/2024

In all #Commercial Districts#, the #accessory# off-street parking requirements for #manufacturing#, #commercial# or #community facility# #uses#, applicable to a C4-4 District, shall apply.

145-32 - Public Use of Accessory Parking

LAST AMENDED
8/15/2024

All required or permitted #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days of a written request for such space made to the landlord.

145-33 - Loading Regulations

LAST AMENDED
8/15/2024

For the purposes of applying the provisions of Section 36-60 (OFF-STREET LOADING REGULATIONS), the #accessory# off-street loading berth requirements of C4-4 Districts shall apply in all #Commercial Districts#.

145-40 - SPECIAL APPROVALS

LAST AMENDED
8/15/2024

In Subdistrict A, a #floor area# bonus for public realm improvements shall be granted pursuant to the provisions of Section 145-41 (Special Approvals in Subdistrict A).

In portions of Subdistrict B, special approvals for a transfer of #floor area# or #floor area# bonus for public realm improvements may be granted pursuant to the provisions of Section 145-42 (Special Approvals in Subdistrict B).

145-41 - Special Approvals in Subdistrict A

LAST AMENDED
8/15/2024

In Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, a #floor area# bonus where public realm improvements, pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), are provided on a single #zoning lot# or on two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or #street# intersection, and:

(a) has or will have an area of at least 1.5 acres; and

(b) has or will be #developed# or #enlarged# as a unit under single fee ownership or alternate ownership arrangements as set forth in the definition of #zoning lot#.

In conjunction with such #floor area# bonus, the Commission may authorize the modification of bulk regulations, other than #floor area ratio#, pursuant to Section 145-412 (Authorization for additional modifications in Subdistrict A).

145-411 - Certification for public realm improvements in Subdistrict A

LAST AMENDED

In Subdistrict A, the Chairperson of the City Planning Commission shall allow a 20 percent increase in the maximum permitted #floor area ratio# on #zoning lots# pursuant to the provisions of Section 145-41 (Special Approvals in Subdistrict A), upon certification to the Commissioner of the Department of Buildings that public realm improvements comprising an Entry Open Space, Western Open Space, Pierce Avenue Extension and supplementary open spaces as designated on Map 3 (Subdistrict A Site Plan) in the Appendix to this Chapter, are provided, Such #floor area ratio# increase and public realm improvements shall be subject to the rules and limitations of paragraph (a), the general requirements of paragraphs (b) and (c), application requirements of paragraph (d), and additional requirements of paragraph (e) of this Section.

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other #bulk# modifications shall apply:

(1) where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and

(2) for #MIH developments#, the requirements of Article II, Chapter 7 (Additional Regulations and Administration in Residence Districts) shall not apply to the bonus #floor area# granted under the provisions of this Section.

(b) General requirements for publicly accessible open spaces

Publicly accessible open spaces shall include the Entry Open Space, Western Open Space and supplementary open spaces, as designated on Map 3 in the Appendix to this Chapter.

(1) Location and minimum dimensions

Publicly accessible open spaces shall be provided in the location designated on Map 3 in the Appendix. Such publicly accessible open spaces shall comprise:

(i) an Entry Open Space with a minimum area of at least 8,500 square feet and the minimum dimensions set forth on Map 3;

(ii) a Western Open Space with a minimum area of at least 10,000 square feet and the minimum dimensions set forth on Map 3; and

(iii) three supplementary open spaces with a minimum area of at least 4,800 square feet each, with minimum dimensions set forth on Map 3.

(2) Design requirements

All publicly accessible open spaces shall comply with the following design provisions:

(i) seating shall be provided in accordance with the requirements of Section 37-741 (Seating);

(ii) planting and trees shall be provided in accordance with the provisions of Section 37-742 (Planting and trees);

(iii) an average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot)

throughout all other areas, shall be required;

(iv) litter receptacles shall be provided in accordance with the standards of Section 37-744 (Litter receptacles);

(v) bicycle parking shall be provided in accordance with the standards of Section 37-745 (Bicycle parking);

(vi) drinking fountains shall be provided pursuant to the standards set forth in Section 37-746 (Drinking fountains);

(vii) additional amenities shall be provided and designed pursuant to the standards set forth in Section 37-748 (Additional amenities);

(viii) permitted obstructions within such area shall be subject to the provisions of Section 37-726 (Permitted obstructions), and any kiosk or open air cafe provided shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes);

(ix) the provisions of Sections 37-722 (Level of plaza) and 37-728 (Standards of accessibility for persons with disabilities) shall apply to such area, and any steps provided shall be subject to the provisions of Section 37-725 (Steps); and

(x) entry plaques and information plaques shall be provided in accordance with the provisions of paragraphs (a) and (b) of Section 37-751 (Public space signage systems).

Notwithstanding the foregoing, up to 50% of two of the publicly accessible open spaces, as designated on Map 3, may consist of playground space designed

and equipped in a manner consistent with New York City Department of Parks and Recreation standards.

(3) Hours of public access

Such publicly accessible open spaces shall be accessible to the public each day from 6:00 a.m. to 10:00 p.m.

(c) General requirements for Pierce Avenue Extension

The Pierce Avenue Extension shall be publicly accessible and constructed in accordance with the Department of Transportation Design Streets Manual and approved by the New York City Department of Transportation.

(d) Application requirements

An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include the following materials:

(1) a site plan indicating the area and dimensions of the publicly accessible open space, or portions thereof, and the location of all proposed #developments# subject to the application;

(2) a landscape plan, prepared by a registered landscape architect, for the publicly accessible open spaces; and

(3) for #zoning lots# undergoing phased #development#, a phasing plan shall be submitted to implement the public realm improvements. Such phasing plan shall set forth the

amount and location of public realm improvements that will be provided at the time each phase is #developed#. The amount of improvements in any phase shall be proportionate to the #lot area# being #developed# in such phase, except where physical or programmatic constraints make it infeasible to provide such amount of improvements.

(e) Additional requirements

The owner(s) shall be responsible for the maintenance of the Pierce Avenue Extension and other required publicly accessible open spaces, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

At the time of certification, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the improvements required for the phase associated with such bonus #floor area# have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

145-412 - Authorization for additional modifications in Subdistrict A

LAST AMENDED
8/15/2024

In conjunction with an application pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), the City Planning Commission may, by authorization, allow the total #floor area#, #lot coverage#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within Subdistrict A to be distributed without regard for #zoning# lot lines. Additionally, the Commission may modify other #bulk# regulations, other than #floor area ratio#.

All such modifications shall be subject to the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section.

(a) Conditions and limitations

For #zoning lots# or portions thereof within 150 feet of Bronxdale Avenue, modifications to maximum permitted #building# height shall not apply.

For #zoning lots# or portions thereof beyond 150 feet of Bronxdale Avenue, the maximum permitted #building# height may be modified provided that such modification does not result in an increase that exceeds 13 percent of the maximum #building# height, as set forth in

paragraph (b) of Section 145-23 (Height and Setback Regulations).

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

(1) such distribution of #floor area#, #lot coverage#, #dwelling units#, or #rooming units# will result in a better site plan, and will not:

(i) unduly increase the #bulk# of #buildings# to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#; or

(ii) adversely affect any other #zoning lots# outside of the Subdistrict, by restricting access to light and air; and

(2) modifications to other #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

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

145-42 - Special Approvals in Subdistrict B

LAST AMENDED
8/15/2024

For certain portions of Subarea B1, a transfer of #floor area# from a granting site to a receiving site shall be allowed by certification of the Chairperson of the City Planning Commission, pursuant to Section 145-421 (Certification for transfer of floor area).

For #qualifying public realm improvement sites# in Subarea B1, the Commission may grant, by authorization, a #floor area# bonus for transit and station area improvements pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites). In conjunction with such #floor area# bonus, the Commission may authorize #bulk# modifications, other than modifications to the #floor area ratio#, pursuant to Section 145-423 (Authorization for additional modifications on qualifying public realm improvement sites).

145-421 - Certification for transfer of floor area

LAST AMENDED
8/15/2024

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of #floor area# from the Improvement Area located in Subarea B1, as shown on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, to a #zoning lot# fronting on Morris Park Avenue or other #zoning lots# on the #block# contiguous to the Improvement Area. Such certification for a transfer of #floor area# shall be subject to the conditions of paragraph (a), and application requirements of paragraph (b) of this Section.

For the purposes of this Section, the "granting site" shall mean the Improvement Area that transfers #floor area# pursuant to this Section, and a "receiving site" shall mean a #zoning lot# that receives additional #floor area# pursuant to this Section.

(a) Conditions

(1) the maximum amount of #floor area# that may be transferred from the granting site shall equal the area designated on Map 4 multiplied by the maximum #floor area ratios# pursuant to the zoning district within Subdistrict B. Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred; and

(2) all certificates of occupancy have been surrendered for such granting site, and all structures on such granting site have been demolished.

(b) Application requirements

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the granting site and the receiving site. Such application shall include site plans and zoning calculations for the granting site and receiving site showing the additional #floor area# associated with the transfer.

Additionally, at the time of certification, the owners of the granting site and the receiving site shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the granting site and the receiving site shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be submitted to the Chairperson. Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by #block# and lot numbers, the granting site and the receiving site that are a party to such transfer.

The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only after the transfer instrument and notice of restrictions required by this paragraph have been executed and recorded with proof of recordation provided to the Chairperson. Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development#.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing #floor area# associated with the transfer on the receiving site until the granting site has been conveyed to the City for improvement, as a #street#, as provided on the City Map.

A separate application shall be filed for each transfer of #floor area# to any receiving site pursuant to this Section.

145-422 - Authorization for qualifying public realm improvement sites

LAST AMENDED
12/5/2024

For #qualifying public realm improvement sites# in Subarea B1, the City Planning Commission may authorize an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, where transit and public realm improvements are provided to enhance access, circulation and complementary open spaces between a future #mass transit station# and its surrounding area. All applications pursuant to this Section shall be subject to the rules and limitations set forth in paragraph (a), conditions set forth in paragraph (b), application requirements set forth in paragraph (c), findings set forth in paragraph (d), and additional requirements set forth in paragraph (e) of this Section.

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other bulk modifications shall apply:

(1) where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and

(2) for #MIH developments#, the requirements of Article II, Chapter 7 (Additional Regulations and Administration in Residence Districts) shall not apply to the bonus #floor area# granted under the provisions of this Section.

(b) Conditions

All applications shall include on-site or off-site improvements that will enhance access to and circulation between such #mass transit station# and its surrounding areas. Such improvements may consist of:

(1) accessibility or capacity-enhancing improvements to the #mass transit station#, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to #the #mass transit station#; or

(2) publicly accessible open spaces, of ample size, for public use and enjoyment, at or around the #mass transit station#. Such improvements may include pedestrian plazas and other types of active or passive open spaces and shall be characteristic of best

practices in plaza design, as set forth by the Department of Transportation.

(c) Application requirements

All applications shall include a site plan indicating the area and dimensions of the proposed improvements to the #mass transit station# or proposed publicly accessible open spaces. In addition, for applications involving accessibility or capacity-enhancing improvements to the #mass transit station#, the following shall be provided:

(1) Prior to submitting an application, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the Metropolitan Transportation Authority to evaluate and determine the constructability of such proposed improvement.

(2) At the time of application referral, the Commission shall be provided with the following application materials:

(i) a letter from the Metropolitan Transportation Authority containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

In order to grant such #floor area# bonus, the Commission shall find that:

(1) the public benefit derived from such improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to the authorization;

(2) for accessibility or capacity-enhancing improvements for the #mass transit station#, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and

(3) for publicly accessible open spaces, the proposed improvements will, to the extent practicable:

(i) consist of a prominent space of generous proportions and quality design that is inviting to the public, resulting in high-quality public space;

(ii) provide comfortable places for resting, suitable amenities for occupants and opportunities for planting; and

(iii) be designed in a manner that is cohesive and harmonious with the pedestrian circulation network.

(e) Additional requirements

For all applications, additional requirements set forth in this paragraph shall apply.

(1) For applications involving accessibility or capacity-enhancing improvements to the #mass transit station# the following requirements shall be met prior to the granting of such #floor area# bonus:

(i) To the extent required by the Metropolitan Transportation Authority, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the Metropolitan Transportation Authority deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the Metropolitan Transportation Authority stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements

and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the building utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

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

145-423 - Authorization for additional modifications for qualifying public realm improvement sites

LAST AMENDED
8/15/2024

In conjunction with an application pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites), the City Planning Commission may, by authorization, modify bulk regulations, other than #floor area ratio# and maximum #building height#, provided that the Commission determines that the application requirements of paragraph (a) and the findings set forth in paragraph (b) of this Section are met.

(a) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(b) Findings

The Commission shall find that:

(1) such proposed modifications are necessary to accommodate the additional #floor area# granted pursuant to Section 145-422; and

(2) any modifications to #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

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

Appendix - Special Eastchester – East Tremont Corridor District Plan

LAST AMENDED
8/15/2024

Map 1. Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas

Map 2. Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements

Map 3. Subdistrict A Site Plan

Map 4. Subdistrict B, Subarea B1, Morris Park Avenue Site Plan

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Chapter 6 - Special Atlantic Avenue Mixed Use District (AAM)

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Chapter 6 - Special Atlantic Avenue Mixed Use District (AAM)

146-00 - GENERAL PURPOSES

LAST AMENDED
5/28/2025

The “Special Atlantic Avenue Mixed Use District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to expand local employment opportunities and to promote the opportunity for workers to live in the vicinity of their work;

(b) to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(c) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(d) to encourage stability and growth in the neighborhood by permitting compatible light manufacturing and residential uses to coexist;

(e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique corridors such as Atlantic Avenue; and

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

146-01 - General Provisions

LAST AMENDED
5/28/2025

The provisions of this Chapter shall apply within the #Special Atlantic Avenue Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control, except where explicitly stated otherwise in this Chapter.

146-02 - District Plan and Map

LAST AMENDED
5/28/2025

The regulations of this Chapter are designed to implement the #Special Atlantic Avenue Mixed Use District# Plan. The district plan includes the following map in the Appendix to this Chapter:

Map 1 Designated Streetscape Frontages

Such map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

146-03 - Definitions

LAST AMENDED
5/28/2025

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions) or 123-11 (Definitions).

146-04 - Applicability of the Mandatory Inclusionary Housing Program

LAST AMENDED
5/28/2025

For the purposes of applying the Mandatory Inclusionary Housing Program provisions set forth in Section 27-10 (ADMINISTRATION OF AFFORDABLE HOUSING), #Mandatory Inclusionary Housing areas# within the #Special Atlantic Avenue Mixed Use District# are shown in APPENDIX F of this Resolution.

146-041 - Applicability of Article VI, Chapter 6

LAST AMENDED
5/28/2025

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

146-042 - Applicability of Article XII, Chapter 3

LAST AMENDED
5/28/2025

In M1 Districts paired with a #Residence District#, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

146-10 - SPECIAL USE REGULATIONS

LAST AMENDED
5/28/2025

The #use# regulations of the underlying districts, or of Article XII, Chapter 3 (Special Mixed Use Districts), shall apply, except as modified by the provisions this Section, inclusive.

146-11 - Additional Conditions for Certain Uses

LAST AMENDED
5/28/2025

In M1 Districts paired with a #Residence District#, all applicable #commercial# and #manufacturing# #uses# may only locate in the same #building# as, or may only share a common wall with, a #building# containing a #residence# or a #community facility# #use# with sleeping accommodations:

(a) where the provisions of paragraph (b)(1) of Section 123-22 (Additional Conditions for Certain Uses) are met; or

(b) where the Chairperson of the City Planning Commission certifies an alternative means of compliance pursuant to Section 146-12, and an (E) designation listed in APPENDIX C of this Resolution applies to all tax lots with such #uses# in accordance with Section 11-15 (Environmental Requirements), establishing specific building design or other environmental requirements in order to protect occupants of the #building# and surrounding properties from any hazardous materials, noise or air quality associated with such #commercial# or #manufacturing# #uses#.

146-12 - Certification for an Alternate Means of Compliance for Mixed Buildings

LAST AMENDED
5/28/2025

In M1 Districts paired with a #Residence District#, the Chairperson of the City Planning Commission shall allow, by certification, an alternative to the provisions of paragraph (b) of Section 123-22 (Additional Conditions for Certain Uses) where applicable #commercial# and #manufacturing# #uses# are proposed to locate in the same #building# as, or share a common wall with, a #building# containing a #residence# or a #community facility# #use# with sleeping accommodations.

In order for the Chairperson to make such certification, the applicant shall submit a report, from a licensed architect or engineer, demonstrating that specific physical design standards to be implemented in the #building# design, or other environmental requirements, will protect occupants of such #residences# or #community facility# #uses# with sleeping accommodations from any potential hazardous materials, noise or air quality associated with such #commercial# or #manufacturing# #uses#.

An (E) designation shall be listed in APPENDIX C of this Resolution and bind the owners, successors, and assigns to comply with Section 11-15 (Environmental Requirements) and the specific building design or other environmental requirements listed in the report.

146-13 - Streetscape Regulations

LAST AMENDED
5/28/2025

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except where Map 1, in the Appendix to this Chapter, designates:

(a) #ground floor level# #street frontages# that shall be considered #Tier C street frontages#; and

(b) #ground floor level# #street frontages# where the alternative provisions for #Tier B street frontages# set forth in Section 32-322 shall not apply.

146-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
5/28/2025

The #bulk# regulations of the underlying districts or of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except as modified by the provisions of this Section, inclusive.

146-21 - Floor Area Regulations

LAST AMENDED
5/28/2025

146-211 - Floor area modifications for certain paired districts

LAST AMENDED
11/12/2025

In M1A Districts paired with #Residence Districts#, for #zoning lots# with #buildings# containing #residential# and non-#residential uses#, the maximum #floor area ratio# for individual #uses# on the #zoning lot# shall apply, but the total #floor area ratio# shall be modified as follows:

TOTAL FLOOR AREA RATIO

District	Total #floor area ratio#
M1-1A/R6B	3.0
M1-2A/R6A	5.0

However, in M1-2A Districts paired with R6A Districts, for #zoning lots# with a #lot area# greater than 10,000 square feet, where the #floor area# provided exceeds an equivalent #floor area ratio# of 4.5, any such excess #floor area# shall be allocated exclusively to:

(a) #referenced commercial and manufacturing uses#, other than automotive repair and maintenance establishments listed under Use Group VI (Retail and Services); or

(b) libraries, museums, community centers, non-commercial art galleries or philanthropic or non-profit institutions without sleeping accommodations listed under Use Group III(B) (Community Facilities Without Sleeping Accommodations).

146-22 - Special Yard Regulations

LAST AMENDED
5/28/2025

The #yard# regulations of the underlying districts shall apply, except that for #zoning lots# where the #side lot line# is located within 30 feet of an elevated rail line, the #rear yard# and #rear yard equivalent# provisions of Section 23-34 (Rear Yard and Rear Yard Equivalent Requirements), inclusive, need not apply.

146-23 - Special Height and Setback Regulations

LAST AMENDED
5/28/2025

146-231 - Street wall modifications

LAST AMENDED
5/28/2025

For #zoning lots#, or portions thereof, fronting on Atlantic Avenue or Bedford Avenue, the applicable #street wall# location regulations shall be modified as follows:

(a) the #street wall# shall be located at least 20 feet beyond the curb of the sidewalk, except that such depth need not exceed five feet from the #street line#;

(b) for #developments# with #building# widths exceeding 100 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#; and

(c) for the purposes of applying the provisions of Section 35-633 (Additional height and setback provisions) on shallow #through lots# with a frontage along Atlantic Avenue, the #street wall# location requirements of this Section shall be required along Atlantic Avenue.

146-232 - Other height and setback modifications

LAST AMENDED
5/28/2025

The height and setback regulations of the applicable underlying districts shall be modified as follows:

(a) for #zoning lots#, or portions thereof, within 100 feet of a #side lot line# that is located within 30 feet of an elevated rail line, the applicable maximum #building# heights may be increased by 10 feet in M1-2A/R6A Districts, and by 20 feet in C6-3A and M1-4A/R9A Districts; and

(b) in M1A Districts paired with #Residence Districts#, for #zoning lots# with #buildings# containing both #residential# and non-#residential uses#, the following height and setback

modifications may be applied:

District	Maximum base height (in feet)	Maximum height of #buildings or other structures# (in feet)
M1-1A/R6B	65	95
M1-2A/R6A	95	125

In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum #building# heights established in such table by 25 percent.

146-30 - SPECIAL OFF-STREET PARKING REGULATIONS

LAST AMENDED
5/28/2025

The #accessory# off-street parking regulations of the underlying districts are modified by the provisions of this Section, inclusive.

146-31 - Accessory Off-street Parking Spaces for Non-residential Uses

LAST AMENDED
5/28/2025

In all districts, no #accessory# off-street parking spaces shall be required for #manufacturing#, #commercial#, or #community facility# #uses#.

146-40 - SPECIAL APPROVALS

LAST AMENDED
5/28/2025

146-41 - Authorization for a Public Plaza

LAST AMENDED
5/28/2025

In C6-3A, C6-3X and M1-4A/R9A Districts, for #zoning lots# with a #lot area# of at least 30,000 square feet, the City Planning Commission may authorize an increase in the maximum #floor area ratio# where a #public plaza# is provided on the #zoning lot# in accordance with the provisions of Section 37-70 (PUBLIC PLAZAS), inclusive.

In conjunction with such #floor area# bonus, the Commission may authorize modifications to the applicable #bulk# regulations of this Resolution, or to the regulations governing #public plazas# in Section 37-70, inclusive.

In order to grant such authorization, the Commission shall determine that the conditions and limitations of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions and limitations

The following conditions and limitations shall apply:

(1) For the purposes of determining the bonus ratio in #Commercial Districts# with a #residential equivalent# of an R9 District, or in M1 Districts paired with an R9 District, the underlying bonus ratio for a C6-3 District shall apply. The #floor area# bonus resulting from applying such ratio shall not exceed 20 percent of the maximum #floor area ratio# otherwise permitted by the district.

(2) Modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height otherwise permitted by the applicable district regulations; and

(3) Modifications to the regulations governing #public plazas# shall be limited to:

(i) the basic design criteria set forth in Section 37-71, inclusive, other than the area dimensions of Section 37-712;

(ii) the access and circulation provisions set forth in Section 37-72, inclusive, other than hours of access set forth in Section 37-727; and

(iii) the types and standards for amenities, set forth in Section 37-74, inclusive.

(b) Findings

The Commission shall find that:

(1) the public benefit derived from the #public plaza# merits the amount of additional #floor area# being granted pursuant to this Section;

(2) the #public plaza# will be well-integrated with the overall pedestrian circulation network and contribute to an enhanced streetscape;

(3) any modifications to #bulk# are the minimum extent necessary to reasonably accommodate the #public plaza# and the additional #floor area# granted pursuant to this Section and will not unduly obstruct access to light and air to surrounding #streets# and properties; and

(4) any modifications to #public plaza# regulations are the minimum extent necessary, and will better align such #public plaza# regulations with unique site configurations or with the mixed-use character of the neighborhood.

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

Appendix - Special Atlantic Avenue Mixed Use Plan - Map 1 – Designated Streetscape Frontages

LAST AMENDED
5/28/2025

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX B — Index of Special Purpose Districts

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APPENDIX B — Index of Special Purpose Districts

(11/12/25)

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
125th Street District (125)	97-00	5c 6a 6b	080100(A) ZRM	3/10/08	4/30/08
Battery Park City District (BPC) Substantially modified	84-00	12a 12b	22479 810412(A) ZRM	11/14/73 10/19/81	12/28/73 11/13/81
Bay Ridge District (BR) Substantially modified	114-00	22a 22b	780285 ZRK 050133 ZRK	9/25/78 3/2/05	11/2/78 3/23/05
Bay Street Corridor District (BSC)	135-00	21c 21d	190114(A) ZRR	4/22/19	6/26/19
Brooklyn Navy Yard (BNY)	144-00	12d	210463(A) ZRK	10/20/21	12/15/21
City Island District (CD)	112-00	4c 4d	23258	12/13/76	1/20/77
Clinton District (CL)	96-00	8a 8c 8d	22758	10/21/74	11/21/74
Coastal Risk District 1 (Broad Channel - CR-1)	137-00	24b 24d 30a 30c	170257 ZRQ	6/7/17	6/21/17
Coastal Risk District 2 (Hamilton Beach - CR-2)	137-00	18b	170267 ZRQ	6/7/17	6/21/17
Coastal Risk District 3 (S.I. East Shore - CR-3)	137-00	27b 27d 34a	170374 ZRR	8/9/17	9/7/17

Coastal Risk District 4 (Gerritsen Beach - CR-4)	137-00	29a	210131 ZRK	3/17/21	5/12/21
Coastal Risk District 5 (Edgemere - CR-5)	137-00	30c 31a	220233 ZRQ	5/11/22	7/14/22
College Point District (CP)	126-00	7b 10a	090318 ZRQ	6/3/09	7/29/09
Coney Island District (CI)	131-00	28d	090273(A) ZRK	6/17/09	7/29/09
Coney Island Mixed Use District (CO)	106-00	28d	22785	12/23/74	1/9/75
Downtown Brooklyn District (DB)	101-00	12d 16c	000244(B1) ZRY	6/13/01	7/26/01
Downtown Far Rockaway District (DFR)	136-00	31a 25b	170244(A) ZRQ	7/10/17	9/9/17
Downtown Jamaica District (DJ)	115-00	14d 15a 15b	070315(A) ZRQ	7/11/07	9/10/07
Eastchester-East Tremont Corridor District (ETC)	145-00	3d, 4a, 4b	240016 ZRX	6/26/24	8/15/24
East Harlem Corridors District (EHC)	138-00	6a, 6b	170359 ZRM	10/2/17	11/30/17
Enhanced Commercial District - 1 (EC-1)	132-00	16c 16d	110387 ZRK	10/19/11	11/29/11
Enhanced Commercial District - 2 and 3 (EC-2 and EC-3)	132-00	5d 8c	120144 ZRM	5/9/12	6/28/12
Enhanced Commercial District - 4 (EC-4)	132-00	13b 17a	120295 ZRK	9/5/12	10/11/12

Enhanced Commercial District - 5 and 6 (EC-5 and EC-6)	132-00	17c	160050 ZRK	2/24/16	4/20/16
Flushing West District (FW)	127-00	10a, 10b	200034 ZRQ	11/4/20	12/10/20
Forest Hills District (FH)	86-00	14a	090103 ZRQ	1/21/09	3/24/09
Governors Island District (GI)	134-00	16a	130189(A) ZRM	6/5/13	7/24/13
Gowanus District (G)	139-00	16c 16d	210178 ZRK	9/22/21	11/23/21
Grand Concourse District (C)	122-00	1d 3b 3c 3d 6a	890229 ZRX	9/6/89	9/28/89
Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillsides Preservation District (HS)	119-00	21a 21b 21c 21d	870002 ZRR	6/3/87	6/30/87
Hudson River Park (HRP)	89-00	12a	160308 ZRM	10/17/16	12/15/16
Hudson Square District (HSQ)	88-00	12a	120381(A) ZRM	1/23/13	3/20/13
Hudson Yards District (HY)	93-00	8b 8d	040500(A) ZRM	11/22/04	1/19/05
Hunts Point Special District (HP)	108-00	6c	080248 ZRX	5/21/08	7/23/08
Inwood Special District (IN)	142-00	1b 1d 3a 3c	180205(A) ZRM	6/25/18	8/8/18
Jerome Corridor District (J)	141-00	3b 3c	180050(A) ZRX	1/17/18	3/22/18
Limited Commercial District (LC)	83-00	12c	20779	8/14/69	10/9/69

Lincoln Square District (L)	82-00	8c	20365(A)	3/19/69	4/24/69
Little Italy District (LI)	109-00	12c	760061 ZRM	1/3/77	2/3/77
Long Island City Mixed Use District (LIC)	117-00	8d 9b	000407(A) ZRQ	5/23/01	7/26/01
Lower Manhattan District (LM)	91-00	12a 12b 12d	980314 ZRM	7/20/98	8/27/98
Madison Avenue Preservation District (MP)	99-00	5d 6b 8c	22350	11/7/73	12/20/73
Manhattanville Mixed Use District (MMU)	104-00	5c 6a	070496 ZRM	11/26/07	12/19/07
Midtown District (MID)	81-00	8c 8d	820253 ZRM	3/16/82	5/13/82
Midtown South Mixed Use District (MSX)	121-00	8d	250186 ZRM	6/18/25	8/14/25
Mixed Use District - 1 (MX-1) Port Morris, The Bronx	123-00	6a 6b	970751 ZRX	11/5/97	12/10/97
Mixed Use District - 2 (MX-2) DUMBO, Brooklyn	123-00	12d	090310 ZRK	7/1/09	7/29/09
Mixed Use District - 4 (MX-4) Flushing/Bedford, Brooklyn	123-00	12d 13b	000110 ZRK	3/26/01	5/9/01
Mixed Use District - 5 (MX-5) Red Hook, Brooklyn	123-00	16a	020046 ZRK	12/19/01	1/30/02
Mixed Use District - 6 (MX-6) Hudson Square, Manhattan	123-00	12a	030236 ZRM 070575 ZMM	6/18/03 6/4/08	8/19/03 7/23/08
Mixed Use District - 7 (MX-7) Morrisania, The Bronx	123-00	3d 6c	030334 ZRX	7/23/03	8/19/03

Mixed Use District - 8 (MX-8) Greenpoint-Williamsburg, Brooklyn	123-00	12c 12d 13a 13b	040137 ZRK	8/25/04	9/28/04
Mixed Use District - 10 (MX-10) Atlantic and Howard Avenues, Brooklyn	123-00	17a	070448 ZRY	9/5/07	10/29/07
Mixed Use District - 11 (MX-11) Gowanus, Brooklyn	123-00	16c	090049 ZRK	2/17/09	3/11/09
Mixed Use District - 12 (MX-12) Borough Park, Brooklyn	123-00	22c	100346 ZRK	8/25/2010	10/27/10
Mixed Use District - 13 (MX-13) Lower Concourse, the Bronx	123-00	6a	090302 ZRX	5/20/09	6/30/09
Mixed Use District - 14 (MX-14) Third Avenue /Tremont Avenue, The Bronx	123-00	3c 3d	100408 ZRX	9/15/10	10/13/10
Mixed Use District - 15 (MX-15) West Harlem, Manhattan	123-00	6a	120310 ZRM	9/5/12	11/13/12
Mixed Use District - 16 (MX-16) Ocean Hill/East New York, Brooklyn	123-00	17c	160050 ZRK	2/14/16	4/20/16
Mixed Use District - 17 (MX-17) Hunts Point, The Bronx	123-00	6c	180122 ZRX	2/14/18	3/22/18
Mixed Use District - 18 (MX-18) Mott Haven, The Bronx	123-00	6c	190337 ZRX	9/3/19	10/17/21
Mixed Use District - 19 (MX-19) Brownsville, Brooklyn	123-00	17d	200057 ZRK	11/4/20	12/10/20

Mixed Use District - 21 (MX-21) Arverne, Queens	123-00	31a	210071 ZRQ	2/17/21	3/25/21
Mixed Use District - 22 (MX-22) Bushwick, Brooklyn	123-00	13b	200343 ZRK	3/17/21	5/27/21
Mixed Use District - 23 (MX-23) Ravenswood, Queens	123-00	9a	210026 ZRQ	9/22/21	10/21/21
Mixed Use District - 24 (MX-24) Astoria, Queens	123-00	9b	220367 ZRQ	9/21/22	11/22/22
Mixed Use District - 25 (MX-25) Gowanus, Brooklyn	123-00	16c	210349 ZRK	9/7/22	10/27/22
Mixed Use District - 26 (MX-26) Coney Island, Brooklyn	123-00	28d	240295 ZRK	4/9/25	5/28/25
Mixed Use District - 27 (MX-27) Wallabout, Brooklyn	123-00	12d	250051 ZRK	8/14/25	8/14/25
Natural Area District - 1 (NA-1)	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District - 2 (NA-2)	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Natural Area District - 3 (NA-3)	105-00	21d	770272 ZRY	11/9/77	12/1/77
Natural Area District - 4 (NA-4)	105-00	7d 11c	821255 ZRQ	3/23/83	4/28/83
Ocean Parkway District (OP)	113-00	16d 22c 22d 28c 28d	23284	12/22/76	1/20/77
Park Improvement District (PI)	92-00	5d 6b 8c 9a	22240	2/28/73	4/23/73

Planned Community Preservation District (PC)	103-00	3b 4b 6a 9b 9d 10d 11b 14c 15a	22501	6/12/74	7/18/74
Scenic View District (SV-1)	102-00	12b 12d	22750	9/23/74	10/24/74
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/73
SoHo-NoHo Mixed Use District (SNX)	143-00	12a 12c	210423 ZRM	10/20/21	12/15/21
South Richmond Development District (SRD)	107-00	26b 26d 27b 32c 32d 33a 33b 33c 33d 34a 35a 35c	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
Southern Roosevelt Island District (SRI)	133-00	8d 9b	130077 ZRM	3/20/13	5/8/13
St. George District (SG)	128-00	21c	080425 ZRR	9/10/08	10/23/08
Stapleton Waterfront District (SW)	116-00	21c 21d	060468 ZRR	9/27/06	10/25/06
Transit Land Use District (TA)	95-00	6b 8c 8d 9a 12c 12d	22441	11/7/73	12/28/73
Tribeca Mixed Use District (TMU) Was Lower Manhattan Mixed Use District; renamed 8/27/98, 980314ZRM	111-00	12a 12b	23198	6/1/76	6/11/76
Union Square District (US)	118-00	12c	841006 ZRM	11/26/84	1/10/85

United Nations Development District (U)	85-00	8d	21014	1/21/70	3/20/70
West Chelsea District (WCh)	98-00	8b	050161(A) ZRM	5/25/05	6/23/05
Willets Point District (WP)	124-00	10a 10b	080382 ZRQ	9/24/08	11/13/08

Index of Special Purpose Districts - Eliminated or Replaced

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
Atlantic Avenue District (AA) Eliminated & replaced by Downtown Brooklyn District	104-00	16c	22670	7/10/74	8/15/74
Brooklyn Center Development District (BC) Eliminated 10/9/86, 860210 ZRK	89-00	16c	22008	5/31/72	7/20/72
Fifth Avenue District (F) Eliminated & replaced by Midtown District	87-00	8c 8d	21498	3/3/71	3/25/71
Franklin Street Mixed Use District (FR) Eliminated 5/11/05, 050110(A) ZRK	108-00	12c	23028	9/3/75	9/11/75
Fulton Mall District (FM) Eliminated & replaced by Downtown Brooklyn District	115-00	16c	770236 ZRK	2/8/78	3/16/78

Garment Center District (GC) Eliminated and replaced by Midtown South Mixed USe District	121-00	8d	870241(A) ZRM	2/23/87	3/26/87
Greenwich Street Development District (G) Eliminated & replaced by Lower Manhattan District	86-00	12b	21418	1/6/71	1/14/71
Hunters Point Mixed Use District (HP) Eliminated & replaced by Long Island City Mixed Use District	117-00	8d 9b	810538 ZRQ	10/26/81	12/3/81
Jacob K. Javits Convention Center District(CC) Eliminated & replaced by Hudson Yards District	93-00	8b 8d	900053 ZRM	12/27/89	2/22/90
Lower Manhattan Mixed Use District (LMM) Renamed Tribeca Mixed Use District 8/27/98	111-00	12a 12b	23198	6/1/76	6/11/76
Manhattan Bridge District (MB) Terminated 9/1/91	116-00	12d	801024 ZRM	6/22/81	8/20/81
Manhattan Landing District (MLD) Eliminated & replaced by Lower Manhattan District	98-00	12b 12d	22498	11/7/73	12/28/73

Mixed Use District - 2 Fulton Ferry (MX-2) Eliminated & replaced by DUMBO (MX-2)	123-00	8b 8d 12c	990452 ZRK	7/21/99	9/9/99
Mixed Use District - 3 (MX-3) Eliminated & replaced by West Chelsea District	123-00	12c	990001 ZRK	2/17/99	3/30/99
Mixed Use District - 9 Northern Hunters Point Waterfront, Queens (MX-9) Eliminated & replaced by Long Island City Mixed Use District (N 250177 ZRQ, adopted 12 Nov. 2025)	123-00	9b	060324 ZRQ	7/12/06	6/16/06
Mixed Use District - 20 Crown Heights West, Brooklyn (MX-20) Eliminated & replaced by Atlantic Avenue Mixed Use District (N 250015 ZRK, adopted 28 May 2025)	123-00	16c	160176 ZRK	4/8/19	5/8/19
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
Northside Mixed Use District (N) Eliminated 5/11/05, 050110(A) ZRK	97-00	12c 12d 13a 13b	22424 23158	9/5/73 3/10/76	9/13/73 3/18/76

Park District (P) Deleted by court order, 4/24/78	91-00	8d	22128(A)	11/8/72	12/7/72
South Street Seaport District (S) Eliminated & replaced by Lower Manhattan District	88-00	12b	21975	5/31/72	7/20/72
Theater District (T) Eliminated & replaced by Midtown District	81-00	8c 8d	20000	11/1/67	12/7/67
Yorkville - East 86th Street District (Y) Eliminated 6/29/89, 880799 ZRM	101-00	9a	22529	4/3/74	5/29/74

* CPC reports may be obtained at http://a030-cpc.nyc.gov/html/cpc/index.aspx

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX C, Table 1 — City Environmental Quality Review (CEQR) Environmental Requirements: (E) Designations

This section has been removed from the PDF version of the Zoning Resolution. Please visit https://zr.planning.nyc.gov/appendix-c-table-1-city-environmental-quality-review-ceqr-environmental-requirements-e-designations to view.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX C, Table 2 — City Environmental Quality Review (CEQR) Environmental Requirements: Environmental Restrictive Declarations

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APPENDIX C, Table 2 — City Environmental Quality Review (CEQR) Environmental Requirements: Environmental Restrictive Declarations

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements

Table 2 – Environmental Restrictive Declarations

The Environmental Restrictive Declarations (ERD) listed below were recorded in connection with a zoning action against the noted Tax Blocks and Tax Lots, or portion thereof, and are available in the property records on file at the Office of the City Register for Bronx, Kings, New York and Queens counties or at the Richmond County Clerk's office. They contain environmental requirements with respect to hazardous materials, air quality and/or noise in accordance with Section 11-15 of this Resolution.

Tax Lot changes that may have occurred since the recordation of an ERD may not be reflected in this table. If the property in question is located on the same ***Tax Block*** as an ERD, review of the related CEQR documentation is recommended. For an ERD recorded against a condominium, the condominium billing tax lot number is displayed instead of the individual condominium unit tax lot numbers.

Reference No. – refers to the Environmental Restrictive Declaration identification number used for Table 2 reference purposes only.

Application No. – refers to a ULURP or non-ULURP application (containing six numbers followed by a three- or four-letter suffix) for a zoning map or text amendment, special permit, authorization or certification or to a Board of Standards and Appeals application (containing the letters "BZ") for a special permit or variance.

Recording Reference No. – refers to one of the following: Reel No./Page No., City Register File No., or Land Doc No. For ERDs for properties in boroughs other than Staten Island, use the City Register File No. to locate the ERD online in the Automated City Register Information System (ACRIS) on the NYC Department of Finance's website. For older ERDs for properties in boroughs other than Staten Island, use the year in ***Date Recorded*** along with the Reel No./Page No. to locate the ERD in ACRIS. For ERDs for properties in Staten Island, use the Land Doc. No. to locate the ERD via the website of the Office of the Richmond County Clerk.

Lot Remediation Date – refers to the date of the duly issued notice from the NYC Office of Environmental Remediation indicating that no investigative/remedial work is required for any current or future development of the lot.

Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Ta

R-1	85-253M			
1/6/1993	920358ZSM	Hazmat	1171	1
	1934/0001			
R-2	98DCP052K			
12/18/1998	980584ZMK	Hazmat	36	1(
	4351/1858			
R-3	99DCP044M			
12/28/1999	990440ZMM	Hazmat	1096	1,
	3019/1709			
R-4	01DCP059M			
10/24/2001	010556ZMM	Hazmat	1099	2'
	3379/1330			
R-5	01DCP050M		1462	5
11/14/2001	010547ZMM	Hazmat		
	3409/1438		1463	5,

R-6	01DCP024M			
11/15/2001	010689ZMM	Hazmat	1084	25
	3391/396			
R-7	01DCP065K			
11/15/2001	010725ZMK	Hazmat	53	3,
	5360/911			
R-8	00DCP046R			
1/3/2002	000374ZMR	Hazmat	2903	1
	12005/0075			
R-9	01DCP068M			
1/22/2002	010700ZSM	Hazmat	1034	3
	3433/2445			
R-10	01DCP025Q			
2/25/2002	010185ZMQ	Hazmat	890	1
	6233/1519			

R-11	02DCP006M			
4/30/2002	020081ZSM	Hazmat	485	8
	3503/490			
R-12	01BSA060M			
6/28/2002	287-00BZ	Hazmat	602	1
	3550/869			
R-13	00DCP008K			
7/3/2002	000087ZMK	Hazmat	2135	1,
	5700/1424			
				9
				6 7 8 1 1 1 1 1
R-14	99DCP012R			
2/4/2003	020188ZMR	Hazmat	1116	
	10127			
				7
			1121	1
R-15	02DCP013K			
3/18/2003	010719ZMK	Hazmat	2250	4,
	2003000052129			

R-16	03DAS002X			
3/27/2003	030325ZMX	Hazmat	3273	75
	2003000065149			
R-17	02DCP030M			
6/12/2003	020244ZSM	Hazmat	819	14
	2003000168411			
R-18	01HPD011K			
7/9/2003	010615ZMK	Hazmat	2134	30
	2003000217245			
R-19	01DCP026K			
8/4/2003	010212ZMK	Hazmat	42	1
	2003000277279			
R-20	02DME016K			
9/3/2003	030024ZSK	Hazmat	277	8
	2003000324094			

R-21	03DCP011K			
10/20/2003	N030227ZAK	Hazmat	4353	12
	2003000429197			
R-22	01HPD003M			
10/22/2003	020463ZMM	Hazmat	1081	1,
11/5/2020	2003000431514			
R-23	03DCP037M			
11/3/2003	030214ZMM	Hazmat	1151	1
	2003000442128			
R-24	03DCP036K			75
2/10/2004	030294ZMK	Hazmat	1142	
	2004000078127			75
R-25	01DCP004K			
3/9/2004	010645ZMK	Hazmat	36	1,
	2004000143138			

R-26	04DCP038M			
3/18/2004	040331ZMM	Hazmat	823	7
8/7/2018	2004000163530			
R-27	03DCP038K			
3/26/2004	030276ZMK	Hazmat	1763	1,
4/22/2019	2004000185285			
R-28	03BSA135M			
4/7/2004	69-03BZ	Hazmat	530	4
	2004000207358			
R-29	03DCP010R			
4/20/2004	N020688ZAR	Hazmat	5460	3
	32376			
R-30	04DCP023X			
5/14/2004	N040194ZAX	Hazmat	5635	1
	2004000304501			

R-31	04DCP058M			
8/6/2004	040496ZMM	Hazmat	857	4
3/13/2014	2004000483845			
R-32	91-152Q		11358	1, 4
9/20/2004	910332ZMQ	Hazmat	11359	1,
			11376	1,
	2004000588983		11377	1,
R-33	04DCP014M			
9/22/2004	040249ZMM	Hazmat	1090	3
	2004000594494			
R-34	04DCP029M			
9/22/2004	040250ZMM	Hazmat	1095	1
	2004000594496			
R-35	02DCP036Q			
9/27/2004	N020331ZAQ	Hazmat	3916	9
	2004000603317			

R-36	03DCP031M			
		Hazmat	1070	2
11/24/2004	040499AZMM			
		Noise	1070	2
	2004000726038			
R-37	04DCP031K			
11/24/2004	040389ZMK	Hazmat	4153	4
	2004000727910			
R-38	04DCP064M			
12/14/2004	040454ZSM	Hazmat	515	7
	2004000768412			
R-39	03BSA160K			
2/16/2005	102-03BZ	Hazmat	2415	1
	2005000097019			
R-40	02DCP044Q			
2/17/2005	020127ZMQ	Hazmat	1536	2
	2005000100634			

R-41	02DME003M			
2/23/2005	040257AZSM	Hazmat	142	75
	2005000110151			
R-42	04DCP040Q			
3/3/2005	040542ZSQ	Hazmat	2080	75
	2005000126643			
R-43	04DCP056M			
3/15/2005	040488ZMM	Hazmat	1456	21
	2005000152020			
R-44	03DCP053X			
3/21/2005	030370ZMX	Hazmat	2953	13
	2005000163697			
R-45	05DCP037M			
3/25/2005	050282ZSM	Hazmat	212	24
	2005000176123			

R-46	03DCP065K			
4/14/2005	050393ZMK	Hazmat	7065	6,
	2005000214806			
R-47	02DCP045K		2128	5,
4/22/2005	020518ZMK	Hazmat		
	2005000236522		2134	4
R-48	04BSA149K			
4/26/2005	138-04BZ	Hazmat	5524	1
	2005000240045			
R-49	03DCP074R			
5/3/2005	030399ZSR	Hazmat	7511	1,
	23551			
R-50	04HPD020X			
5/6/2005	050060ZMX	Hazmat	2442	3
	2005000266216			

R-51	04BSA174M			
5/9/2005	168-04BZ	Hazmat	594	1,
	2005000267216			
R-52	04BSA208Q			
6/10/2005	209-04BZ	Hazmat	4044	75
	2005000337112			
R-53	05BSA058K			
6/21/2005	355-04BZ	Hazmat	2331	20
	2005000353990			
R-54	03BSA218Q			
3/6/2007	218-03BZ	Hazmat	811	1
	2007000121185			
R-55	05BSA062K			2
7/13/2005	363-04BZ	Hazmat	5715	
	2005000390588			2

R-56	05DCP047K			
8/10/2005	050203ZMK	Hazmat	5320	5
	2005000448823			
R-57	05BSA009K			
8/23/2005	257-04BZ	Hazmat	181	1
	2005000473110			
R-58	05DCP050K			
10/5/2005	050236ZMK	Hazmat	5457	5,
	2005000556052			
R-59	06BSA001M			
10/13/2005	156-05BZ	Hazmat	582	4
	2005000572243			
R-60	05DCP089M			
11/15/2005	060210ZMM	Hazmat	826	3
	2005000633806			

R-61	05DCP089M			
11/15/2005	060210ZMM	Hazmat	825	29
	2005000633808			
R-62	05DCP089M			
11/15/2005	060210ZMM	Hazmat	825	3
	2005000633810			
R-63	05DCP040K			
11/21/2005	050192ZMK	Hazmat	3221	3
	2005000646915			
R-64	02DCP049K			
12/1/2005	020573ZMK	Hazmat	836	19
	2005000665957			
R-65	05BSA129K			
12/7/2005	122-05BZ	Hazmat	2011	12
	2005000675946			

R-66	05DME011M			
12/16/2005	050430ZSM	Hazmat	142	1
	2005000693435			
R-67	03BSA193Q			
12/16/2005	156-03BZ	Hazmat	4958	3
	2005000694052			
R-68	05BSA021K			
1/6/2006	269-04BZ	Hazmat	32	4
	2006000007833			
R-69	05BSA103M			
2/7/2006	48-05BZ	Hazmat	640	1
	2006000071049			
R-70	06DCP076X			
3/10/2006	060214ZMX	Hazmat	5776	6
	2006000136829			

R-71	06DCP055M			
3/29/2006	060202ZSM	Hazmat	228	75
	2006000173417			
R-72	04BSA072M			
3/30/2006	340-03BZ	Hazmat	217	23
	2006000177003			
R-73	06BSA033M			
4/5/2006	334-05BZ	Hazmat	1389	50
	2006000188439			
R-74	05DCP070M			
4/18/2006	050414ZMM	Hazmat	2013	1,
	2006000213211			
R-75	03DCP013Q			
4/28/2006	030129ZMQ	Hazmat	8401	55
	2006000237154			

R-76	06DCP067M			3,
			223	
5/4/2006	040543ZMM	Hazmat		1
	2006000247471, 2006000247472		224	1
R-77	05BSA076M			
5/12/2006	396-04BZ	Hazmat	179	3
	2006000266017			
R-78	05BSA068K			
5/12/2006	381-04BZ	Hazmat	3073	9
8/9/2016	2006000266503			
R-79	03DCP018R			
5/22/2006	030153ZMR	Hazmat	1262	1,
	128698			
R-80	06DCP017M			
7/18/2006	060102ZSM	Hazmat	515	7
	2006000404696			

R-81	06BSA074Q			
8/29/2006	66-06BZ	Hazmat	1064	1
	2006000489617			
R-82	04DCP013Q			
8/30/2006	030223ZMQ	Hazmat	4949	4
	2006000491988			
R-83	06DCP109M			
9/14/2006	060530ZSM	Hazmat	215	2
	2006000518544			
R-84	02HPD004Q			
9/27/2006	030510ZMQ	Hazmat	16112	7
	2006000544541			
R-85	07DCP004M			
10/6/2006	060492ZSM	Hazmat	228	3
	2006000562892			

R-86	08DCP012M			
10/23/2006	060032ZMM	Hazmat	195	2
	2006000592713			
R-87	06DCP036M			
10/31/2006	060334ZSM	Hazmat	1072	2
9/19/2019	2006000606514			
R-88	06BSA095X			
11/1/2006	112-06BZ	Hazmat	2924	3
	2006000609763			
R-89	06DCP097M			
11/2/2006	070105ZSM	Hazmat	231	1
	2006000613158			
R-90	05BSA048K			
11/6/2006	328-04BZ	Hazmat	1898	4
	2006000619861			

R-91	05DCP063Y			5,
11/14/2006	060104ZMM	Hazmat	1152	
	2006000629429			1
R-92	07DCP022M			
11/30/2006	M840900HZSM	Hazmat	1480	1
	2006000662459			
R-93	06BSA054K			
1/2/2007	25-06BZ	Hazmat	7690	7
	2007000001670			
R-94	06BSA067K			
1/4/2007	50-06BZ	Hazmat	447	4
	2007000005665			
R-95	06DCP045R			
1/11/2007	N060182RAR	Hazmat	7584	6
10/17/2008	172343			

R-96	07BSA010M			
1/24/2007	181-06BZ	Hazmat	595	3
	2007000044021			
R-97	06DCP047Q			
1/26/2007	060228ZMQ	Hazmat	848	4
	2007000051108			
R-98	02DCP063Q			
2/2/2007	030032ZSQ	Hazmat	9363	8, 4
	2007000064068			
R-99	05BSA066K			
2/7/2007	378-04BZ	Hazmat	2849	1
	2007000073229			
R-100	07DCP008M			
3/9/2007	070073ZSM	Hazmat	805	5
5/21/2008	2007000127870			

R-101	06DCP082K			
3/9/2007	060353ZMK	Hazmat	5794	75
	2007000129415			
R-102	07BSA034M			
3/14/2007	290-06BZ	Hazmat	530	1
10/29/2015	2007000137368			
R-103	07BSA020K			
3/20/2007	261-06BZ	Hazmat	2241	75
	2007000148201			
R-104	06BSA104Q			
3/29/2007	134-06BZ	Hazmat	8092	3
7/29/2024	2007000162274			
R-105	06DCP079M			
4/10/2007	060372ZMM	Hazmat	887	8
11/30/2023	2007000181957			

R-106	07DCP059M			
4/10/2007	N070395ZAM	Hazmat	636	7
2/19/2013	2007000182767			
R-107	07BSA043X			
4/12/2007	316-06BZ	Hazmat	3274	1
3/29/2012	2007000189084			
R-108	06DCP007K			
4/19/2007	060377ZMK	Hazmat	2263	3
	2007000204836			
R-109	06DCP042Q			3
4/25/2007	050491ZMQ	Hazmat	642	
	2007000213406			4
R-110	06BSA106K			
4/25/2007	136-06BZ	Hazmat	35	7,
	2007000214811			

R-111	07DCP069K			
4/27/2007	070156ZSK	Hazmat	286	1
	2007000220838			
R-112	06BSA080K			
5/9/2007	79-06BZ	Hazmat	1142	8
	2007000241994			
R-113	07BSA029K			
5/15/2007	278-06BZ	Hazmat	1142	9
	2007000252711			
R-114	06DCP084X			
5/16/2007	060288ZMX	Hazmat	5643	2
	2007000254232			
R-115	07DCP074M			
5/21/2007	070469ZSM	Hazmat	838	4
	2007000263184			

R-116	06DCP062X			
5/23/2007	060320ZMX	Hazmat	3236	75
	2007000268510			
R-117	04DCP053M			
5/23/2007	040443ZMM	Hazmat	1749	3
	2004000520184			
R-118	06DCP082K			
6/7/2007	060353ZMK	Hazmat	5794	15
	2007000296324			
R-119	06DCP082K			
6/14/2007	060353ZMK	Hazmat	5794	10
	2007000308207			
R-120	07DCP026M			
6/20/2007	M990544BZSM	Hazmat	939	6,
	2007000317347			

R-121	07DCP049M			
6/25/2007	060525ZSM	Hazmat	544	5
	2007000325395			
R-122	06DME014Q			
7/10/2007	070079ZMQ	Hazmat	9755	3
	2007000351552			
R-123	06BSA090K			
7/13/2007	100-06BZ	Hazmat	958	3
	2007000359721			
R-124	07DCP038M			
7/13/2007	070161ZSM	Hazmat	229	1
	2007000361307			
R-125	06DCP061M			
7/23/2007	060223ZMM	Hazmat	1996	5
	2007000378347			

R-126	06DCP060M			
7/23/2007	060225ZMM	Hazmat	1987	1
	2007000378349			
R-127	06BSA093M			
8/9/2007	108-06BZ	Hazmat	806	1
	2007000410318			
R-128	07DCP062K			
8/22/2007	070203ZMK	Hazmat	6050	1
	2007000433700			
R-129	07BSA040K			
8/28/2007	311-06BZ; 312-06BZ; 313-06BZ	Hazmat	357	1,
	2007000443677			
R-130	07BSA064K			
9/7/2007	53-07BZ	Hazmat	888	7
	2007000461730			

R-131	07DCP045M			
9/11/2007	070055ZSM	Hazmat	231	5
	2007000465564			
R-132	01DCP055M			
9/11/2007	000198ZMM	Hazmat	1455	2
	2007000466779			
R-133	07BSA049M			
9/19/2007	328-06BZ	Hazmat	219	2,
	2007000481821			
R-134	06DCP048Q		1082	3
9/27/2007	060467ZMQ	Hazmat		
	2007000496517		1083	1
R-135	07DCP043M			8,
10/9/2007	070289ZMM	Hazmat	1077	
	2007000509777			7

R-136	07BSA046K			
10/11/2007	306-06BZ	Hazmat	5422	1
	2007000516198			
R-137	07DCP018M			
10/17/2007	070159ZSM	Hazmat	475	4
	2007000526578			
R-138	07DCP073K			
10/22/2007	080116ZMK	Hazmat	299	1
	2007000532867			
R-139	07DCP073K			
10/22/2007	080116ZMK	Hazmat	299	1
	2007000532868			
R-140	07DCP073K			
10/22/2007	080116ZMK	Hazmat	304	1
	2007000532869			

R-141	07DCP095M			
11/1/2007	070575ZMM	Hazmat	602	5
	2007000549989			
R-142	08DCP008M			
11/1/2007	N080045ZAM	Hazmat	1026	5
3/18/2015	2007000551000			
R-143	06DCP032M			
11/13/2007	070495ZMM	Hazmat	1997	1, 5
	2007000565924			
R-144	06DCP032M			1
11/13/2007	070495ZMM	Hazmat	1996	
	2007000565925			2
R-145	06DCP032M			
11/13/2007	070495ZMM	Hazmat	1998	1,
	2007000565926			

R-146	06DCP032M			
11/13/2007	070495ZMM	Hazmat	1986	1,
	2007000565927			
R-147	06DCP032M			
11/13/2007	070495ZMM	Hazmat	1995	3
	2007000565928			
R-148	06DCP032M			
11/13/2007	070495ZMM	Hazmat	1987	7,
	2007000565929			
R-149	07DCP015M			
11/23/2007	070137ZMM	Hazmat	931	1,
	2007000582968			
R-150	06DCP041Q			
11/28/2007	060021ZMQ	Hazmat	1096	1
	2007000590373			

R-151	05DCP034X			
11/30/2007	050172ZMX	Hazmat	3805	75
	2007000592833			
R-152	07BSA057K			
1/9/2008	33-07BZ	Hazmat	347	54
	2008000010818			
R-153	06DME009K			
1/23/2008	060545ZMK	Hazmat	1433	3,
	2008000030352			
R-154	06BSA057Q			
3/12/2008	31-06BZ	Hazmat	14182	88
	2008000101335			
R-155	05BSA142M			
4/1/2008	154-05BZ	Hazmat	489	1,
	2008000130496			

			945	2
R-156	06DCP039M	Air	967	1
4/17/2008	070523AZSM		970	1,
			945	2
	2008000153631, 2010000007223	Noise	967	1
			970	1,
R-157	06DCP083Q			
4/17/2008	060550ZMQ	Hazmat	3347	2
	2008000154748			
R-158	07DCP076M			
4/23/2008	080039ZMM	Hazmat	1969	6,
	2008000162921			
R-159	08DCP040M			
4/23/2008	080313ZSM	Hazmat	222	1
	2008000163513			
R-160	08BSA045M			
5/13/2008	13-08BZ	Hazmat	506	1
	2008000191393			

R-161	05DCP051X	Air	2618	4
5/23/2008	050018ZMX			
	2008000210078	Noise	2618	4
R-162	08DCP028Q		4487	1
6/11/2008	080203ZMQ	Hazmat	4524	7
	2008000234393		4531	7
R-163	05BSA006K			
8/1/2008	252-04BZ	Hazmat	2298	9
	2008000305746			
R-164	08BSA031K			
8/11/2008	245-07BZ	Hazmat	41	1
12/9/2011	2008000319021			
R-165	08BSA075X			
8/28/2008	78-08BZ	Hazmat	2546	2
	2008000345309			

R-166	08BSA012K			
9/12/2008	201-07BZ	Hazmat	8364	3
	2008000362056			
R-167	08BSA028Q			1
9/23/2008	238-07BZ	Hazmat	28	
	2008000375672			2
R-168	07DCP046X			
10/1/2008	N070230ZAX	Hazmat	3487	2
	2008000389300			
R-169	08BSA033M			
10/28/2008	257-07BZ	Hazmat	1607	3,
10/12/2009	2008000421939			
R-170	09DCP025K			
11/14/2008	090181ZMK	Hazmat	36	1,
	2008000441753			

R-171	08BSA065K			
12/10/2008	51-08BZ	Hazmat	6681	3
	2008000470983			
R-172	09BSA009M			
12/31/2008	190-08BZ	Hazmat	529	2
	2008000492916			
R-173	08BSA100M	Air	1464	8,
1/8/2009	170-08BZ	Hazmat	1464	8,
8/6/2012	2009000006241	Noise	1464	8,
R-174	09BSA018X			
3/12/2009	215-08BZ	Hazmat	2984	1
2/6/2012	2009000072480			
R-175	09BSA103R			
3/16/2009	45-08BZ	Hazmat	7407	1,
1/26/2011	284168			

R-177	09BSA059X			
3/31/2009	3-09BZ	Hazmat	2619	2
	2009000093648			
R-178	09BSA053M			
4/13/2009	310-08BZ	Hazmat	1570	4
	2009000108374			
R-179	05DCP020M			1,
4/30/2009	050260ZSM	Hazmat	1132	
	2009000127467			3
R-180	07DCP051R			
5/6/2009	080482ZMR	Hazmat	6145	1
9/27/2017	290597			
R-181	09DCP072K			
5/26/2009	M090312ZMK	Hazmat	4469	1
	2009000156049			

R-182	09DCP072K			
5/26/2009	M090312ZMK	Hazmat	4469	6,
	2009000156050			
R-183	09DCP081K			1
6/1/2009	090441ZMK	Hazmat	2009	
	2009000162828			2(
R-184	07DCP071M	Air	1082	1
6/17/2009	080008ZMM			
	2009000184787	Noise	1082	1
R-185	09DCP081K	Air	2009	1
10/19/2009	090443ZSK			
	2009000339852	Noise	2009	1,
R-186	08DCP056K			
10/28/2009	080339ZMK	Hazmat	2134	1,
	2009000352564			

R-187	09DCP028X			7
11/10/2009	090397ZMX	Air	3360	
	2009000369101			7
R-188	08DCP054X			
12/31/2009	080157ZMX	Hazmat	2984	7
	2009000430755			
R-189	09DCP063Q			
1/21/2010	090356ZSQ	Hazmat	3884	2
	2010000021504			
R-190	09DCP074R			
1/26/2010	090383ZSR	Hazmat	6145	4
9/27/2017	See Exhibit A of City Planning Commission Report			
R-191	09DCP032K			
6/23/2010	090225ZMK	Hazmat	347	5
	2010000209747			

R-192	08DCP017K			
8/27/2010	070579ZMK	Hazmat	1475	5
	2010000291264			
R-193	10DCP031M			
8/31/2010	100277ZMM	Hazmat	2069	7
6/6/2016	2010000295263			
R-194	09DCP019M	Hazmat	808	4
9/3/2010	100049ZSM			
		Noise	808	4
	2010000298804			
			2414	1,
		Air		
R-195	07DCP094K		2428	1
			2414	1,
11/24/2010	100185ZMK	Hazmat		
			2428	1
	2010000396103		2414	1,
		Noise		
			2428	1
R-196	10DCP016Q			
1/13/2011	100175ZMQ	Hazmat	4645	1,
	2011000016083			

R-197	11BSA029M			
3/8/2011	186-10BZ	Hazmat	962	8
	2011000084677			
R-198	10DCP004M			
3/14/2011	100063ZMM	Hazmat	778	1
	2011000091926			
R-199	10DCP028M			
4/22/2011	M840090AZSM	Hazmat	1929	1
	2011000148845			
R-200	11DCP101M			
5/12/2011	110243ZMM	Hazmat	1600	2
	2011000171907			
R-201	07SBS021M			
6/2/2011	080409ZSM	Hazmat	644	5
	2011000196766			

R-202	11BSA037R			
6/16/2011	197-10BZ; 198-10BZ; 199-10BZ	Hazmat	61	2
	385092			
R-203	10DCP027R			
7/15/2011	N110018ZAR	Hazmat	2460	5
	388068			
R-204	09DCP004M			9,
9/9/2011	090432ZSM	Hazmat	1269	
	2011000320298			5,
R-205	06DME001R			
11/9/2011	060471ZMR	Hazmat	487	2
	402111			
R-206	10DCP017X	Air	3009	3
12/2/2011	100310ZMX	Hazmat	3009	3
	2011000420230	Noise	3009	3

R-207	10DCP017X	Air	3016	1
12/5/2011	100310ZMX	Hazmat	3016	1
	2011000422101	Noise	3016	1
			3013	7
				1
		Air		
			3014	1
				5,
			3013	7
R-208	10DCP017X			
				1
12/5/2011	100310ZMX	Hazmat		
			3014	1
	2011000423714			5,
			3013	7
				1
		Noise		
			3014	1
				5,
				1
R-209	09DCP020M			1
		Air	1171	
12/14/2011	100296AZSM			7
				7
	2011000434594			
		Hazmat	1171	1

164, 7510, 7512, 7513				
7511	10/17/2018			
		157	11/1/2019	
Noise	1171	164, 7510, 7512, 7513		
		7511	10/30/2023	
R-210	10DCP017X	Air	3016	7
12/30/2011	100310ZMX	Hazmat	3016	7
	2011000452612	Noise	3016	7
R-211	10DCP001K			
1/24/2012	100041ZMK	Hazmat	2245	5
	2012000030222			
R-212	11DCP022K			
3/6/2012	090154ZMK	Hazmat	5516	6 7 7
	2012000086295			
R-213	06DCP032M			
3/21/2012	070495ZMM	Hazmat	2094	7
	2012000113726			

			607	75
		Air		
R-214	10DCP003M		617	1
			607	75
4/16/2012	120033ZMM	Hazmat		
			617	1
	2012000149442		607	75
		Noise		
			617	1
R-216	10DCP024K			
5/21/2012	100218ZMK; N100219ZRK	Hazmat	2576	75
	2012000200000			
R-217	10DCP002K			
7/25/2012	110047ZMK	Hazmat	6491	20
	2012000293689			
			524	9,
		Air		
R-218	11DCP121M		533	1,
			524	9,
8/7/2012	120124ZSM	Hazmat		
			533	1,
	2012000311259		524	9,
		Noise		
			533	1,

R-219	06DCP032M			
12/26/2012	070495ZMM	Hazmat	1997	6
	2012000503431			
R-222	05DCP056R			
7/6/2006	050213ZAR	Hazmat	569	1
8/16/2007	137471			
R-223	08BSA085K			
1/7/2011	98-08BZ	Hazmat	1199	3
6/8/2017	2011000009822			
R-224	07DCP056K			
10/10/2008	070396ZMK	Hazmat	4837	1
	2008000401271			
R-225	05BSA118M			
10/11/2005	83-05BZ	Hazmat	528	1
	2005000565043			

			1986	6,
			1987	7,
			1995	3
		Air	1996	1, 5
			1997	1, 4
			1998	1,
			1986	6,
			1987	7,
R-226	06DCP032M		1995	3
1/6/2012	070495ZMM	Hazmat	1996	1, 2
	2012000005762		1997	1, 4
			1998	1,
			1986	6,
			1987	7,
			1995	3
		Noise	1996	1, 5
			1997	1, 4
			1998	1,

R-227	08DCP022X			
1/26/2010	080129ZMX	Hazmat	2389	2
	2010000027295			
R-228	07DCP006Q			
1/18/2007	060419ZMQ	Hazmat	13513	5
	2007000035312			
R-229	05BSA102Q			
11/15/2006	47-05BZ	Hazmat	1586	1
	2006000632906			
R-230	09DCP007M	Air	676	1,
5/7/2014	090433ZMM	Hazmat	676	1,
	2014000154631	Noise	676	1,
			490	1,
			913	1
R-231	09DCP084Q	Air	915	6
9/30/2015	130244ZSQ		916	1,
	2015000403410		490	1,
		Hazmat		8
			913	1

915	6			
916	1, 10			
	490	1, 11, 50, 60, 70, 80, 101, 102, 250		
	913	100		
Noise				
	915	6		
	916	1, 10		
R-232	08DCP056K			
		Air	2134	1,
6/22/2012	080339ZMK			
		Noise	2134	1,
	2010000180264			
R-233	06DCP092Q			
11/17/2010	060432ZMQ	Hazmat	8092	25
	2010000386228			
R-234	06BSA007K			
1/9/2007	175-05BZ	Hazmat	520	1
	2007000014464			
R-235	16DCP031M			
12/21/2016	160309ZMM	Hazmat	596	75
	2016000452290			

R-236	06DME010Q			
1/14/2014	100207ZMQ	Hazmat	4978	25
	2014000017008			

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX E — Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to October 17, 2007

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APPENDIX E — Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to October 17, 2007

(12/19/19)

APPENDIX E

Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to October 17, 2007

The following text has been relocated from Article II, Chapter 7, and Section 37–04 (Requirements for Urban Plazas). APPENDIX E is intended for reference purposes only and contains design requirements for #plazas#, #residential plazas# and #urban plazas# developed prior to October 17, 2007.

The provisions of Section 37-60 (PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007) set forth instances where the provisions of this APPENDIX E are superseded.

RESIDENTIAL PLAZA STANDARDS

(4/21/77)

E 27 - 00

GENERAL PURPOSES

The purpose of this Chapter is to promote the development of an improved quality of residential plaza for the public.

(8/27/98)

E 27 - 01

Applicability of this Chapter

The provisions of this Chapter shall apply to all #developments# constructed after April 21, 1977 containing a #residential plaza# or #arcade# that qualifies for a #floor area# bonus under the following provisions:

Section 24-14 (Floor Area Bonus for a Residential Plaza)

Section 24-15 (Floor Area Bonus for an Arcade)

Section 34-223 (Floor area bonus for a residential plaza)

Section 35-35 (Floor Area Bonus for a Residential Plaza, Urban Plaza or Arcade in Connection with Mixed Buildings)

A #development# that contains a #residential plaza# and that has been granted a special permit by the City Planning Commission prior to February 9, 1994, may be started or continued pursuant to that special permit. However, this Chapter shall not apply within a Special Purpose District except where permitted within such Special Purpose District, nor shall it apply to any #development# pursuant to the Quality Housing Program, except as otherwise set forth therein.

After June 12, 1996, no foundation permit shall be issued by the Department of Buildings for any #development# that includes a #residential plaza# without certification by the Chairperson of the City Planning Commission that a site plan has been submitted indicating compliance with the provisions of this Section. An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#, a site plan indicating the area and dimensions of the proposed #residential plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#, computations of proposed #floor area#, including bonus #floor area#, and a detailed plan or plans demonstrating compliance with the provisions of this Section.

All plans for #residential plazas#, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the #residential plaza# pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

6/12/96

E 27 - 02

Definitions

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

Northern plaza

A "northern plaza" is a primary space that has only northern exposure.

Primary space

A "primary space" is the major portion of a #residential plaza# that abuts a #street#, and is accessible to the public for recreational use.

Residual space

A "residual space" is the remaining portion of a #residential plaza# that is not a #primary space#. Such space may be used either for public recreation or as a landscaped visual amenity.

4/21/77

E 27 - 10

PRIMARY SPACE

A #primary space# shall consist of at least 60 percent of the total area of a #residential plaza# and shall be directly accessible to the public from the public sidewalk.

#Zoning lots# having a maximum #lot area# of 20,000 square feet shall aggregate such #primary space# in one location.

For #zoning lots# having a #lot area# in excess of 20,000 square feet, such #primary space# may be located in more than one location on the #zoning lot# provided that the area of at least one #primary space# is not less than 4,000 square feet.

4/21/77

E 27 - 11

Mandatory Requirements

4/21/77

E 27 - 111

Size and proportions

For #zoning lots# having a #lot area# of 20,000 square feet or more, the minimum dimension of any #primary space# shall be 40 feet measured perpendicular to the perimeter of the #primary space#, except that where a #primary space# has only one #street# frontage, the minimum dimension shall be 50 feet.

For #zoning lots# having a #lot area# less than 20,000 square feet but not less than 12,500 square feet, the minimum dimension of any #primary space# shall be 30 feet, except that where a #primary space# has only one #street# frontage or where the #primary space# links two #streets# which are parallel or within 45 degrees of being parallel to each other, the minimum dimensions shall be 40 feet.

For #zoning lots# having a #lot area# less than 12,500 square feet, the minimum dimension of any #primary space# shall be 30 feet, except that there shall be no minimum dimensional requirements for #primary space# on #corner lots# having a #lot area# less than 12,500 square feet.

For the purpose of dimensional calculations only, a driveway or a vehicular accessway may be counted towards the minimum dimensional requirements of a #primary space#. However, in no case may such driveway or a vehicular accessway be bonused as part of a #residential plaza#. Such driveway or vehicular accessway may be located only alongside a #side lot line# or adjacent to the wall of the #building# of the #development#, and shall not interrupt the continuous area of the #primary space#.

For #zoning lots# having a #lot area# of 12,500 square feet or more, the depth of any #primary space# having only one #street# frontage shall not be greater than twice the width of the #primary space street# frontage. For #zoning lots# having a #lot area# less than 12,500 square feet, the depth of any #primary space# having only one #street# frontage shall not be greater than two and a half times the width of the #primary space street# frontage.

A #primary space# having only one #narrow street# frontage, and a #primary space# that links two #streets# which are parallel or within 45 degrees of being parallel to each other, shall be permitted only when one of the adjacent #buildings# on the #zoning lot# of the #development# or on a #zoning lot# sharing a common #side lot line# with the #zoning lot# of the #development# abutting the #primary space# is not more than 65 feet in height or five floors, whichever is less, before a 10 foot setback is provided. Such restrictions shall be waived for a #primary space# of more than 80 feet in width measured with or without adjoining #residual space#.

4/21/77

E 27 - 112

Orientation

All #developments# shall provide southern exposure where possible to provide maximum sunlight in #primary space#. Other exposures are permitted only when southern exposure is not possible.

Following are the types of orientation of different #primary spaces# based upon the size and location of the #zoning lot#:

(a) Southern exposure: A #street line# of the #zoning lot# which has exposure to sunlight in any direction from south to west;

(b) Eastern exposure: A #street line#, 125 feet or more in length, of the #zoning lot# which has exposure to sunlight in any direction from east to south;

(c) Western exposure: A #street line#, 125 feet or more in length, of the #zoning lot# which has exposure to sunlight in any direction from west to north;

(d) Northern exposure: A #street line# of the #zoning lot# which has exposure to sunlight in any direction from north to east or a #street line# less than 125 feet in length, of the #zoning lot# which has exposure to sunlight in any direction from east to south or west to north.

In a #development# to which this Chapter applies:

The #primary space# of any #zoning lot# having a #street line# with southern exposure, as defined in this Section, shall abut that #street line#. The #primary space# of any #zoning lot# having a #street line# with eastern, and no southern, exposure, as defined, shall abut that #street line#.

The #primary space# of any #zoning lot# having a #street line# with western, and no southern or eastern, exposure, as defined in this Section, shall abut that #street line#.

The #primary space# of any #zoning lot# having a #street line# with northern, and no southern, eastern or western exposure, as defined in this Section, shall be #developed# as a #northern plaza# pursuant to Section E27-30 (NORTHERN PLAZA).

The orientation requirements may be waived or modified by the City Planning Commission provided the Commission certifies to the Commissioner of Buildings that due to the surrounding area and the site configuration, including the disposition of surrounding #buildings# which may cast a permanent shadow on the #plaza#, a modification will enhance the usability and design of the #primary space# and of the #building#.

4/21/77

E 27 - 113

Access

All #primary spaces# shall be accessible directly from an adjoining public sidewalk along at least 50 percent of the total #street# frontage. Driveways or vehicular accessways included as part of the minimum dimension calculated, may not be counted as providing access.

All #primary spaces# shall be accessible to the public at all times, except that for a #primary space# having only one #narrow street# frontage, or a #primary space# which links two #streets# that are parallel or are within 45 degrees of being parallel, access may be restricted between the hours of 8:00 p.m. or dark whichever is later and 8:00 a.m. Such access may be restricted by the use of horizontal railings and/or vertical bars of a maximum one and 1/2 inch thickness and lockable gates. The railings when placed along the perimeter of the #primary space# shall occupy not more than 50 percent of the #street# frontage of the #primary space#, and shall not be higher than 8 feet, 0 inches. Gates, when placed along the perimeter of the #primary space#, when open during hours of accessibility, shall allow access along at least 50 percent of the #street# frontage of the #primary space# or 40 feet, whichever is less, and shall not be higher than eight feet. Such gates shall remain unlocked between the hours of 8:00 a.m. and 8:00 p.m. or dark whichever is later. In order to allow maximum visibility from the public sidewalk, the bars of any horizontal railing and/or vertical bars and gate shall be at least five inches apart. Spikes, pointed railings or other sharp objects shall not be placed anywhere within the #primary space#, except that such railings as permitted above may be pointed. Enclosures designed without horizontal railings and/or vertical bars may be permitted provided the City Planning Commission certifies to the Commissioner of Buildings that such design will enhance the quality and visual access of the #primary space#.

4/21/77

E 27 - 114

Access for the physically disabled

The following standards shall apply to assure access for disabled persons into and within all #primary spaces#.

There shall be at least one path of travel to major portions of #primary space# which in area total at least 60 percent of the unobstructed #primary space# area, and a path to any building lobby accessible from the #primary space#. All paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.

Ramps shall be provided alongside any stairs or steps which provide access to or within #primary spaces#. Ramps shall have a minimum width of 3 feet, 0 inches, a slope of not greater than 1:12, a non-skid surface, and, for open-edged ramps, a two-inch high safety curb. At each end of a ramp there shall be a level area, which may be public sidewalk, at least five feet long.

All stairs or ramps within such paths shall provide handrails. Handrails shall be 2 feet, 8 inches high, have a midrail not lower than 16 inches and not higher than 22 inches, and shall extend at least 18 inches beyond the stair or ramp ends.

Where stairs are used to affect changes of grade for such paths they shall have closed risers, no projecting nosings, a maximum riser height of seven and 1/2 inches, and a minimum tread width of 11 inches.

Elevation

All #primary spaces# shall be located at an elevation not more than three feet above or below the #curb level# of the nearest adjoining sidewalk.

A #primary space# fronting on one #street#, or a #primary space# which links two #streets# which are parallel or within 45 degrees of being parallel to each other, shall be at the same elevation as the adjoining public sidewalk along the #street# frontage providing access, pursuant to Section E27-113 (Access), for a minimum depth of 10 feet measured perpendicular to the #street line#.

When the size of a #primary space# is 8,000 square feet or more, a maximum of 25 percent of its area may be located at an elevation more than three feet above or below the nearest adjoining sidewalk, which area however may not be located within a depth of 10 feet from the sidewalk, measured perpendicular to the #street line#.

When there is a grade change of at least three feet in 100 along the portion of #street# upon which a #primary space# of 4,000 square feet or more fronts, for a distance of at least 100 feet, the level of such #primary space# may be located at an elevation greater than three feet above or below the #curb level#, provided the City Planning Commission certifies to the Commissioner of Buildings that such elevation will enhance the usability and design while maintaining safety and visibility of the #primary space#.

Where an existing subway station entry is located on the sidewalk area abutting a #primary space#, the #primary space# shall be developed at the same elevation as the adjoining sidewalk for a distance of at least 15 feet in all directions from the entry. No obstruction shall be permitted within such portion of the #primary space#.

E 27 - 116

Treatment of adjoining walls

Any exposed blank walls of a #building# which is located at the #lot line# of an adjacent #zoning lot# and which abuts a #primary space# shall be:

(a) covered with vines or similar planting; or

(b) contain artwork or be treated so as to enhance the visual quality of the #primary space#.

Plants shall be planted in soil having a depth of not less than two feet, six inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the Certificate of Occupancy being issued for the #development#.

Whenever an adjoining wall, which is required to be treated in accordance with the provisions of this Section, is in separate ownership the owner of such adjoining wall if it is a party wall shall grant to the party required to treat the wall adjoining the #primary space#, a license to perform such treatment of the wall, however, the owner may in granting such license reserve the right to perform any work necessary for safety or maintenance of the wall.

4/21/77

E 27 - 117

Lighting

All #primary spaces# shall be illuminated at an overall minimum average level of not less than two horizontal foot candles during the hours of darkness.

To minimize the adverse effect on the surrounding #residential buildings#, such lighting shall be shielded.

4/21/77

E 27 - 118

Paving

The #primary space# shall be paved with unit pavers, such as bricks or quarry tiles, and/or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have non-skid surface when wet or dry.

4/21/77

E 27 - 12

Mandatory Amenities

All #primary spaces# shall provide amenities as set forth in this Section, which amenities shall be subject to the restrictions for total area occupied by amenities, as set forth in Section E27-14 (Optional Amenities).

4/21/77

E 27 - 121

Seating

All #primary spaces# shall provide a minimum of one linear foot of seating for each 30 square feet of the #primary space#. Such seating shall have a minimum depth of one foot, four inches. Seating with backs at least one foot high shall have a minimum depth of one foot, two inches. Seating two feet, six inches or more in depth shall count as double provided there is access on both sides.

For the benefit of handicapped persons, a minimum of ten percent of the required seating shall have backs.

Seating higher than three feet or lower than one foot above the level of the adjacent walking surface shall not count towards meeting the seating requirements. Moveable seating or chairs may be credited as two feet, six inches of linear seating per chair. Movable seating shall not exceed 50 percent of the total required. Steps shall not count towards the seating requirements. The top of walls, including but not limited to those which bound planting beds, fountains or pools, may be counted as seating when they conform to the dimensional standards set forth herein.

12/15/77

E 27 - 122

Tree planting

All #primary spaces# shall provide a minimum of one tree per 1,000 square feet of #primary space# area.

Such trees shall be of four-inch caliper. Each tree shall be planted in at least 3.5 cubic yards of top soil per tree, with a depth of soil not less than three feet, six inches and be planted either with grating flush to grade or in a planting bed with a minimum continuous area of 75 square feet.

Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to December 15, 1977.

4/21/77

E 27 - 123

Bicycle parking facilities

All #primary spaces# shall provide bicycle parking facilities. There shall be facilities for parking two bicycles for every 1,000 square feet of #primary space#.

4/21/77

E 27 - 124

Drinking fountains

All #primary spaces# shall provide at least one drinking fountain.

4/21/77

E 27 - 13

Additional Amenities

In addition to the mandatory amenities required above, all #primary spaces# shall provide at least two of the amenities listed in this Section. These amenities are to be provided in addition to, and not in place of, those amenities required by Section E27-12 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section E27-14 (Optional Amenities).

A #primary space# shall provide at least two of the following amenities as set forth in Sections E27-131 through E27-137, inclusive.

4/21/77

E 27 - 131

Tree planting

A minimum of one tree per 2,000 square feet of #primary space# area.

4/21/77

E 27 - 132

Planting

Planters, including hanging planters, or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy, or other plants occupying a total area not less than 150 square feet for each 1,000 square feet of #primary space#. The area occupied by an individual planter that is permanent in nature, or a planting bed, shall be at least 30 square feet with a depth of soil of at least two feet.

Hanging planters shall be exempt from these minimum size and location provisions.

4/21/77

E 27 - 133

Grass and other ground cover

A total of 150 square feet of grass or other ground cover for each 1,000 square feet of #primary space#. Such grass or other ground cover shall be planted in a soil depth of at least two feet, six inches.

4/21/77

E 27 - 134

Game tables

Game tables and seating to accommodate 16 persons for the #primary space# for each #zoning lot#. The seating shall conform to the dimensional standards for seating as set forth in Section E27-121 (Seating).

4/21/77

E 27 - 135

Artwork

A work of art, such as sculpture, for the #primary space# for each #zoning lot#. Such artwork shall be subject to approval by the New York City Art Commission, which approval shall be obtained before a final certificate of occupancy is issued for the #development#.

4/21/77

E 27 - 136

Fountains and pools

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet for the #primary space# for each #zoning lot#.

4/21/77

E 27 - 137

Play equipment

One play apparatus or facility such as cross bars, climbers, swings, sandbox, paddle pool or similar play facility, for each 1,000 square feet of #primary space# area.

The play equipment or facilities shall not be located within 40 feet of any #wide street lot line#. All play equipment or facilities shall meet safety standards set forth by the Federal Consumer Products Safety Council.

When this amenity is chosen, the mandatory trees may be reduced to half the required amount as set forth for the #primary space# in Section E27-122 (Tree planting), for that #zoning lot#.

4/21/77

E 27 - 14

Optional Amenities

The #primary space# may also include additional numbers of the amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, subway station entrances, and drinking fountains which are operable by wheel chair users.

The total area occupied by all amenities, mandatory, additional and optional, shall not exceed 60 percent of the total #primary space# area of the #residential plaza#.

The area occupied by such amenities shall be measured by outside dimensions. Amenities that are non-permanent or movable, such as movable chairs, game tables, movable planters shall not be measured as individual pieces of furniture but rather be confined within a gross area designated on a site plan. Trees shall not count as amenities occupying an area for the purpose of calculating the total area occupied by amenities. Planters or planting beds and their retaining walls for trees, seasonal flowers, shrubs, ivy or other plants shall count towards the total area occupied by amenities.

4/21/77

E 27 - 20

RESIDUAL SPACE

#Residual space# shall abut a public sidewalk or a #primary space# and shall be developed either as a landscaped visual amenity or as usable space for the general public in accordance with the provisions of this Section. Not more than 40 percent of the total area of #residential plaza# on a #zoning lot# shall be developed as #residual space#.

All #residual spaces# shall conform to the standards set forth in Sections E27-115 (Elevation), E27-116 (Treatment of adjoining walls), E27-117 (Lighting), and E27-118 (Paving).

Visual Residual Space

The total area of the visual #residual space# shall be landscaped, except for the entrance paths to the #building# which paths may not occupy more than 30 percent of such visual #residual space#.

The visual #residual space# shall be landscaped with trees, planters or planting beds with flowers and shrubs, ivy, grass or similar ground cover, ornamental fountains, reflecting pools, artwork or other plants, sculpture or unenclosed pavilions when such unenclosed pavilion is extended from an adjoining #northern plaza#.

The visual #residual space# may be enclosed with railings or fences for safety and maintenance. In order to allow maximum visibility from the public sidewalk the railings or fences shall not be higher than three feet above the visual #residual space# level or #curb level#, whichever is higher, and the bars of such railings and fences shall be at least five inches apart.

Usable Residual Space

The #residual space# when developed as usable #residual space# shall be accessible to the public and shall conform to the standards set forth in Section E27-113 (Access).

A usable #residual space# shall be located abutting a #street#. The total area occupied by amenities shall not exceed 50 percent of total usable #residual space# of the #residential plaza#.

All usable #residual space# shall provide seating in accordance with the provisions of Section E27-121 (Seating) or Section E27-321 (Seating) when the #zoning lot# provides a #northern plaza#. In addition, a usable #residual space# shall provide at least one of the amenities listed in Sections E27-221 through E27-225.

Tree planting

A minimum of one tree per 1,000 square feet of usable #residual space#. Such trees shall conform to the standards set forth for caliper and soil in Section E27-122 (Tree planting).

Planting

Planters or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy or other plants occupying a total area of not less than 150 square feet for 1,000 square feet of usable #residual space#. Such planter shall conform to the standards set forth for size and depth in Section E27-132 (Planting).

4/21/77

E 27 - 223

Grass and other ground cover

A total of 150 square feet of grass or other ground cover for each 1,000 square feet of usable #residual space#. Such grass or other ground cover shall be planted in a soil depth of at least one foot six inches.

4/21/77

E 27 - 224

Artwork

A work of art such as sculpture for the usable #residual space# for each #zoning lot#. Such artwork shall be subject to approval by the New York City Art Commission, which approval shall be obtained before a final Certificate of Occupancy is issued for the #development#.

4/21/77

E 27 - 225

Fountains and pools

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet, for the usable #residual space# for each #zoning lot#.

4/21/77

E 27 - 226

Optional amenities

The usable #residual space# may also include additional amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, drinking fountains which are operable by wheelchair users, and unenclosed pavilions when such unenclosed pavilion is extended from an adjoining #northern plaza#.

4/21/77

E 27 - 30

NORTHERN PLAZA

Any #primary space# which pursuant to Section E27-112 (Orientation) is a #northern plaza# shall comply with the requirements of this Section.

4/21/77

E 27 - 31

Mandatory Requirements

All #northern plazas# shall conform to the mandatory requirements set forth for #primary space# in Section E27-11 (Mandatory Requirements).

4/21/77

E 27 - 32

Mandatory Amenities

All provisions of Section E27-12 (Mandatory Amenities) shall be applicable to #northern plazas# except as modified by this Section.

4/21/77

E 27 - 321

Seating

All #northern plazas# shall provide a minimum of one linear foot of seating for each 80 square feet of #northern plaza# area and conform to the standards set forth for seating in Section E27-121 (Seating).

4/21/77

E 27 - 322

Planting

All #northern plazas# shall conform to the provisions for planting as set forth in Section E27-132 (Planting). Those species which have the ability to flourish in shade are recommended in #northern plazas#.

4/21/77

E 27 - 33

Additional Amenities

In addition to the mandatory amenities required above, all #northern plazas# shall provide at least two of the amenities listed in this Section.

These amenities are to be provided in addition to, and not in place of, those amenities required by Section E27-32 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section E27-34 (Optional Amenities).

A #northern plaza# shall provide at least two of the following amenities.

4/21/77

E 27 - 331

Planting

Planters or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy, or other plants occupying an area not less than 150 square feet per 1,000 square feet of a #northern plaza#.

4/21/77

E 27 - 332

Artwork

A work of art such as sculpture, for each #northern plaza#. Such artwork or sculpture shall be subject to approval by the New York City Art Commission which approval shall be obtained before a final Certificate of Occupancy is issued for the #development#.

4/21/77

E 27 - 333

Fountains and pools

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet for each #northern plaza#.

4/21/77

E 27 - 334

Pavilions

A pavilion is a one #story# structure for the use of the public, constructed predominantly of transparent materials such as glass or plastic.

The clear height of the ceiling of the pavilion shall not be less than ten feet from the #northern plaza# level. However, when the pavilion occupies 60 percent or more of the #northern plaza# the clear height of the ceiling of the pavilion shall not be less than 12 feet from the #northern plaza# level. Not less than 50 percent of a pavilion roof shall be of transparent or translucent materials in conformance with the Building Code.

A pavilion shall be developed as an integral part of the #northern plaza# upon which it is located, in accordance with the standards set forth in Section E27-30 (NORTHERN PLAZA).

All amenities may be located inside or outside such pavilion.

A pavilion shall be either unenclosed along its sides and called "unenclosed pavilion" or be enclosed with walls and called "enclosed pavilion."

An unenclosed pavilion shall be accessible directly at all times from an adjoining public sidewalk or from the remaining portion of the #northern plaza# along at least 75 percent of the total linear frontage of its boundary with the public sidewalk and/or #northern plaza#. The perimeter of such pavilion shall have no walls. The interior of the pavilion shall be totally visible from the adjacent public sidewalk. Such pavilion may occupy the entire #northern plaza# area. For the purpose of calculating the area occupied by an amenity, an unenclosed pavilion shall not be considered as an amenity occupying an area.

The aggregate area occupied by an enclosed pavilion shall not exceed 20 percent of the total area of the #northern plaza# measured by exterior dimensions.

An enclosed pavilion shall be directly accessible to the public from at least 8 a.m. to 8 p.m. or until dark, whichever is later, through doors and openings occupying not less than 25 percent of the linear frontage with its total boundary with the #northern plaza# and/or public sidewalk. The interior of the pavilion shall be visible from the adjoining public sidewalk. Not less than 80 percent of the total surface area of the pavilion walls and doors shall be of non-colored transparent material. For the purpose of measurement an enclosed pavilion shall be considered as an amenity occupying an area. At no time shall the dimensions of the remaining portion of the #northern plaza# be less than the minimum required dimension for a #zoning lot# as set forth in Section E27-111 (Size and proportion).

In all cases the floor space of a pavilion shall be excluded from the definition of #floor area#.

E 27 - 34

Optional Amenities

A #northern plaza# may also include additional numbers of the amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, subway station entrances, and drinking fountains which are operable by wheelchair users.

The total area occupied by all amenities, mandatory, additional and optional, shall not exceed 60 percent of the total #northern plaza# area of the #residential plaza#.

The area occupied by amenities shall be measured by outside dimensions. Amenities that are non-permanent or movable such as movable chairs, game tables or movable planters shall not be measured as individual pieces of furniture but rather be confined within a gross area designated on a site plan. Trees shall not count as amenities occupying an area for the purpose of calculating the total area occupied by amenities. Planters or planting beds and their retaining walls for trees, seasonal flowers, shrubs, ivy or other plants shall count towards the total area occupied by amenities.

4/21/77

E 27 - 40

MAINTENANCE

To ensure that convenience, safety and enjoyment of the general public, all #residential plazas# shall conform to the following standards of maintenance.

4/21/77

E 27 - 41

Maintenance Requirements

The building owner shall be responsible for the maintenance of the #residential plaza# including, but not limited to, the confinement of permitted amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjoining the #zoning lot#.

Litter receptacles shall be provided with a minimum capacity of two cubic feet for each 1,000 square feet of #primary space# of the #residential plaza#.

4/21/77

E 27 - 42

Plaques

A plaque or other permanent sign shall be displayed on all #residential plazas# in a prominent location, visible from the adjacent public sidewalk.

Such plaque or permanent sign shall have a surface area of not less than three nor more than six square feet, and shall contain the following statement: "This Plaza is open to the Public." It shall also contain the International Symbol of Access, the statement: "This plaza is accessible to the physically disabled," and the following information:

(a) the type and quantity of mandatory amenities and additional amenities;

(b) the name of the owner;

(c) the name and address of whomever the owner has designated to maintain the #residential plaza#; and

(d) in addition it shall contain the following statement:

> "Complaints regarding this plaza may be addressed to the Department of City Planning or the Department of Buildings, the City of New York."

For a #primary space# of a #residential plaza# that is enclosed with railings and is entered through a gate pursuant to Section E27-113 (Access), the plaque shall be displayed at the entrance to such #primary space# and shall contain the hours during which the #primary space# is open.

4/21/77

E 27 - 43

Vehicle, Refuse and Exhaust Prohibitions

No parking spaces, passenger drop off, driveways, or loading berths are permitted as part of a #residential plaza#.

No building trash storage facilities are permitted as part of a #residential plaza#.

No exhaust vents are permitted as part of a #residential plaza#, except within visual #residual spaces#, nor are exhaust vents permitted on a building wall or the #development# fronting on such #residential plaza# unless such intakes and vents are more than ten feet six inches above the level of the #residential plaza# or #curb level#, or above the roof of a pavilion, whichever is higher.

4/21/77

E 27 - 44

Performance Bonds

Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post to the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at

the Comptroller's discretion, to insure the mandatory tree planting, movable seating, bicycle parking facilities, drinking fountain, plaque, and the litter-free maintenance of the #residential plaza#, including the replacement of such trees, bicycle parking facilities and plaques and movable seating during the life of the #development#.

The value of the bond, City securities or fixed income securities, if rendered prior to January 1, 1980, shall be at a rate of $400 per required tree, $100 per movable chair, and $100 per 1,000 square feet of #residential plaza# for litter removal as set forth in this Section.

In the event that the Department of City Planning receives a complaint, the Chairperson of the City Planning Commission shall investigate and make a determination whether there has been a failure in the required performance of the owner concerning the #residential plaza#, its amenities or maintenance. In the event of a failure in the required performance, the Chairperson shall notify the building owner in writing and shall stipulate the period of time in which the building owner has to correct the failure.

If the failure is not corrected in the stipulated time, the Chairperson may declare the building owner in default of the required performance, and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting contracts for doing any required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond, City securities or fixed income securities that the building owner is required to post.

In the event that the City enforces the aforesaid obligation as provided for in this Section, the building owner shall, within 90 days of such enforcement, provide the City with an additional bond, City securities or fixed income securities in an amount not less than that which was expended to cure the default. In the event of a failure in furnishing additional bond or securities to replace the bond used up, the City may enforce the obligation by whatever means may be appropriate to the situation.

At five year intervals, after January 1, 1980, the City Planning Commission, with the approval of the City Council, shall establish new rates for the mandatory tree planting, movable seating and other amenities and litter-free maintenance of the #residential plaza#.

PLAZA STANDARDS

6/12/96

E 27 - 50

PLAZA STANDARDS OF 1961

A "plaza" shall be accessible to the public at all times, except as provided for in Section 37-06 (Nighttime Closing of Existing Public Open Areas), and shall be either:

(a) along a #front lot line#, a continuous open area not less than 10 feet deep (measured perpendicular to the #front lot line#), with an area of not less than 750 square feet, and extending for its entire depth along the full length of such #front lot line# or for a distance of at least 50 feet thereof, whichever is the lesser distance;

(b) on a #through lot#, a continuous open area extending from #street# to #street# and not less than 40 feet in width, measured perpendicular to the nearest #side lot line#;

(c) on a #corner lot#, an open area of not less than 500 square feet, that is bounded on two sides by the two intersecting #street lines# and has a minimum dimension of 10 feet; or

(d) an open area of not less than 8,000 square feet, with a minimum dimension of 80 feet, that is bounded on one side by a #front lot line# or is connected to the #street# by means of an #arcade# or by an open area not less than 40 feet wide.

Except for an open area as set forth in paragraph (d) of this Section, no portion of such an open area that is bounded on all sides, except for one opening, by either building walls, or building walls and a #side lot line#, shall be considered part of the #plaza#, unless the opening of such portion is at least 50 feet in width.

A #plaza# shall not at any point be more than five feet above, nor more than 12 feet below, the #curb level# of the nearest adjoining #street#, and shall be unobstructed from its lowest level to the sky, except that arbors or trellises, awnings or canopies, railings not less than 50 percent open and not exceeding 3 feet, 8 inches in height, flag poles, open terraces or porches, steps, subway station entrances, ornamental fountains or statuary, or unenclosed balconies subject to the provisions of Section 23-13 or 24-165 (Balconies in R3 through R10 Districts), shall be considered permitted obstructions in #plazas#.

URBAN PLAZA STANDARDS

4/25/01

E 37 - 04

Requirements for Urban Plazas

All #urban plazas# shall comply with the provisions of this Section. These provisions may be modified pursuant to Sections 74-91 (Modification of Urban Plazas) and 81-23 (Floor Area Bonus for Urban Plazas).

(a) Area dimensions

An #urban plaza# shall contain an area of not less than 1,600 square feet. In no case may spaces between existing #buildings# remaining on the #zoning lot# qualify as #urban plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #urban plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #urban plazas#, or between an #urban plaza# and a building wall or #arcade# of the #development#.

(b) Locational restrictions

In other than C5-5 or C6-9 Districts, no #urban plaza#, or portion thereof, is permitted to occupy more than 33 percent of the frontage of the #zoning lot#, or portion thereof, within 175 feet of an existing #plaza#, #urban plaza#, #public park# or urban park that occupies more than 33 percent of its #block# frontage on the same or opposite side of the same #street# and has a depth of at least 12 feet. The distance of 175 feet shall be measured along the #street# on which the existing amenity fronts.

(c) Restrictions on orientation

In other than C5-5 or C6-9 Districts, the following restrictions shall apply to all #urban plazas#:

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-facing" #street line# means a #street line# facing within 27 degrees of the direction indicated. "To front on a #street#" means to be contiguous to the #street line# or to a sidewalk widening along the #street line#.

(1) Where the major portion of an #urban plaza# fronts on only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.

(2) No major portion of an #urban plaza# shall only front on a west-facing #street line# or an east-facing #street line# if the #zoning lot# also has frontage that is 40 feet or more in length on a south-facing #street line#.

(3) An #urban plaza# that is located on an intersection of two #streets# must have its major portion, as defined in paragraph (d)(2) of this Section, front on the south-facing #street line#. In the case of a #zoning lot# having frontage on a south-facing #street line# of less than 40 feet, or having its frontage at the intersection of a north-facing #street line# with either an east- or west-facing #street line#, the major portion must front on the east- or west-facing #street line#.

(d) Requirements for major portions of #urban plazas#

(1) All contiguous #urban plaza# areas on a #zoning lot# shall be considered as one #urban plaza#.

(2) The shape and dimensions of an #urban plaza# shall be such that for a major portion of the #urban plaza#, comprising at least the percentage of total area specified herein, all points within such major portion shall be visible from all other points therein. For the purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible one from the other; visibility between points shall not be affected by permitted obstructions or by changes of grade.

The major portion of an #urban plaza# shall be at least 70 percent of the #urban plaza's# total area, except that in the case of a through #block urban plaza# as defined in paragraph (e) of this Section, the major portion shall be at least 50 percent of such #urban plaza's# total area. The major portion of the #urban plaza# shall be subject to the proportional requirements set forth in paragraphs (d)(4) and (d)(5) of this Section.

(3) The major portion of an #urban plaza# shall have a minimum dimension of 40 feet. The remaining portion of such #urban plaza# shall have a minimum dimension of 20 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #urban plaza# fronts.

(4) For major portions of #urban plazas# with frontage on two or more intersecting #streets#, the length of the frontage along any one #street# shall not be greater than three times the average depth of the #urban plaza# measured perpendicular to the #street line# of said #street# from the building wall that faces it.

(5) For major portions of #urban plazas# with frontage on only one #street#, at no point shall the depth from the building wall or rear #lot line# that faces the #street# to the #street line# be less than one-third nor more than three times the length of the frontage of the major portion along

such #street line#.

(e) Regulations for through #block urban plazas#

Where an #urban plaza# or portion of an #urban plaza# extends through the #block# connecting two #streets# that are parallel or within 45 degrees of being parallel to each other, and any building wall or walls adjoin such through #block urban plaza# or through #block# portion of an #urban plaza#, no more than 120 feet aggregate length of such walls within 50 feet of the opposite side of the through #block urban plaza# shall exceed 90 feet in height from the surface of the #urban plaza#. In addition to the 20 feet minimum width requirement described in paragraph (d)(3) of this Section, such a through #block urban plaza# shall maintain a straight path at least 15 feet in width, free of any obstructions from #street line# to #street line#.

(f) Circulation and access

(1) To facilitate access to an #urban plaza#, within 10 feet of a #street line# or sidewalk widening, along at least 50 percent of each #street# frontage of the major portion and the entire #street# frontage of the remaining portion of an #urban plaza#, the surface of the #urban plaza# shall be at the same elevation as the adjoining public sidewalk. Along at least 50 percent of each #street# frontage of the major portion and at least 50 percent of each #street# frontage of the remaining portion of an #urban plaza#, for a depth of at least 20 feet from the #street line#, there shall be no obstruction to public access to the #urban plaza# from a sidewalk or sidewalk widening. For the remaining 50 percent of the frontage and within 20 feet of the #street line#, no walls or other obstructions shall be higher than three feet above the #curb level# of the #street line# in front of the #urban plaza#. However, the City Planning Commission may permit, by authorization, certain obstructions such as light stanchions, flag poles, trash receptacles, public space signage or other features to be located in the #urban plaza# within 20 feet of the #street line#, provided that the Commission finds that:

(i) such obstructions are desirable or necessary features for the public enjoyment of the #urban plaza#; and

(ii) sufficient public access additional to the minimum required under the provisions of this paragraph (Circulation and access) is provided to offset any adverse impact on public circulation or access caused by the obstructions or features permitted by such authorization.

The Commission shall furnish a copy of the application for such authorization to the affected Community Board and the local Council Member at the earliest possible stage and will give due consideration to their opinions as to the appropriateness of such obstructions. If the Community Board or local Council Member elects to comment on such application, it must be done within 45 days of such application.

(2) The level of an #urban plaza# shall not at any point be more than three feet above or below the #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#; however, an #urban plaza# with an area of 10,000 square feet or more may additionally

have a maximum of 15 percent of its area at an elevation more than three feet above or below, but not more than five feet above or below #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#.

(3) Where there is a grade change of at least 2.25 feet in 100 feet along a portion of a #street# fronted upon, for a distance of at least 75 feet, by an #urban plaza# with an area of 10,000 square feet or more, the level of such #urban plaza# may be at any elevation that is not more than five feet above or below the #curb level# of the nearest adjoining #street# in front of the #urban plaza#. Along the length of frontage not required for access, no wall higher than three feet above the level of the adjoining sidewalk may be constructed.

(4) For areas of #urban plazas# not obstructed by permitted obstructions as set forth in paragraph (f)(1) of this Section, a circulation path shall be provided of at least five feet clear width. A major public path at least eight feet in width shall extend to at least 75 percent of the depth of the major portion of the #urban plaza#, measured from the #street line#.

(5) Where an entry to a subway station exists in the sidewalk area of a #street# on which an #urban plaza# fronts and such entry is not replaced within the #urban plaza# itself, the #urban plaza# shall be #developed# at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #urban plaza# area around a subway entry shall be free of all obstructions.

(6) Where an entry to a subway station is provided within the #urban plaza# itself, stairs shall have a minimum width of 10 feet.

(7) All #urban plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing in accordance with Section 37-06 or, within C6-4X Districts, for a #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#, where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that:

(i) the enclosure or barrier that limits public access shall not obstruct access to the #urban plaza# or impede pedestrian circulation into, through or along the frontage of the #urban plaza# during hours of public access, and shall allow visibility of the #urban plaza# when the enclosure or barrier is in closed position;

(ii) public access to the #urban plaza# will be provided, at a minimum, between the hours of 7:00 a.m. and 8:30 p.m. from May 1 to September 30 and from 7:00 a.m. to 7:00 p.m. from October 1 to April 30, and that the hours of public access to the #urban plaza# shall be prominently displayed on a plaque affixed to the enclosure or barrier at each #street# frontage of the #urban plaza#; and

(iii) the #urban plaza# shall be illuminated at night in accordance with paragraph (n) of this Section.

All applications for such certification shall include detailed plans demonstrating compliance with the provisions of this paragraph, (f)(7), inclusive. The plans shall include, but not necessarily be limited to, a site plan and elevation showing location and dimensions of the

proposed gates, fences or other enclosure devices, and signage indicating hours of public access to the #urban plaza#. All such plans, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of certification pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the restricted hours of public access of an #urban plaza#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot#, issued after the recording date.

(g) Permitted obstructions

(1) #Urban plazas# shall be unobstructed from their lowest level to the sky except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: fountains and reflecting pools; waterfalls; sculptures and other works of art; benches; seats; trees planted at grade or in planting beds; bushes and flowers in planters or in planting beds; arbors or trellises over public seating areas; litter receptacles; bicycle racks; outdoor furniture; lights and lighting stanchions; flag poles; public telephones; public toilets; temporary exhibitions; awnings or canopies over the entrances to retail stores fronting on the #urban plaza#; bollards; subway station entrances, which may include escalators; and drinking fountains. If drinking fountains are provided, at least one fountain shall be accessible to wheelchair users by being 30 inches high, hand-and-foot operated, and display the International Symbol of Access. In addition to the obstructions listed in this paragraph, #urban plazas# having an area of 10,000 square feet or more may include an open air amphitheater or an outdoor ice skating rink. However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (g)(2) of this Section.

(2) Permitted obstructions may occupy a maximum percentage of the area of a #urban plaza#, as follows:

For #urban plazas# less than 5,000 square feet in area: 38 percent

For #urban plazas# at least 5,000 square feet in area and less than 10,000 square feet in area: 40 percent

For #urban plazas# 10,000 square feet or more in area: 50 percent

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or movable, such as movable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

Trees do not count as obstructions for the purpose of calculating total area occupied by

permitted obstructions. Planting beds and their retaining walls for trees count as obstructions.

(3) Kiosks and open air cafes may be placed within an #urban plaza# upon certification, pursuant to paragraphs (g)(5) and (g)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of paragraph (g).

Where a kiosk is provided, it shall be a one-story structure, predominantly of light-colored materials, such as metal, glass, plastic or fabric as approved by the Department of Buildings in conformance with the Building Code, that, including roofed areas, does not occupy an area in excess of 150 square feet, except that where the #urban plaza# has an area of less than 5,000 square feet, the aggregate area of the kiosks shall not exceed 100 square feet measured by exterior dimensions. The aggregate area occupied by kiosks in an #urban plaza# larger than 5,000 square feet shall not exceed 150 square feet or 1.5 percent of the total area of the #urban plaza#, whichever is greater, provided no one kiosk occupies an area of more than 150 square feet. A kiosk may be freestanding or may be attached on only one side to a wall of the #building# of the #development# or a #building# on the adjacent #zoning lot#. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may be occupied by #uses# such as news or magazine stands, candy stands, flower stands or information booths.

Where an open air café is provided, it shall occupy an aggregate area not more than 20 percent of the total area of the #urban plaza#. It shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have a temporary fabric roof in conformance with the Building Code. An open air café must be accessible from all sides where there is a boundary with the remainder of the #urban plaza#. No kitchen equipment shall be installed within an open air cafe; however, kitchen equipment may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in an #urban plaza# through open windows. In all cases, only #uses# permitted by the applicable district regulations may occupy #urban plazas# or front on #urban plazas#.

(4) Open air amphitheaters and open air ice skating rinks that charge admission may be placed within an #urban plaza# upon certification pursuant to paragraphs (g)(5) and (g)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of this paragraph (Permitted obstructions).

(5) Kiosks and open air cafes that comply with the provisions of paragraph (g)(3) of this Section, and open air amphitheaters or open air ice skating rinks that charge admission may be placed within the area of an #urban plaza# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

(i) such #use# promotes public use and enjoyment of the #urban plaza#;

(ii) such #use# complements and stabilizes desirable #uses# in the surrounding area;

(iii) such #use# is provided in accordance with the requirements set forth in this Section; and

(iv) the owners of such #use# will maintain such #use# in accordance with the provisions of paragraph (q) (Maintenance) of this Section.

All applications for the placement of kiosks, open air cafes, open air amphitheaters or open air ice skating rinks that charge admission within an #urban plaza# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section. All such plans for kiosks, open air cafes, open air amphitheaters or open air ice skating rinks that charge admission, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk, open air café, open air amphitheater or open air ice skating rink that charges admission, pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the placement of the kiosk, open air café, open air amphitheater or open air ice skating rink that charges admission within the #urban plaza#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

(6) An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years but, upon application, may be renewed for a similar period by the Chairperson of the City Planning Commission.

(h) Prohibition of driveways, parking spaces, loading berths, exhaust vents and building trash storage facilities

No driveways, parking spaces, passenger drop offs or loading berths shall be permitted within an #urban plaza#. No building trash storage facilities are permitted within an #urban plaza#, nor shall any building trash storage facility be accessed or serviced through the #urban plaza#. If parking spaces, passenger drop-offs, driveways, loading berths or building trash storage facilities are located near or adjoin an #urban plaza#, they shall be separated from it by a building wall or planted area sufficient to visually conceal these facilities and any vehicles therein from any point in the #urban plaza#.

No exhaust vents are permitted on any #urban plaza# or on the building wall of the #development# fronting upon the #urban plaza#, except where such vents on the building wall are more than 8 feet, 6 inches above the level of the #urban plaza#.

(i) Seating

There shall be a minimum of one linear foot of seating for each 30 square feet of #urban plaza# area, except that for #urban plazas# fronting upon a #street# having a grade change of at least 2.25 feet in 100 feet or for through #block urban plazas#, there shall be a minimum of one linear foot of seating for each 40 square feet of #urban plaza# area.

Not more than 50 percent of the linear seating capacity may be in movable seats that may be stored between the hours of sunset and sunrise.

The following standards shall be met for all required seating:

(1) Seating shall have a minimum depth of 16 inches; however, seating with backs shall have a minimum depth of 14 inches and a maximum depth of 22 inches and backs shall be at least 12 inches high. Seating 30 inches or more in depth shall count double, provided there is access to both sides.

(2) At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface and at least 50 percent of this seating shall have backs at least 12 inches high. Seating higher than 36 inches or lower than 12 inches above the level of the adjacent walking surface shall not count towards meeting the seating requirements.

(3) The flat tops of walls including but not limited to those that bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (f)(1) and (f)(2) of this Section, provided that they are made of stone, concrete or similar composite material, wood or plastic with a smooth surface and rounded upper edges with a radius of at least one inch to ensure seating comfort.

(4) Movable seating or chairs, excluding seating for open air cafes, may be credited as 18 inches of linear seating per chair.

(5) Steps, seats in outdoor amphitheaters and seating of open air cafes do not count towards meeting the seating requirement.

(6) Seating for any #use# within an #urban plaza# is subject to applicable articles and amendments of the New York City Building Code.

(7) For the benefit of persons with disabilities, a minimum of five percent of the required seating shall have backs.

(j) Planting and trees

For an #urban plaza# not exceeding 2,000 square feet in area, four trees are required.

For an #urban plaza# greater than 2,000 square feet in area but not exceeding 6,000 square feet in area, one tree is required for every 600 square feet, or part thereof, of #urban plaza# area.

For an #urban plaza# greater than 6,000 square feet in area, one tree is required for every 600 square feet, or part thereof, of #urban plaza# area for the first 6,000 square feet of area and one additional tree is required for every 1,000 square feet, or part thereof, of the remaining #urban plaza# area.

For all #urban plazas#, at least 50 percent of the required plaza trees shall be planted with gratings flush to grade.

Where trees are planted within an #urban plaza#, they shall measure at least four inches in caliper at the time of planting. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches. Any planting bed containing required plaza trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls and shall have bounding walls not higher than 20 inches above the adjacent walking surface. Trees shall be planted at a maximum spacing of 25 feet within a single planting bed.

When planting beds are provided, they shall have a soil depth of at least two feet for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees.

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #urban plazas#. At least one tree of four-inch caliper or more shall be planted for each 25 feet of the entire #street# frontage of the #zoning lot#, excluding the frontage occupied by driveways. The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may also be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. The required trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least 3 feet, 6 inches. Species shall be selected, located and maintained in accordance with the specifications established by the Department of Parks and the Department of Highways. If the Commissioner of Buildings determines that the tree planting requirements of this paragraph cannot be met in part or in whole because of subsurface conditions such as the presence of a subway tunnel, the number of required #street# trees that cannot be planted as required in this paragraph shall be planted in the public sidewalk areas of #streets# on the same #block# as the #zoning lot# to which it has frontage or within the #urban plaza#.

(k) Mandatory allocation of frontages for permitted #uses#

At least 50 percent of the total frontage of building walls of the #development# fronting on an #urban plaza#, or fronting on an #arcade# adjoining an #urban plaza#, exclusive of such frontage occupied by vertical circulation elements, building lobbies and frontage used for subway access, shall be allocated for occupancy by retail or service establishments permitted by the applicable district regulations. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall be directly accessible from the major portion of the #urban plaza# or adjoining arcade.

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

Frontage on the #urban plaza# that is occupied by a building lobby shall not exceed 75 feet or 40 percent of the total frontage of the #development's# building walls on the major portion of the #urban plaza#, whichever is less.

The building frontage on the major portion of the #urban plaza# shall be treated with clear, untinted transparent material for 50 percent of its surface area below 14 feet above the #urban plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower.

(l) Paving

The paving of the #urban plaza# shall be of non-skid durable materials that are decorative and compatible in color and pattern. The paving of the #street# sidewalk area adjacent to the #development# may be treated with design patterns and materials sympathetic to that of the paving of the #urban plaza#. Any change of paving materials within the public right-of-way shall require review by the Department of Highways and the Art Commission.

(m) Standards of accessibility for persons with disabilities to #urban plazas#

(1) There shall be at least one path of travel conforming to the standards set forth in paragraph (m)(2) of this Section, providing access to each of the following:

(i) the major portion of an #urban plaza#;

(ii) any building lobby accessible to the #urban plaza#; and

(iii) any #use# that may be present on or adjacent to the #urban plaza#.

(2) The following standards shall apply to assure access for persons with disabilities:

(i) Such paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.

(ii) Ramps shall be provided alongside any stairs or steps for such paths. Ramps shall have a minimum width of three feet, a slope of not greater than 1:12, a non-skid surface and, for open-edged ramps, a two-inch high safety curb. At each end of a ramp there shall be a level area, which may be a public sidewalk, at least five feet long.

(iii) All stairs or ramps within such paths shall provide handrails. Handrails shall be 34 inches high, have a midrail 22 inches high and shall extend at least 18 inches beyond the stair or ramp ends.

(iv) Where stairs are used to effect changes of grade for such paths, they shall have closed risers, no projecting nosings, a maximum riser height of seven and one-half inches and a minimum tread width of eleven inches.

(n) Lighting and electrical power

#Urban plazas# shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. Such level of illumination shall be maintained from sunset to sunrise. A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution shall be part of the required detailed design plans as set forth in this Section. Electrical power shall be

supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of an #urban plaza#.

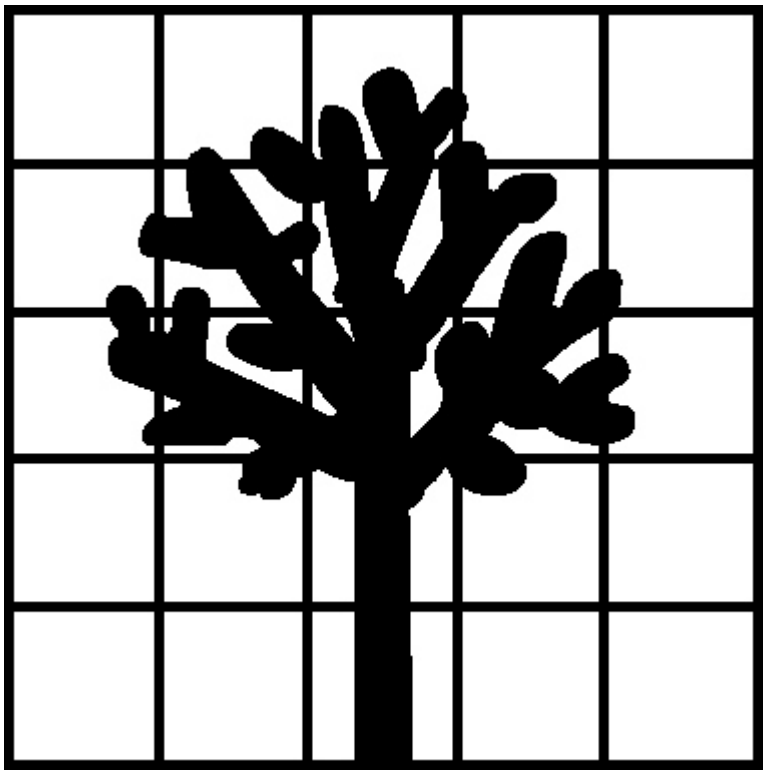
(o) Public space signage systems

The following public space signage systems shall be required for all #urban plazas#:

(1) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #urban plaza#. A maximum of two entry plaques may be provided. The entry plaque shall contain:

(i) a public space symbol which is at least 14 inches square in dimension; has a white background; has a grid of four (4) straight lines no greater than one-eighth inch wide and green in color; and has a tree-shaped symbol as shown;



(ii) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located within nine inches of the public space symbol; and

(iii) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post with its center five feet above the elevation of the nearest walkable pavement. It shall be in a position that clearly identifies the entry into the #urban plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #urban plaza#.

(2) Information plaque

An information plaque, with a surface area of not less than two feet square, constructed from the same permanent materials as the entry plaque and located within the most frequently used area of the #urban plaza#, with clear lettering consisting of:

(i) the type and quantity of trees, movable seating and permanent artwork;

(ii) the name of the current owner of the building and the name, address and phone number of the person designated to maintain the #urban plaza# between the hours of 9:00 a.m. and 5:00 p.m.;

(iii) the statement, "Complaints regarding this urban plaza may be addressed to the Department of City Planning or the Department of Buildings of the City of New York"; and

(iv) the statement, "This urban plaza is accessible to persons with disabilities."

(p) #Signs#

An #urban plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by paragraph (o) of this Section, are permitted only as #accessory# to #uses# permitted within the #urban plaza# and #uses# adjoining the #urban plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS).

(q) Maintenance

(1) The building owner shall be responsible for the maintenance of the #urban plaza# including, but not limited to, the confinement of permitted obstructions, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#.

(2) Litter receptacles shall be provided with a minimum capacity of one cubic foot for each 2,000 square feet of #urban plaza# area excluding the area of any sidewalk widening. An additional capacity of one cubic foot of litter receptacle shall be provided for each 2,000 square feet of #urban plaza# area in connection with outdoor eating services or other #uses# permitted within #urban plazas# that generate litter.

(3) Kiosks, open air cafes, open air amphitheaters and open air ice skating rinks permitted in accordance with the provisions of this Section shall be confined within areas designated on building plans as available for occupancy by such #uses#. Encroachment by an #urban plaza use# outside an area so designated shall be a valid ground for complaint and removal.

(4) Performance bond

Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post with the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at the Comptroller's discretion, to ensure the mandatory tree planting, movable seating exclusive of any seating for open air cafes, and the litter-free maintenance of the #urban plaza# including the replacement of such trees and movable furniture during the life of the #development#.

In the event of a failure in the required performance, the Chairperson of the City Planning Commission shall notify the building owner in writing of such failure and shall stipulate the period of time in which the building owner has to correct the failure. If the failure is not corrected in the stipulated time, the Chairperson may declare the building owner in default in the required performance and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting contracts for doing any required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond or City securities that the building owner is required to provide.

In the event that the City enforces the aforementioned obligation as provided for in this paragraph (Performance bond), the building owner shall, within 90 days of such enforcement, provide the City with an additional bond or City securities in an amount not less than that which was expended to cure the default.

The value of the bond or City securities if tendered prior to January 1, 1998, shall be at a rate of $750 per required tree, $100 per movable chair and $200 per 1,000 square feet of #urban plaza# for litter removal as set forth in this Section.

Effective January 1, 1989, and at five-year intervals thereafter, the City Planning Commission shall establish new rates for the mandatory tree planting, movable seating and litter-free maintenance of the #urban plaza#.

(r) Penalties for violations

Failure to comply with the conditions or restrictions of the bonused #urban plaza# shall constitute a violation of this Resolution and shall constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

No foundation permit shall be issued by the Department of Buildings for any #development# that includes an #urban plaza# without certification by the Chairperson of the City Planning Commission that a site plan has been submitted indicating compliance with the provisions of this Section. An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #urban plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans demonstrating compliance with the provisions of this Section.

All plans for #urban plazas#, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the #urban plaza# pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas

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APPENDIX F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas

(9/10/26)

The boundaries of #Mandatory Inclusionary Housing areas# and former Inclusionary Housing designated areas are shown on the maps listed in this APPENDIX F.

MANDATORY INCLUSIONARY HOUSING AREAS AND
FORMER INCLUSIONARY HOUSING DESIGNATED AREAS
BY ZONING MAP

Zoning Map	Community District	Maps of former #Inclusionary Housing designated areas#	Maps of #Mandatory Inclus Housing areas#
1d	Bronx CD 7	Map 1	
1d	Bronx CD 8		Map 1
2a	Bronx CD 12		Map 1
3a	Manhattan CD 12		Map 1
3b	Bronx CD 4	Map 1	Map 1
3b	Bronx CD 4, 5		Map 2 (partial)
3c	Bronx CD 5, 7		Map 1 (partial)
3c	Bronx CD 6	Maps 1-3	Map 1
3c	Bronx CD 7	Map 1	
3d	Bronx CD 3	Map 1	
3d	Bronx CD 4		Maps 3,4

3d	Bronx CD 5		Maps 1 (partial), 2 (partial)
3d	Bronx CD 6	Maps 2-5	Maps 3, 4, 6, 7
3d	Bronx CD 9		Maps 2, 3, 8
3d	Bronx CD 9, 10, 11		Map 1
4a	Bronx CD 9, 10, 11		Map 1
4a	Bronx CD 11		Maps 1, 2
4b	Bronx CD 9		Maps 1, 5 (partial)
4b	Bronx CD 10, 11		Map 1
4b	Bronx CD 11		Map 3
5c	Manhattan CD 9		Map 2
5d	Manhattan CD 7	Map 1	Map 3
6a	Manhattan CD 9	Map 1	
6a	Manhattan CD 10	Map 1	Map 1
6a	Manhattan CD 11	Map 1	Maps 1, 5 (partial), 6
6a	Bronx CD 1	Map 1	Maps 1, 2, 4, 6, 7 (partial)
6a	Bronx CD 4	Map 1	Maps 1, 2
6b	Bronx CD 1		Map 5
6b	Manhattan CD 8		Map 2

6b	Manhattan CD 10	Map 1	Maps 1, 3
6b	Manhattan CD 11	Map 1	Maps 1–4, 5 (partial), 8
6b	Manhattan CD 9, 10, 11		Map 1
6c	Bronx CD 1		Maps 3, 7 (partial), 9
6c	Bronx CD 2		Map 1
6c	Bronx CD 3		Map 2
7a	Bronx CD 9		Maps 4, 5 (partial), 6
8a	Manhattan CD 4		Map 2
8b	Manhattan CD 4	Map 1	Map 2
8c	Manhattan CD 4	Map 2	Map 2
8c	Manhattan CD 7	Map 2	
8c	Manhattan CD 8		Map 3
8d	Manhattan CD 4	Maps 3, 4	
8d	Manhattan CD 5	Map 1	
8d	Manhattan CDs 4, 5		Map 1
8d	Manhattan CD 6	Map 1	Map 2
8d	Queens CD 2	Map 3	QN CDs 1 and 2 - Map 1
9a	Queens CD 1	Map 1	Maps 1, 4, 9 (partial), 11 (p
9b	Queens CD 1	Map 2	Maps 5, 6, 7, 11 (partial) QN CDs 1 and 2 - Map 1

9b	Queens CD 2	Maps 1	Maps 1 (partial), 2, 4 (parti QN CDs 1 and 2 - Map 1
9c	Queens CD 1		Maps 7, 8, 9 (partial)
9d	Queens CD 2	Maps 1, 2	Maps 1 (partial), 2, 4 (parti
9d	Queens CD 3		Map 1
10a	Queens CD 7		Maps 2, 3 (partial), 4
10b	Queens CD 4		Maps 1, 3, 4
10b	Queens CD 7		Maps 1, 3 (partial)
10c	Queens CD 7		Map 6
11a	Queens CD 11		Maps 1, 2
12a	Manhattan CD 1	Map 1	
12a	Manhattan CD 2	Map 1	
12c	Manhattan CD 3	Map 1	Maps 1-3
12c	Brooklyn CD 1	Maps 1, 2	Maps 1, 2
12d	Brooklyn CD 1	Maps 2, 3	Map 6
12d	Brooklyn CD 2	Maps 1, 4	Maps 1, 5, 7, 9
12d	Brooklyn CD 3	Map 3	Map 3
13a	Brooklyn CD 1	Maps 1, 2	
13b	Brooklyn CD 1	Maps 2, 4	Maps 2, 4

13b	Brooklyn CD 3	Maps 3-5	Map 3
13b	Brooklyn CD 4	Map 1	Map 2
13d	Queens CD 5		Map 1
14a	Queens CD 6		Maps 1, 2
14b	Queens CD 6		Map 2
14c	Queens CD 8		Map 3
14d	Queens CD 8	Map 1	Map 1
14d	Queens CD 12	Maps 1, 3	Map 1
15b	Queens CD 8		Map 1
15b	Queens CD 12		Map 1
16a	Brooklyn CD 6		Map 2, 3
16b	Brooklyn CD 7	Map 2	
16c	Brooklyn CD 2	Maps 1-3	Maps 3, 5, 6, 8
16c	Brooklyn CD 3	Map 1	
16c	Brooklyn CD 6	Map 1	
16c	Brooklyn CD 8	Map 1	Maps 2-4
16c	Brooklyn CD 15		Map 1
16d	Brooklyn CD 5		Map 1
16d	Brooklyn CD 7	Map 1	Maps 1, 3
16d	Brooklyn CD 8	Map 1	
16d	Brooklyn CD 9		Map 1

16d	Brooklyn CD 14	Map 2	Maps 2, 4
17a	Brooklyn CD 3	Maps 1-5	Maps 1, 2, 3, 6, 8
17a	Brooklyn CD 8	Map 1	Map 1, Map 5
17a	Brooklyn CD 16		Map 5
17b	Brooklyn CD 8	Map 1	
17b	Brooklyn CD 9		Map 1
17b	Brooklyn CD 14	Map 2	
17b	Brooklyn CD 16		Map 3, 4 (partial)
17c	Brooklyn CD 5		Map 1
17c	Brooklyn CD 16		Map 1
17d	Brooklyn CD 16		Maps 4 (partial), 6, 7
18a	Brooklyn CD 5		Map 7
18b	Brooklyn CD 5		Map 2
18c	Queens CD 12		Maps 1, 2, 4
19a	Queens CD 12		Map 1
21c	Staten Island CD 1		Maps 1, 2, 3
22a	Brooklyn CD 7	Map 2	
22b	Brooklyn CD 10		Map 1
22c	Brooklyn CD 7	Map 2	

22c	Brooklyn CD 12		Maps 1, 3 (partial), 5, 6
22c	Brooklyn CD 14	Maps 1-3	Maps 3, 6
22d	Brooklyn CD 12		Map 2, 3 (partial)
22d	Brooklyn CD 11		Maps 3, 4
22d	Brooklyn CD 15		Map 1
23a	Brooklyn CD 14	Map 2	Map 5
23a	Brooklyn CD 18		Map 1
25b	Queens CD 14		Map 2
28c	Brooklyn CD 11		Map 1
28c	Brooklyn CD 15		Maps 4, 10, 13 (partial)
29a	Brooklyn CD 15		Map 13 (partial)
28d	Brooklyn CD 13	Map 1	Map 1
30b	Queens CD 14		Map 1
30c	Queens CD 14		Map 3
31a	Queens CD 14		Maps 2, 5
33c	Brooklyn CD 3		Map 3

Zoning Resolution

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Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Appendix F – The Bronx

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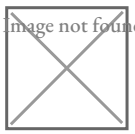
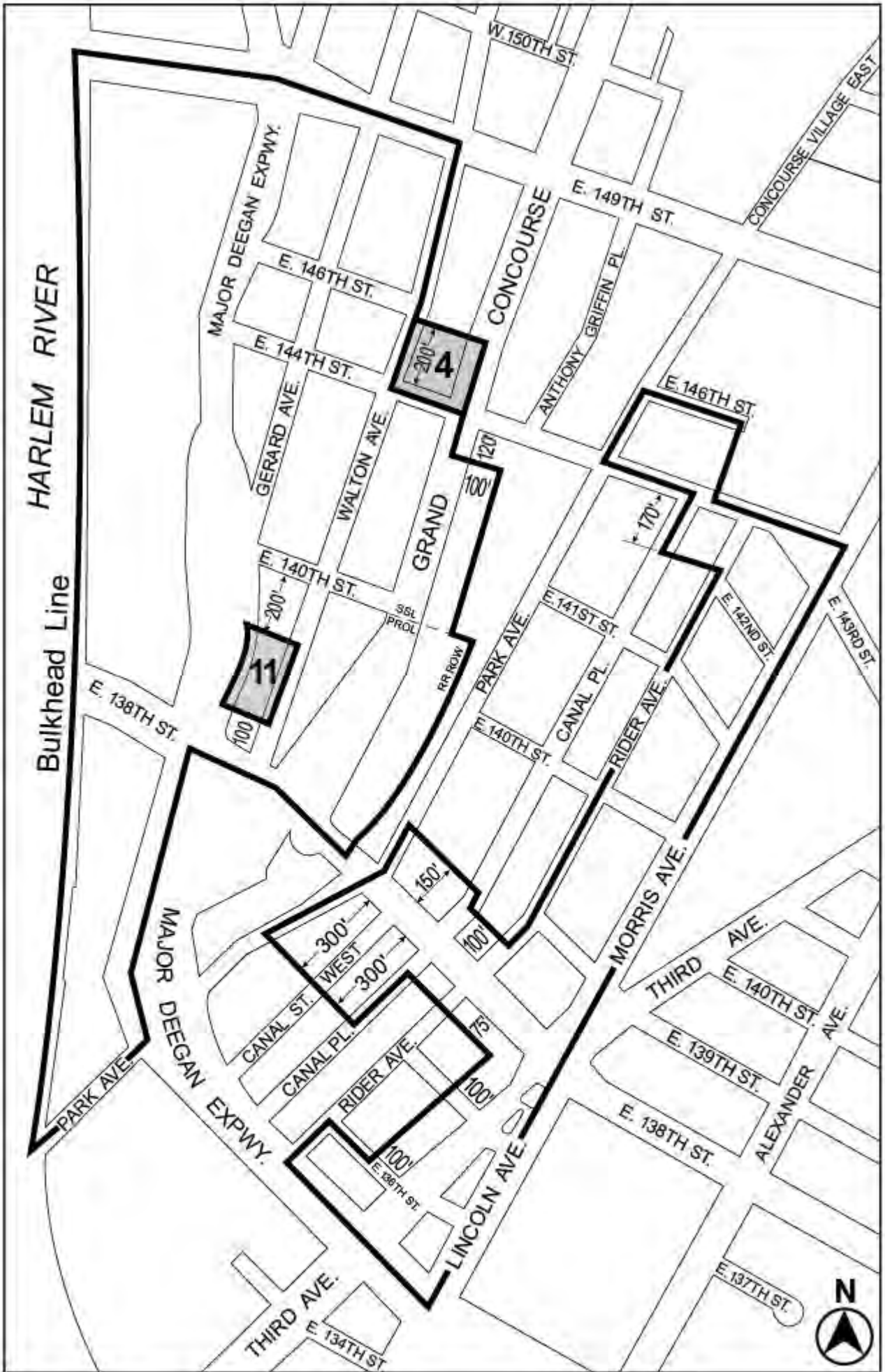
The Bronx Community District 1

Map 1 - (5/27/21)

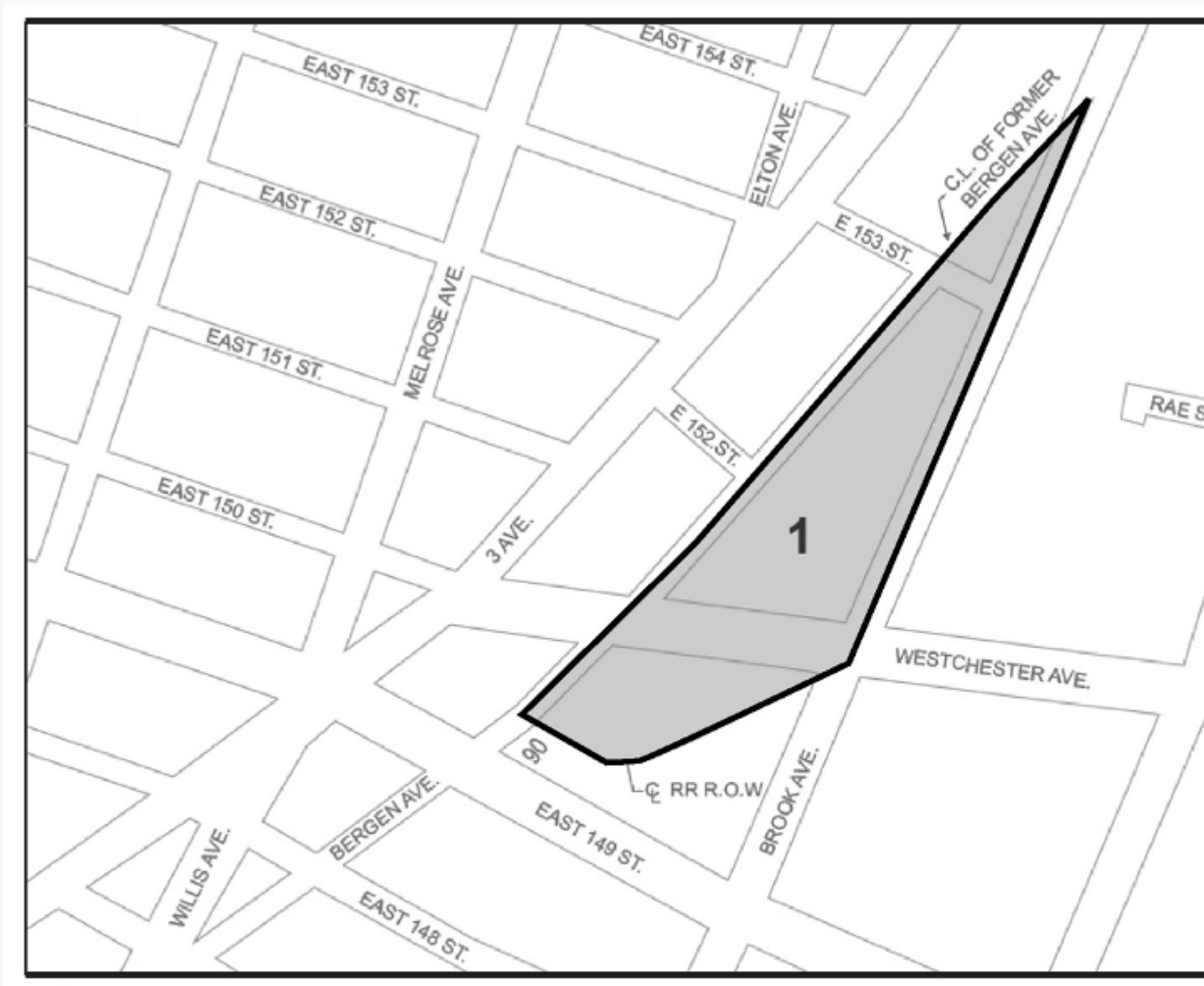




HARLEM RIVER
Bulkhead Line
W. 150TH ST.
CONCOURSE VILLAGE EAST
E. 149TH ST.
CONCOURSE
ANTHONY GRIFFIN PL.
MAJOR DEEGAN EXPWY.
E. 146TH ST.
E. 144TH ST.
GERARD AVE.
WALTON AVE.
GRAND
200'
4
120'
100'
E. 146TH ST.
170'
E. 140TH ST.
200'
SSL
PROL
RR ROW
11
100
E. 138TH ST.
PARK AVE.
E. 141ST ST.
CANAL PL.
RIDER AVE.
E. 140TH ST.
E. 142ND ST.
E. 143RD ST.
150'
100'
300'
WEST
300'
CANAL ST.
CANAL PL.
RIDER AVE.
75'
100'
100'
E. 136TH ST.
MAJOR DEEGAN EXPWY.
PARK AVE.
MORRIS AVE.
THIRD AVE.
E. 140TH ST.
E. 139TH ST.
ALEXANDER AVE.
E. 138TH ST.
LINCOLN AVE.
E. 137TH ST.
THIRD AVE.
E. 134TH ST.
N

Portion of Community District 1, The Bronx

Map 2 – (5/24/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)*

Area **1** — 9/14/16 MIH Program Option 1 and Option 2

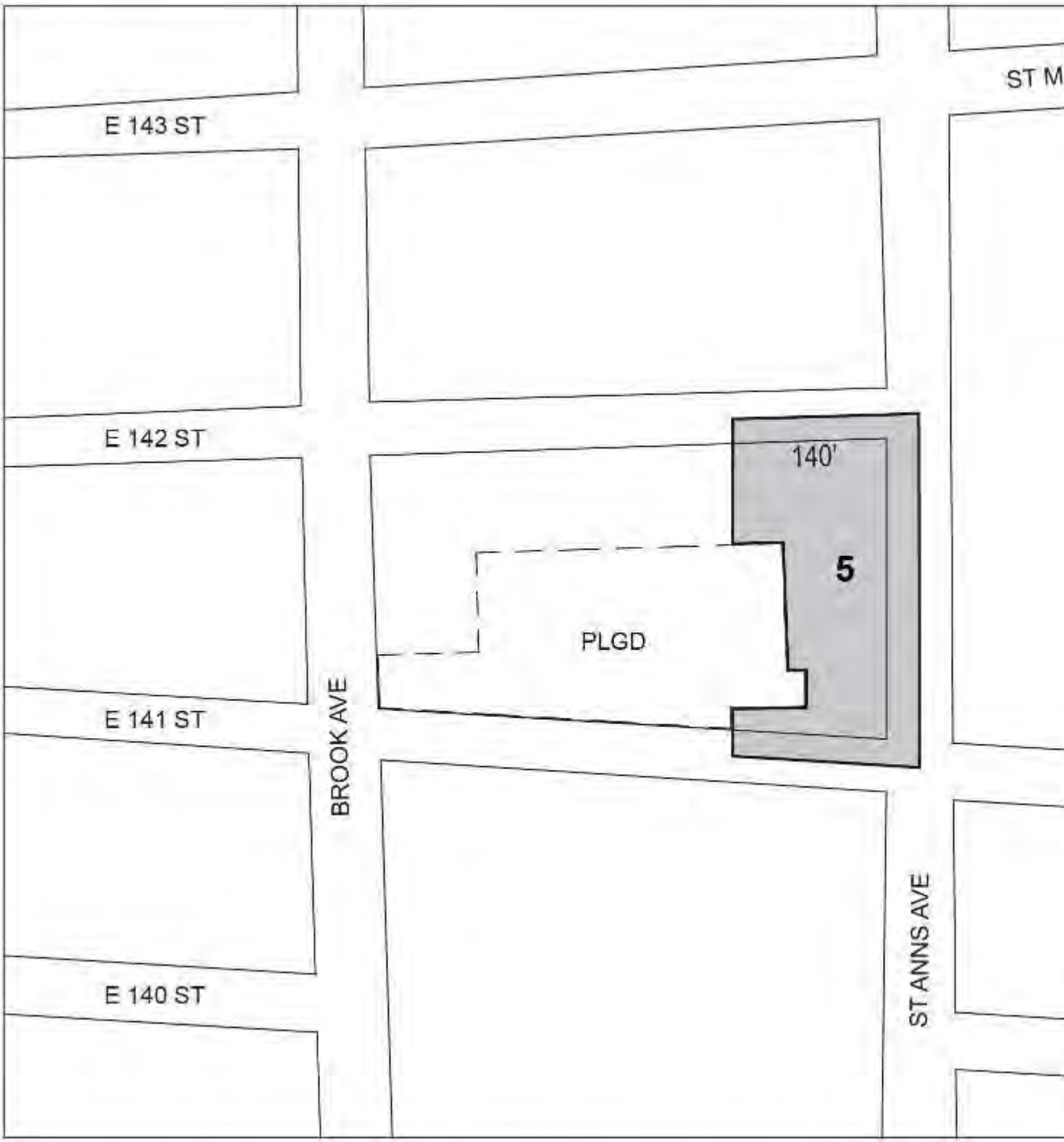
Area **3** — 5/24/17 MIH Program Option 1

Portion of Community District 1, The Bronx

Map 3 – (10/27/16)

Portion of Community District 1, The Bronx

Map 4 – (4/25/18)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

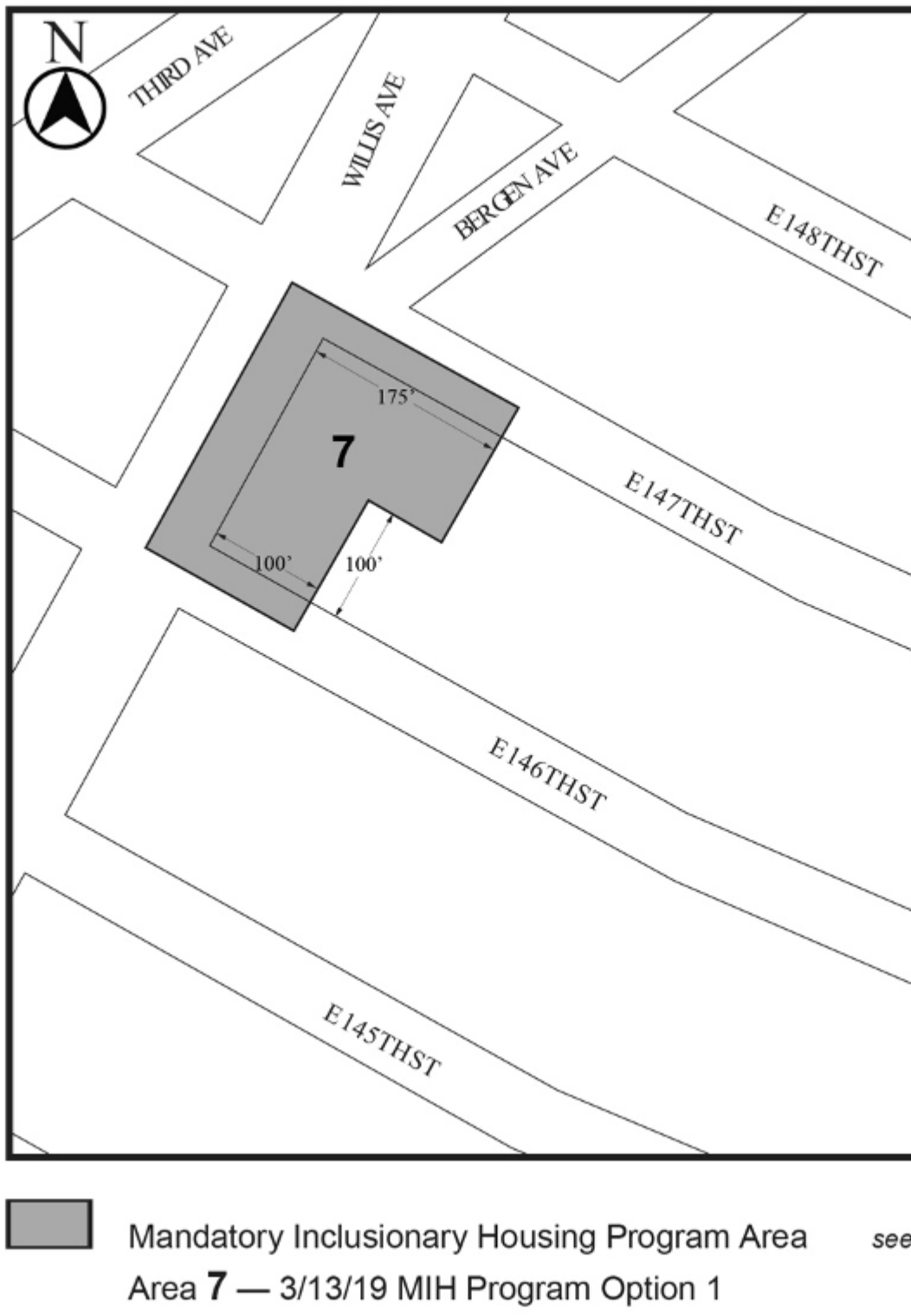
Area **5** - 4/25/18 MIH Program Option 1 and Deep Affordability Option

Portion of Community District 1, The Bronx

Map 5 – (6/7/18)

Portion of Community District 1, The Bronx

Map 6 – (3/13/19)

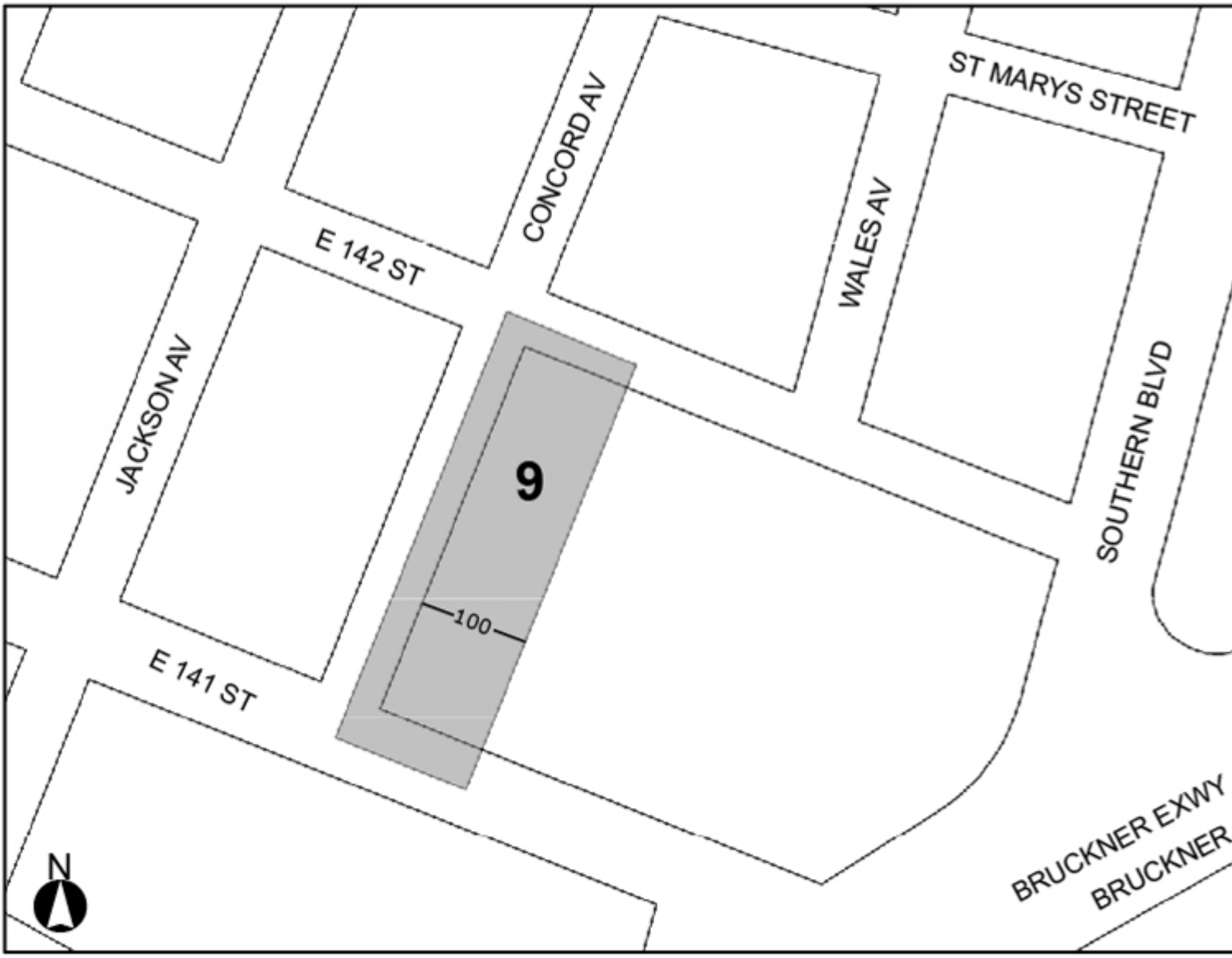


Portion of Community District 1, The Bronx

Map 7 – (6/26/19)

Portion of Community District 1, The Bronx

Map 8 – (10/17/19)



Portion of Community District 1, The Bronx

Map 9 – (2/13/25)

Portion of Community District 1, The Bronx

Map 10 – (4/28/22)

Portion of Community District 1, The Bronx

The Bronx Community District 2

Map 1 – (7/20/17)

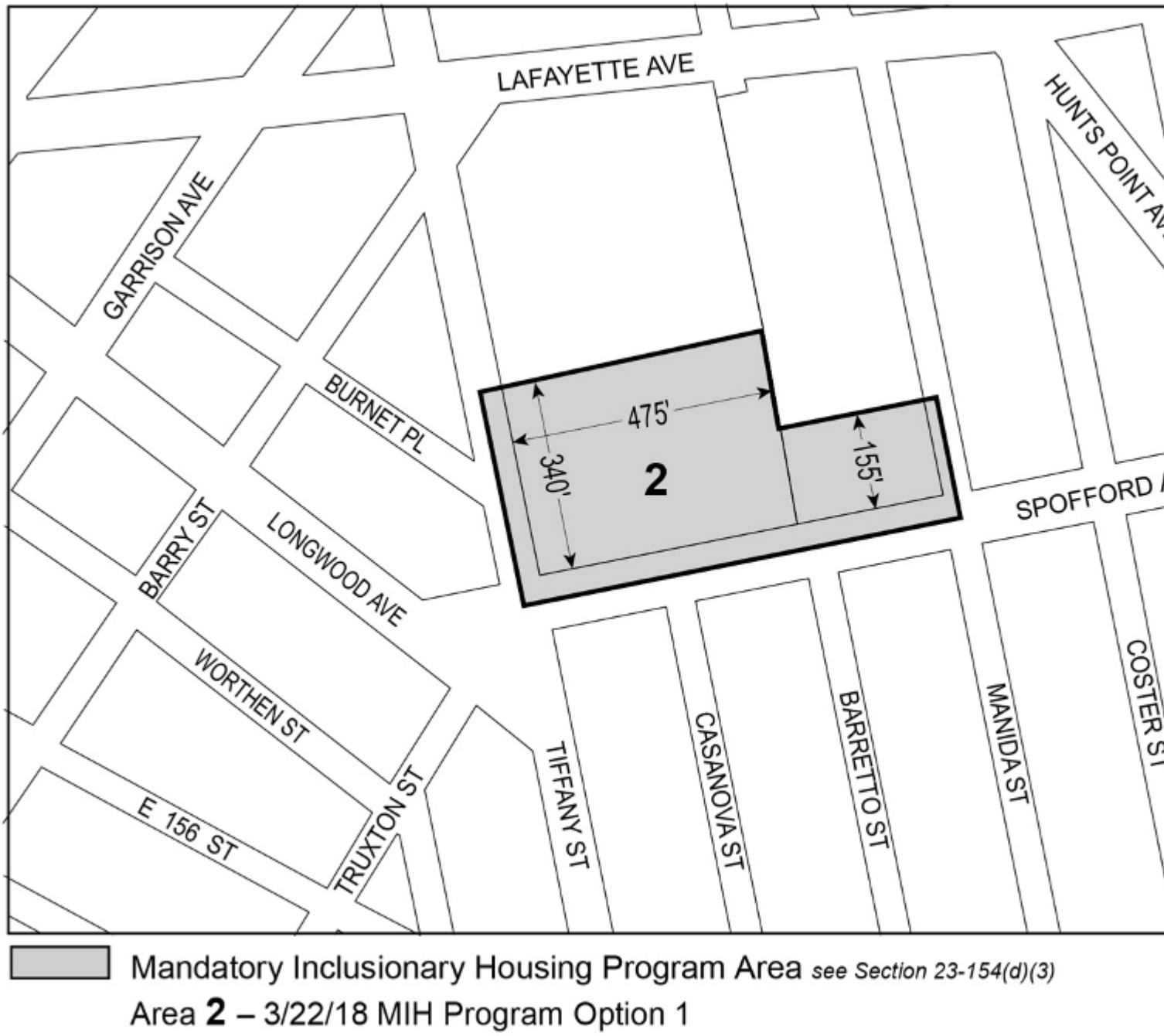


Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** – 7/20/17 MIH Program Option 1

Portion of Community District 2, The Bronx

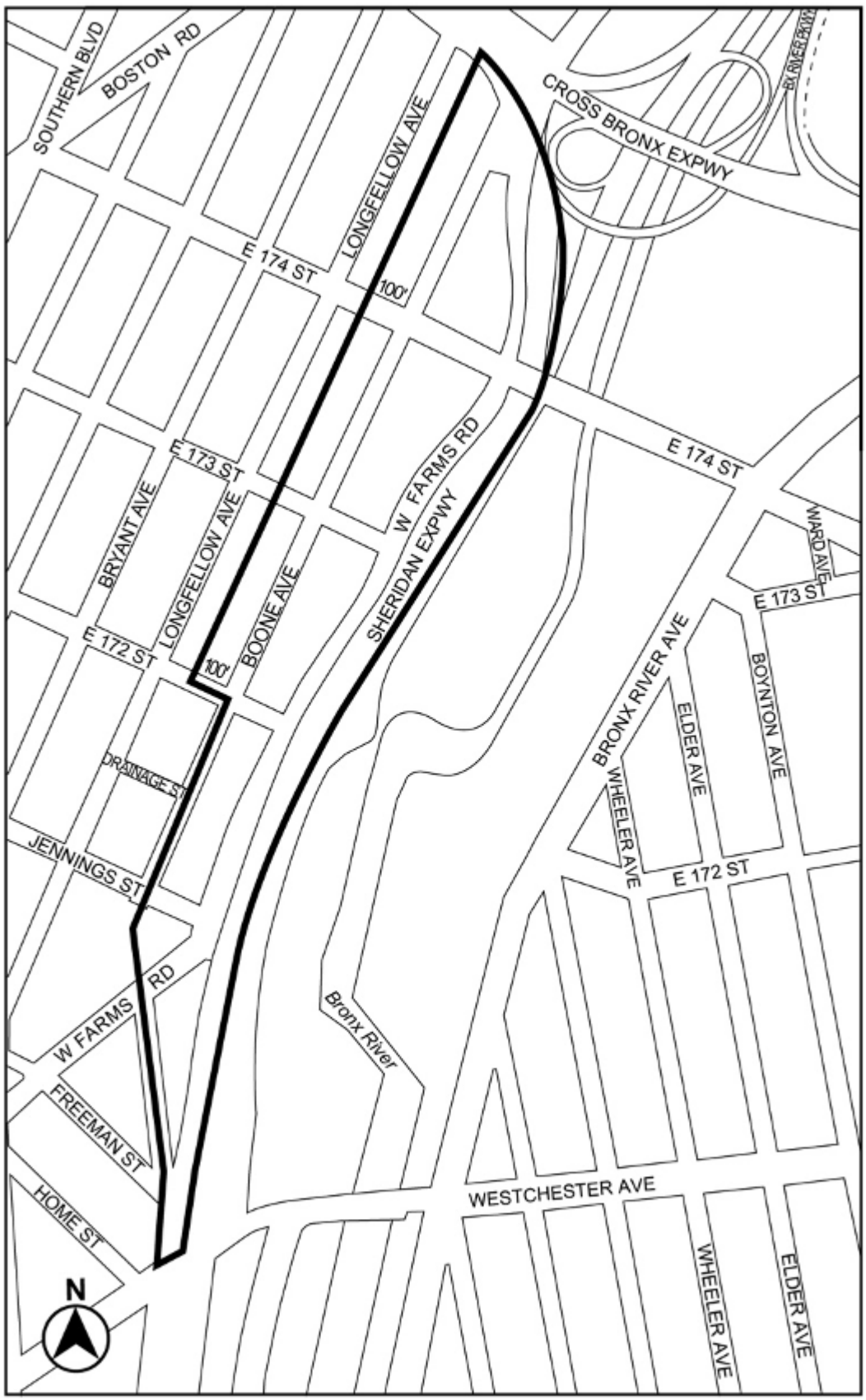
Map 2 – (3/22/18)



Portion of Community District 2, The Bronx

The Bronx Community District 3

Map 1 - (10/5/11)



Inclusionary Housing designated area

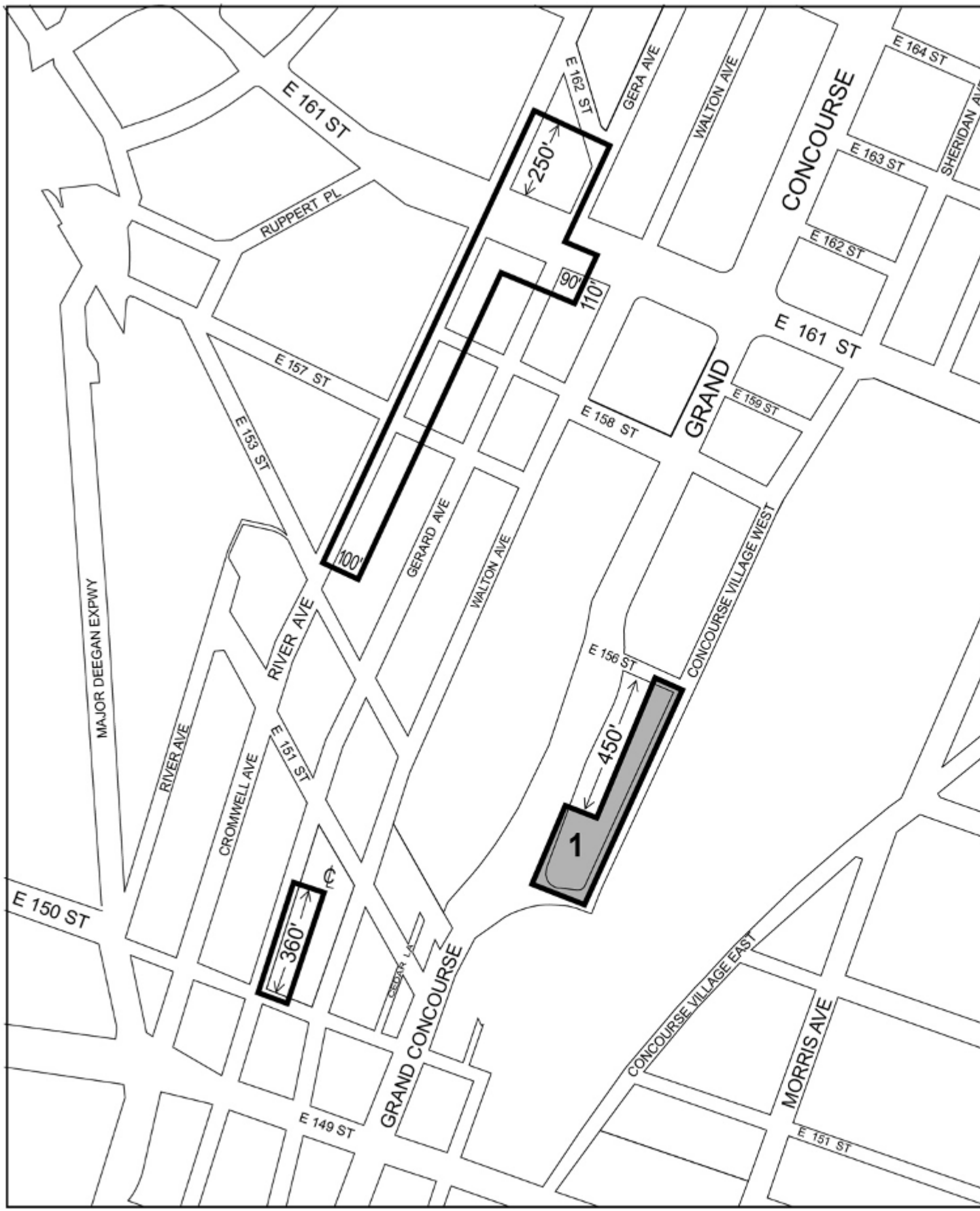
Portion of Community District 3, The Bronx

Map 2 - (9/14/23)

Portion of Community District 3, The Bronx

The Bronx Community District 4

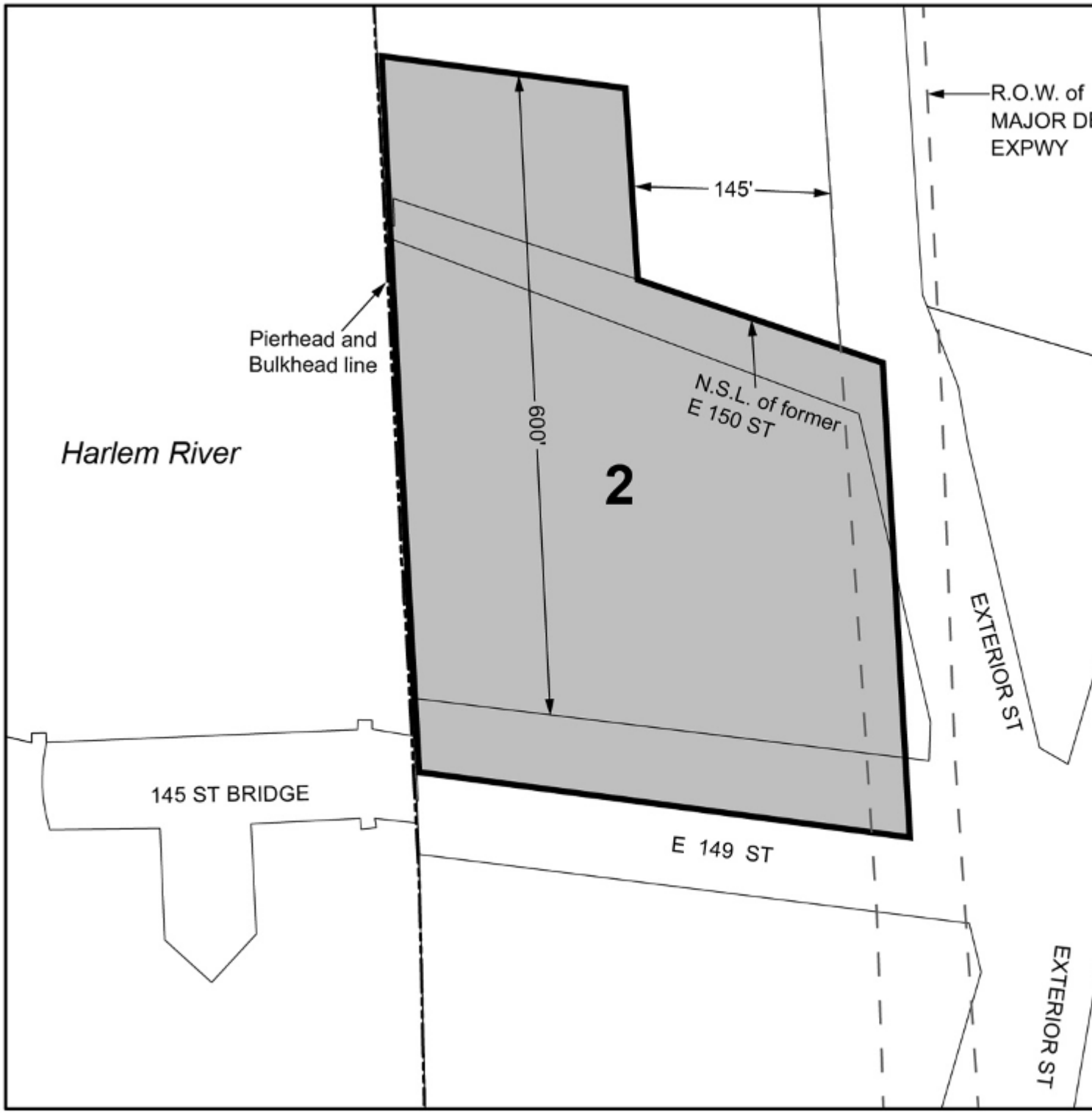
Map 1 – (11/16/16)



Inclusionary Housing designated area

Portion of Community District 4, The Bronx

Map 2 – (10/17/17)

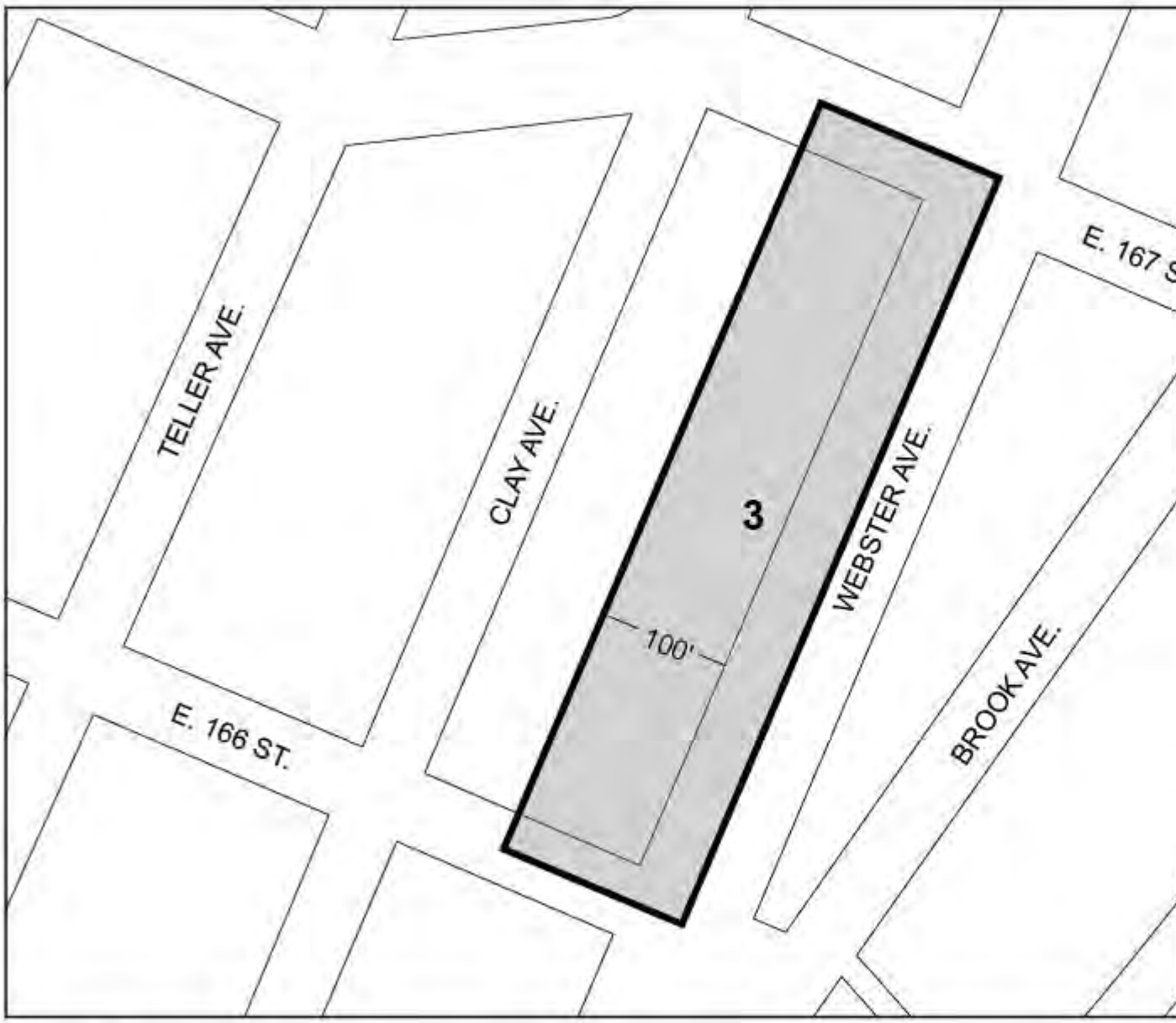


Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **2** — 10/17/17 MIH Program Option 1 and Deep Affordability Optio

Portion of Community District 4, The Bronx

Map 3 - (3/25/21)



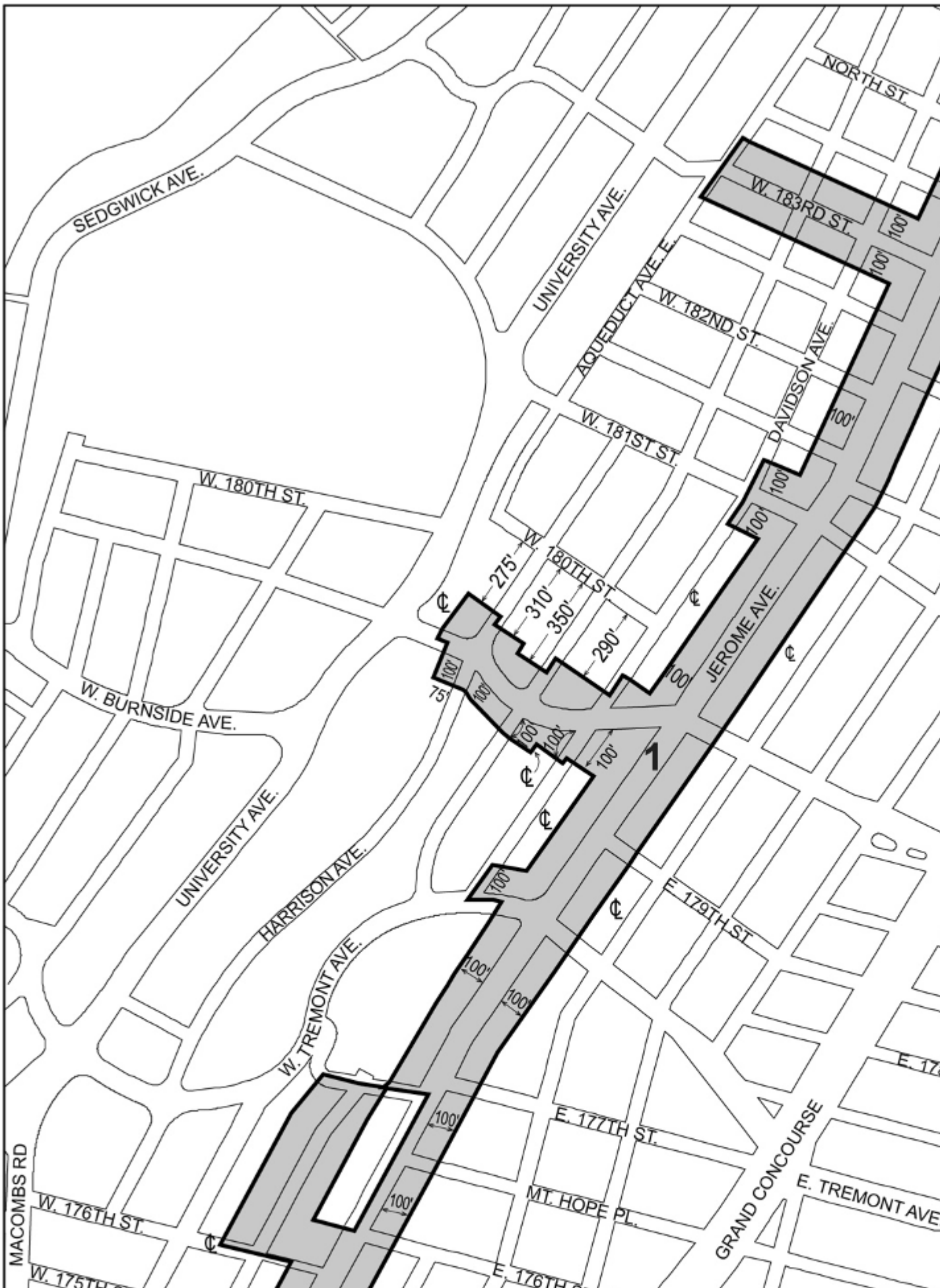
Portion of Community District 4, The Bronx

Map 4 – (10/9/25)

Portion of Community District 4, The Bronx

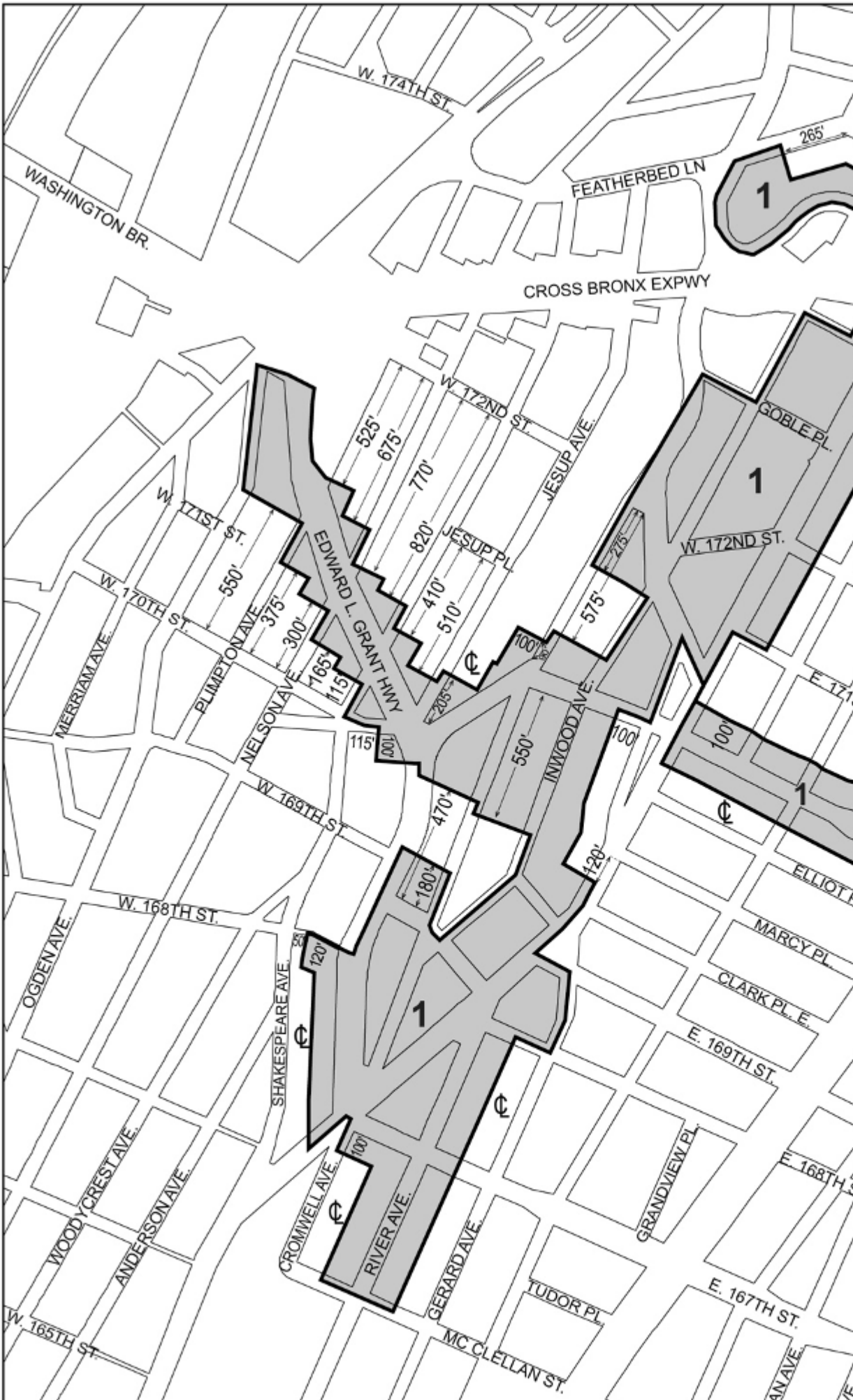
The Bronx Community Districts 4, 5, and 7

Map 1 - (3/22/18)


SEDGWICK AVE.
UNIVERSITY AVE.
NORTH ST.
W. 183RD ST.
AQUEDUCT AVE. E.
W. 182ND ST.
DAVIDSON AVE.
W. 181ST ST.
W. 180TH ST.
W. 180TH ST
275'
310'
350'
290'
JEROME AVE.
W. BURNSIDE AVE.
75'
100'
1
UNIVERSITY AVE.
HARRISON AVE.
W. TREMONT AVE.
E. 179TH ST.
E. 177TH ST.
GRAND CONCOURSE
E. TREMONT AVE
MT. HOPE PL.
MACOMBS RD
W. 176TH ST.
W. 175TH ST.
E. 176TH ST.

Portions of Community Districts 5 and 7, The Bronx

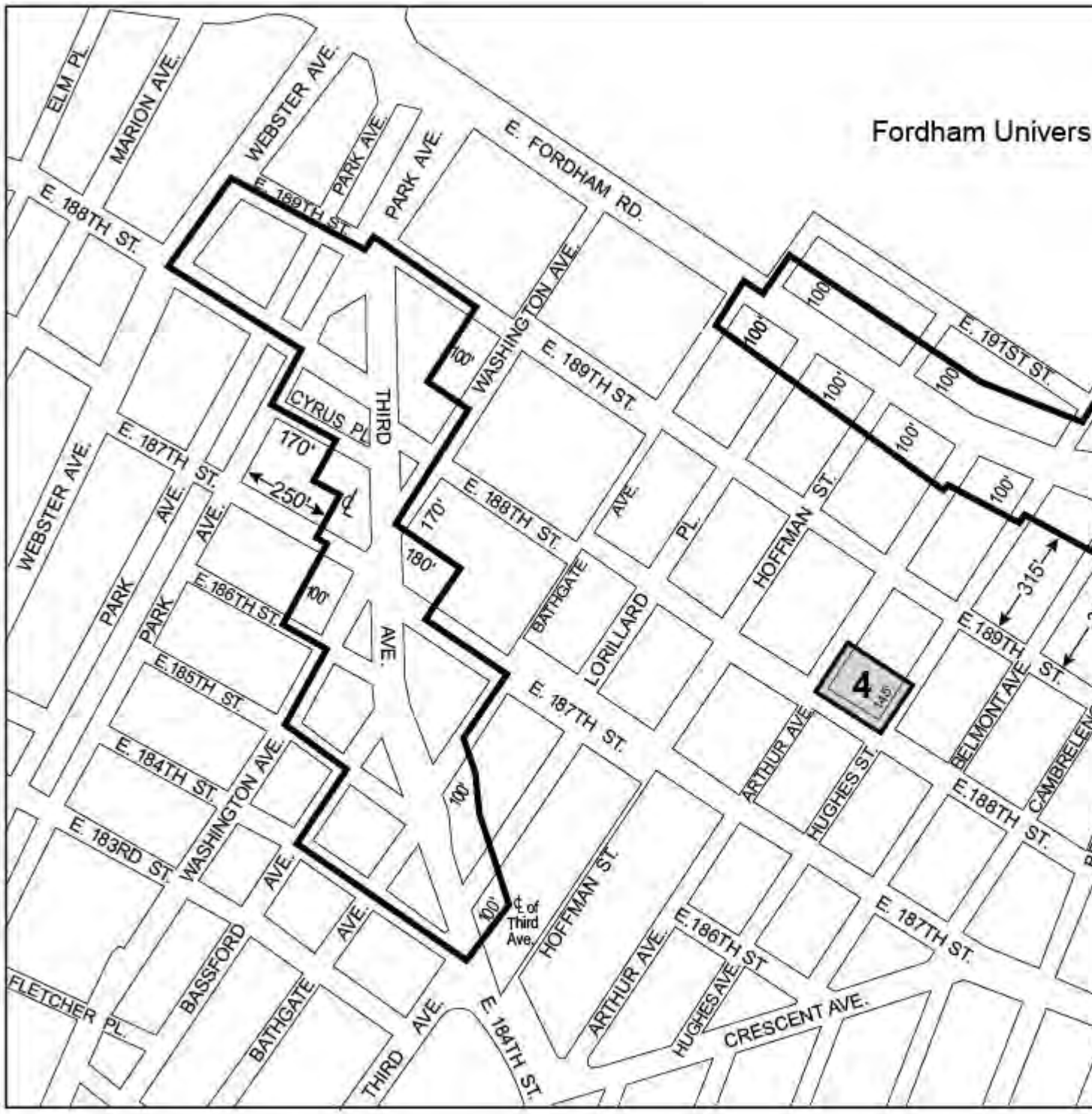
Map 2 - (3/22/18)


W. 174TH ST.
WASHINGTON BR.
FEATHERBED LN
265'
1
CROSS BRONX EXPWY
W. 172ND ST.
JESUP AVE.
GOBLE PL.
525'
675'
770'
820'
JESUP PL
410'
510'
575'
275'
W. 171ST ST.
550'
W. 170TH ST.
375'
300'
EDWARD L. GRANT HWY
165'
115'
205'
100'
MERRIAM AVE.
PLIMPTON AVE
NELSON AVE
INWOOD AVE.
E. 171
W. 169TH ST.
470'
180'
120'
ELLIOT
W. 168TH ST.
OGDEN AVE.
SHAKESPEARE AVE.
MARCY PL.
CLARK PL. E.
E. 169TH ST.
WOODYCREST AVE.
ANDERSON AVE.
CROMWELL AVE.
RIVER AVE.
GERARD AVE.
GRANDVIEW PL.
E. 168TH
TUDOR PL.
E. 167TH ST.
W. 165TH ST.
MC CLELLAN ST.

Portions of Community Districts 4 and 5, The Bronx

The Bronx Community District 6

Map 1 – (5/27/21)



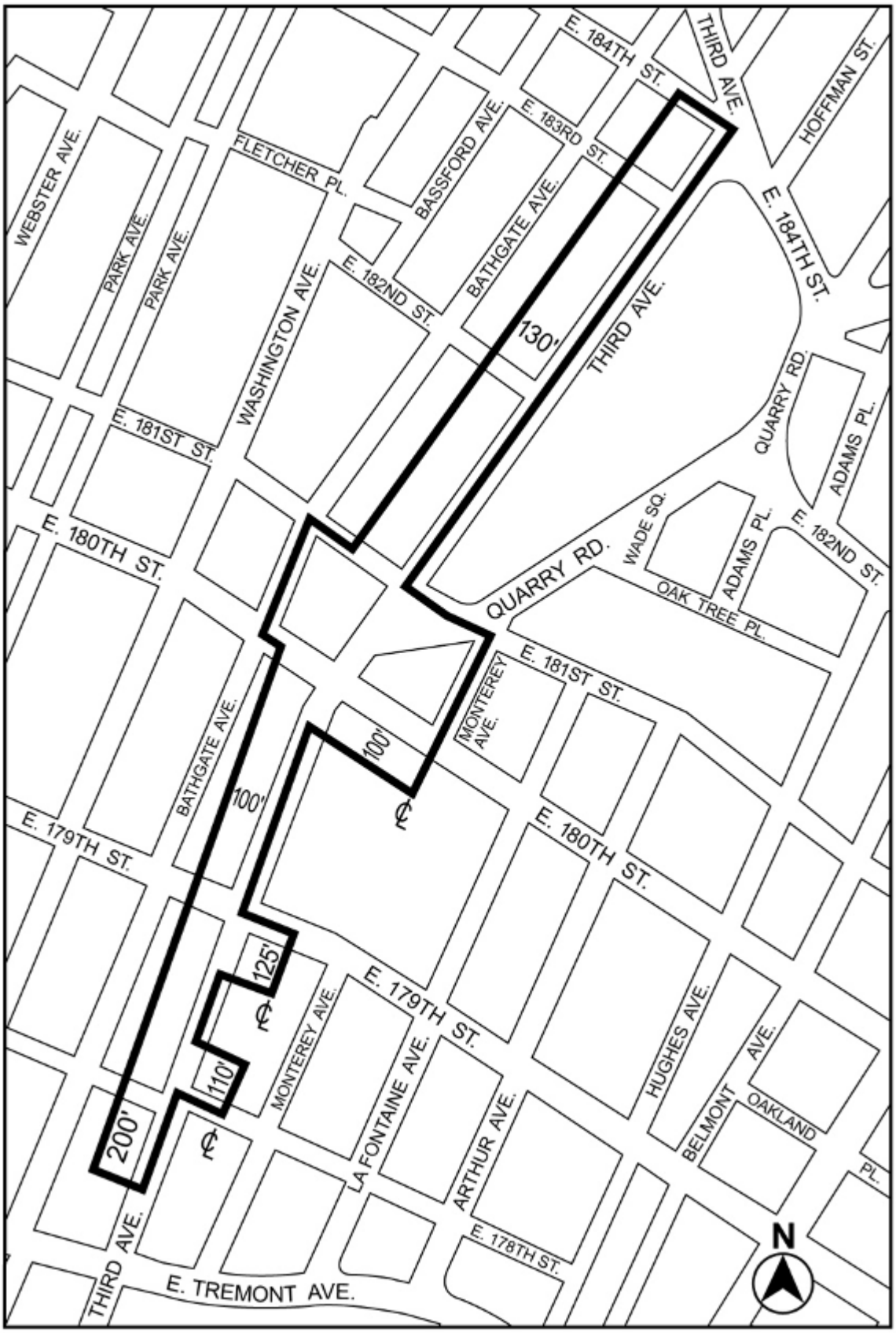
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **4** – 5/27/21 MIH Program Option 2 and Workforce Option

Portion of Community District 6, The Bronx

Map 2 – (10/9/13)

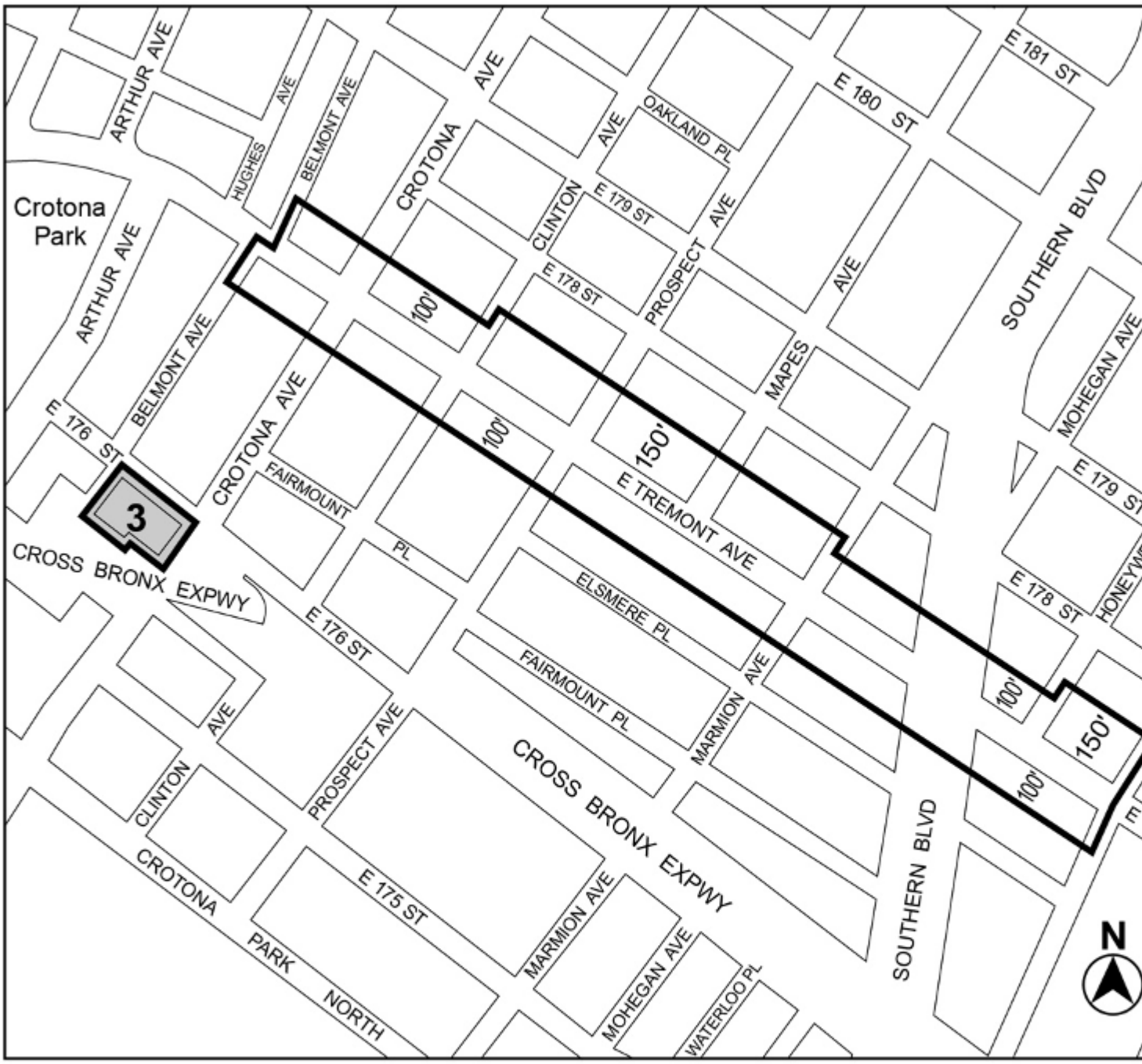

E. 184TH ST.
THIRD AVE.
HOFFMAN ST.
WEBSTER AVE.
PARK AVE.
PARK AVE.
FLETCHER PL.
BASSFORD AVE.
E. 183RD ST.
BATHGATE AVE.
E. 182ND ST.
WASHINGTON AVE.
E. 181ST ST.
E. 180TH ST.
130'
THIRD AVE.
E. 184TH ST.
QUARRY RD.
ADAMS PL.
WADE SQ.
ADAMS PL.
E. 182ND ST.
OAK TREE PL.
QUARRY RD.
E. 181ST ST.
MONTEREY AVE.
100'
BATHGATE AVE.
100'
E. 179TH ST.
E. 180TH ST.
125'
E. 179TH ST.
MONTEREY AVE.
110'
200'
LA FONTAINE AVE.
ARTHUR AVE.
HUGHES AVE.
BELMONT AVE.
OAKLAND PL.
E. 178TH ST.
THIRD AVE.
E. TREMONT AVE.
N

Portion of Community District 6, The Bronx

Map 3 – (3/16/23)

Portion of Community District 6, The Bronx

Map 4 – (2/13/19)

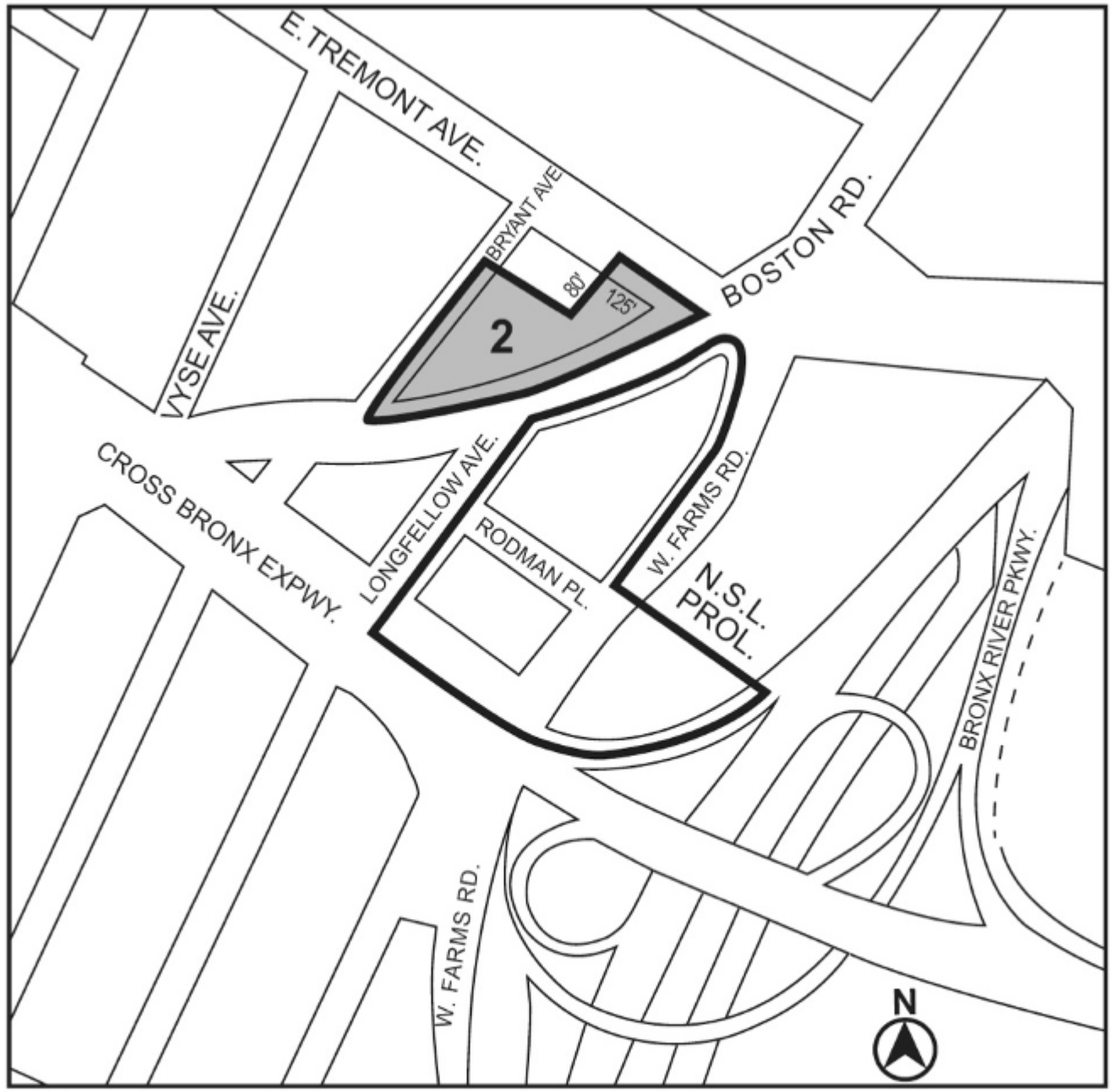


Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** – 2/13/19 MIH Program Option 1

Portion of Community District 6, The Bronx

Map 5 – (11/29/16)



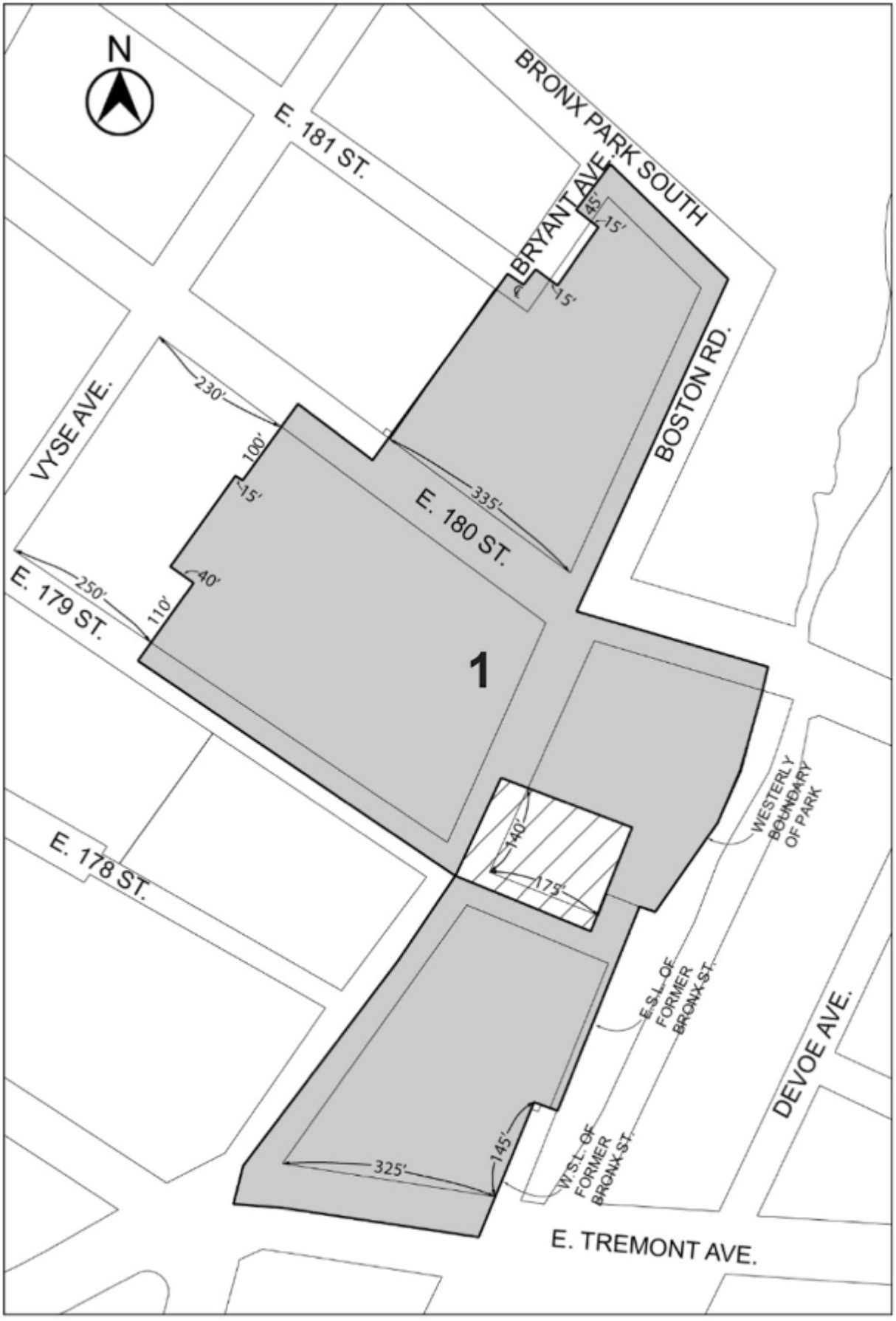
Inclusionary Housing designated area

Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **2** – 11/29/16 MIH Program Option 1 and Option 2

Portion of Community District 6, The Bronx

Map 6 – (11/29/16)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

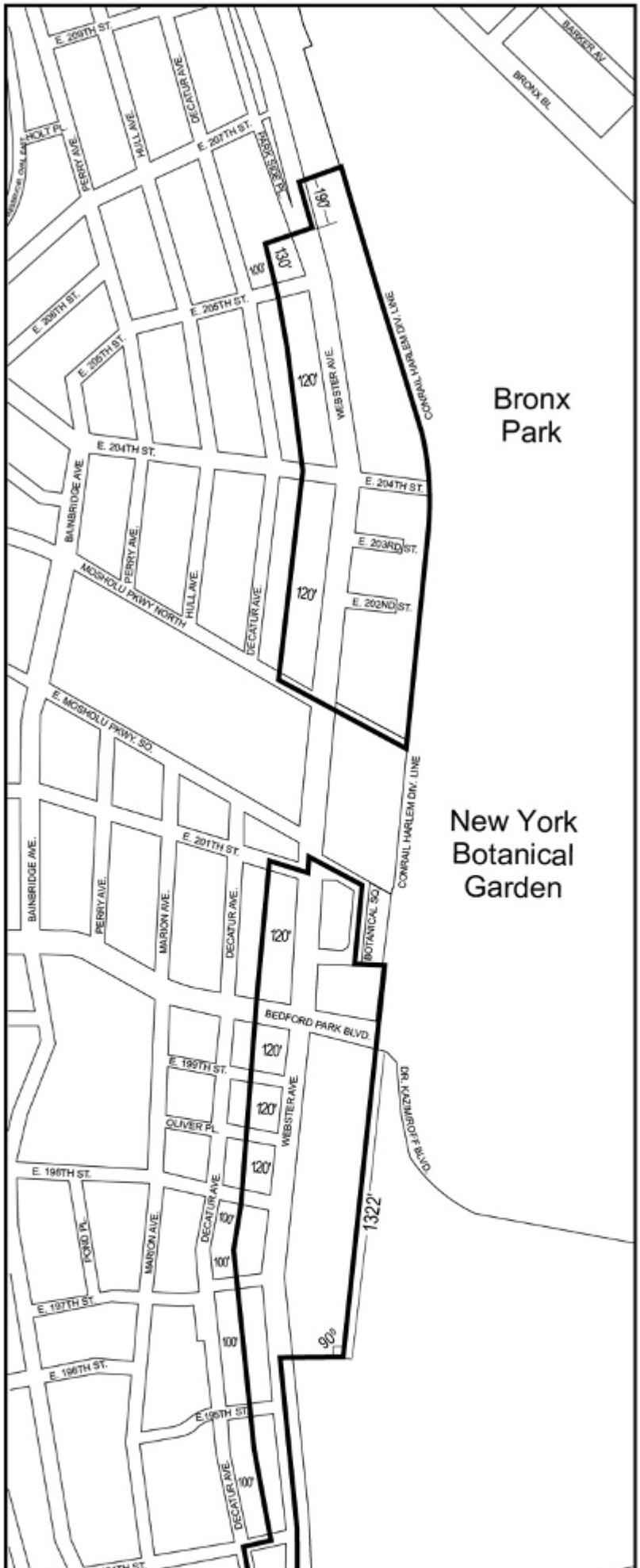
Area **1** — 11/29/16 MIH Program Option 1 and Deep Affordability Option

Excluded area

Portion of Community District 6, The Bronx

The Bronx Community District 7

Map 1 – (3/23/11)


Bronx
Park
New York
Botanical
Garden
E. 209TH ST.
E. 207TH ST.
E. 206TH ST.
E. 205TH ST.
E. 204TH ST.
E. 203RD ST.
E. 202ND ST.
E. 201ST ST.
E. 199TH ST.
E. 198TH ST.
E. 197TH ST.
E. 196TH ST.
E. 195TH ST.
PERRY AVE.
HULL AVE.
DECATUR AVE.
BAINBRIDGE AVE.
MARION AVE.
POND PL.
OLIVER PL.
WEBSTER AVE.
BARKER AV.
BRONX BL.
CONRAIL HARLEM DIV. LINE
MOSHOLU PKWY NORTH
E. MOSHOLU PKWY. SO.
BOTANICAL SQ.
BEDFORD PARK BLVD.
DR. KAZIMIROFF BLVD.
190'
130'
120'
100'
90'
1322'

Portion of Community District 7, The Bronx

The Bronx Community District 8

Map 1 – (9/10/25)

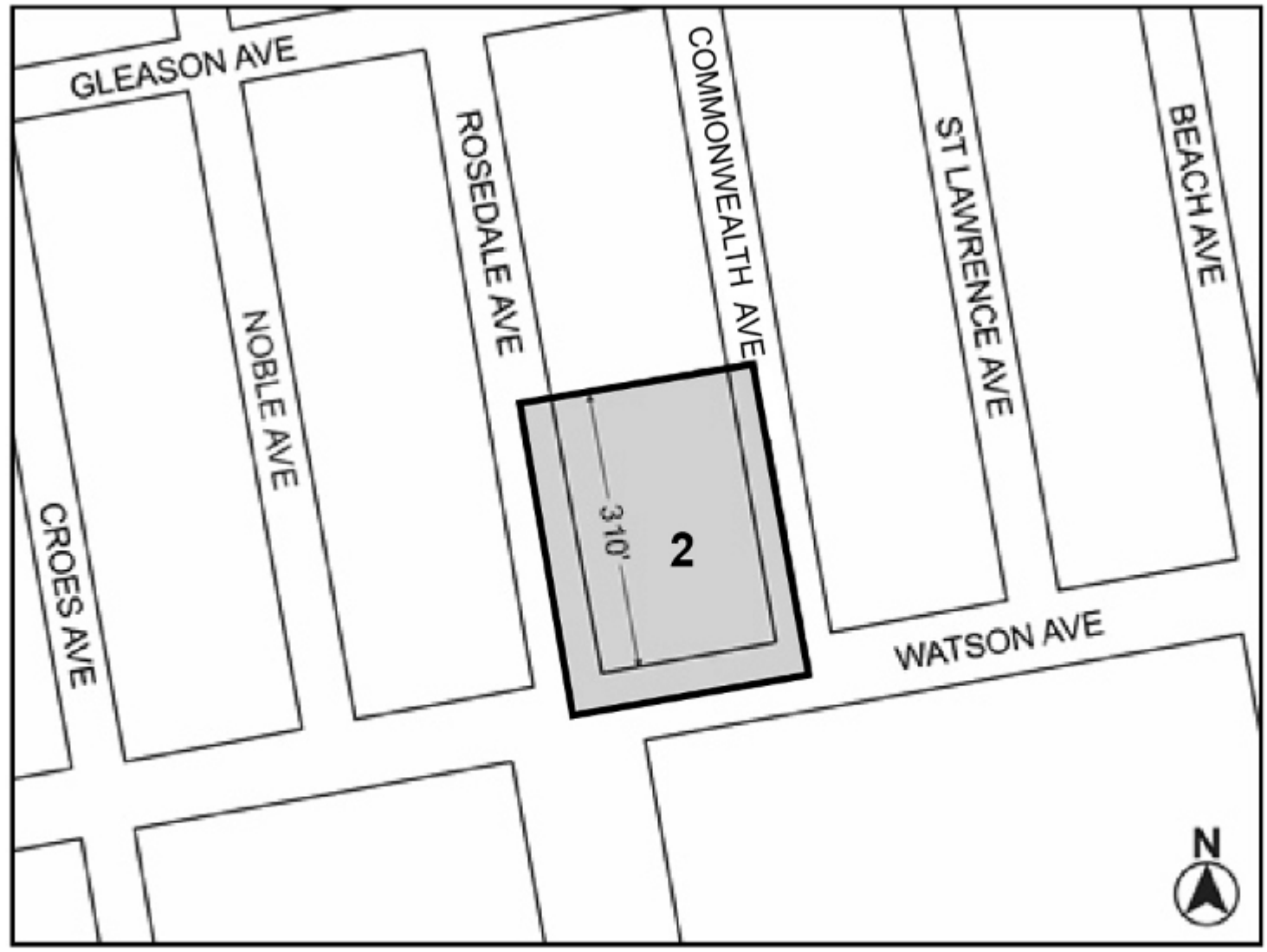
Portion of Community District 8, The Bronx

The Bronx Community District 9

Map 1 – (7/16/26)

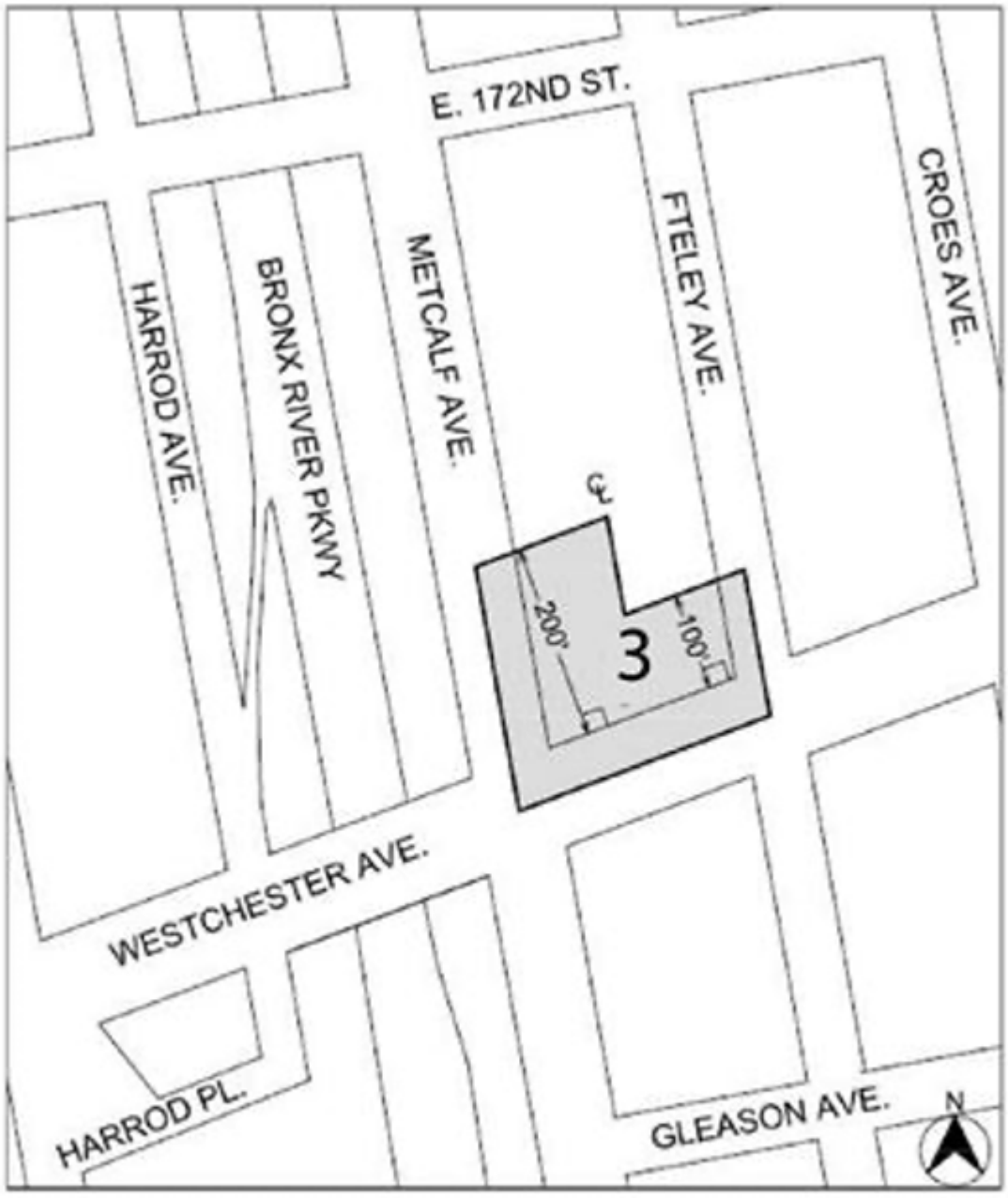
Portion of Community District 9, The Bronx

Map 2 - (6/21/17)



Portion of Community District 9, The Bronx

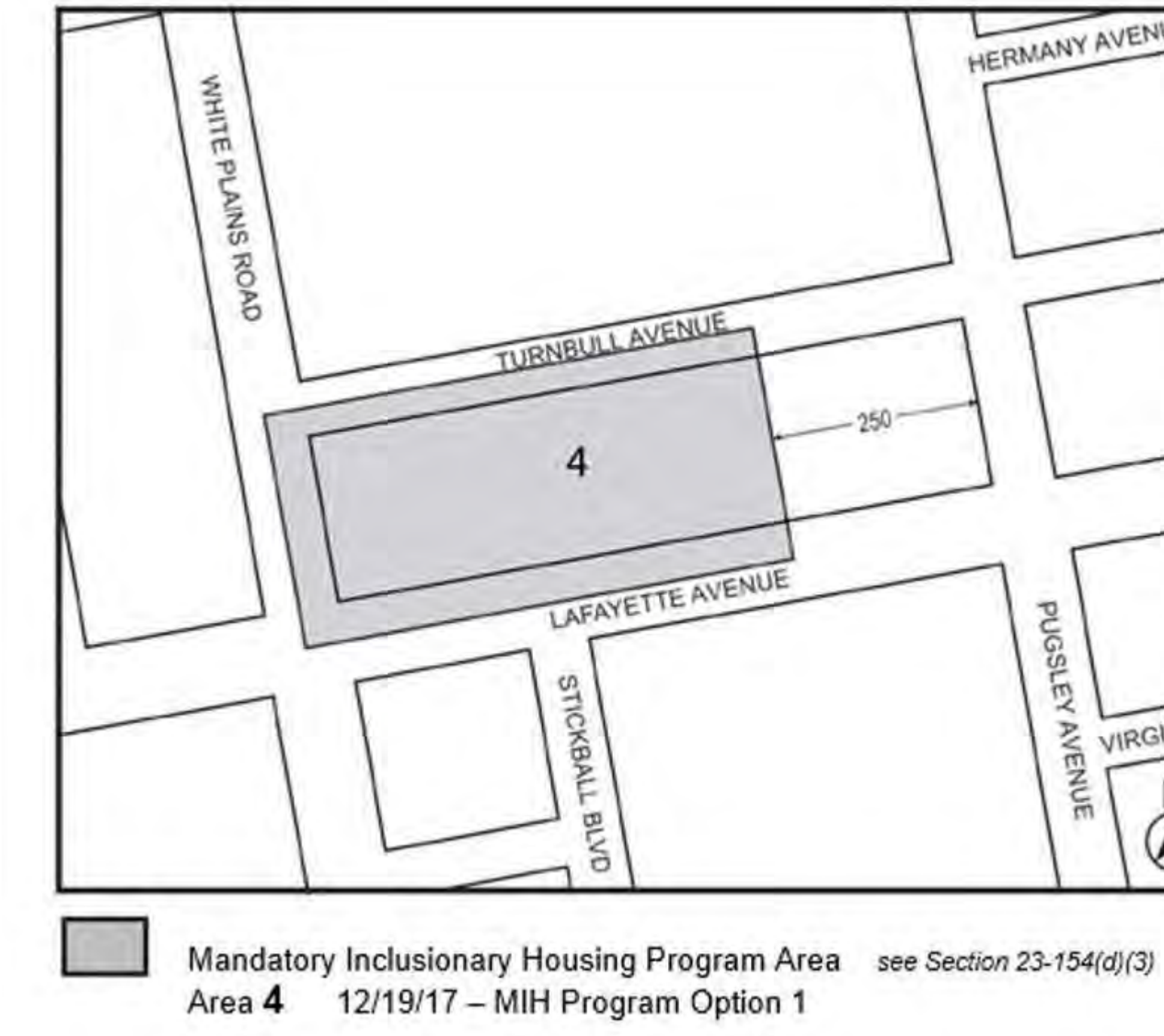
Map 3 - (10/17/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(*
Area **3** 10/17/17 – MIH Program Option 1

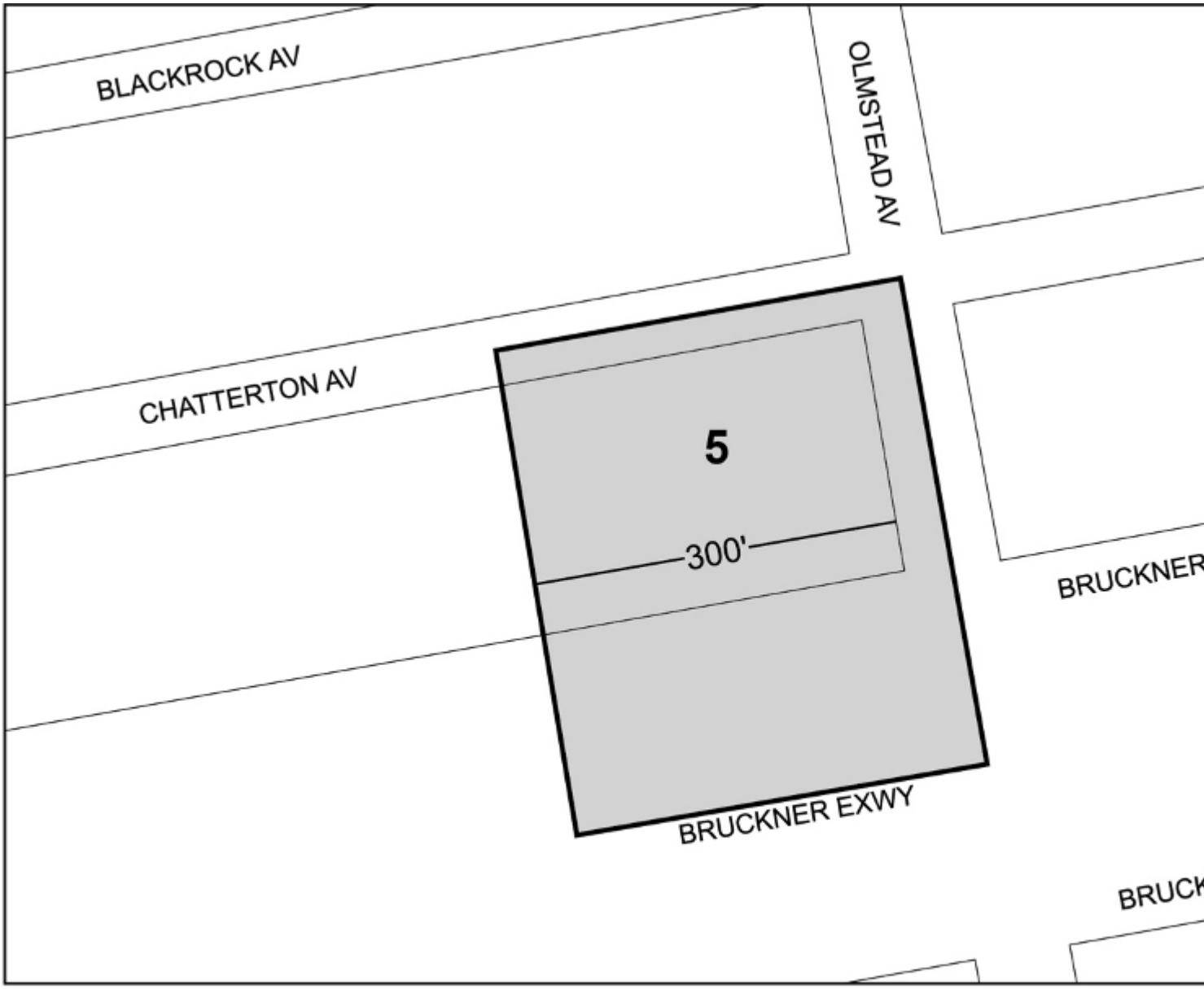
Portion of Community District 9, The Bronx

Map 4 – (12/19/17)



Portion of Community District 9, The Bronx

Map 5 – (4/18/19)

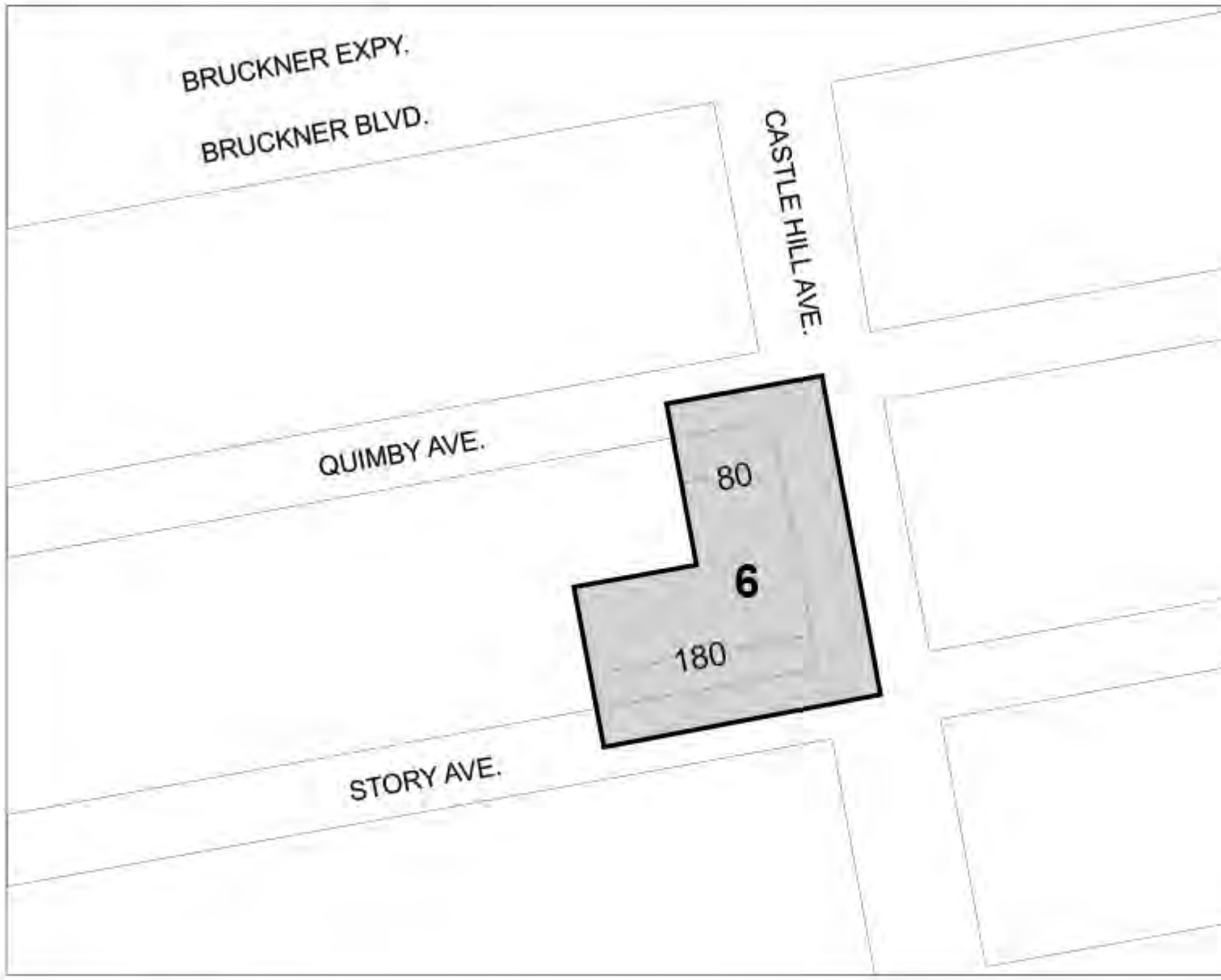


Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **5** – 4/18/19 MIH Program Option 1

Portion of Community District 9, The Bronx

Map 6 – (6/30/21)



Portion of Community District 9, The Bronx

Map 7 – (8/11/22)

ST. LAWRENCE AVE.
BEACH AVE.
RANDALL AVE.

Portion of Community District 9, The Bronx

Map 8 – (9/28/23)

Portion of Community District 9, The Bronx

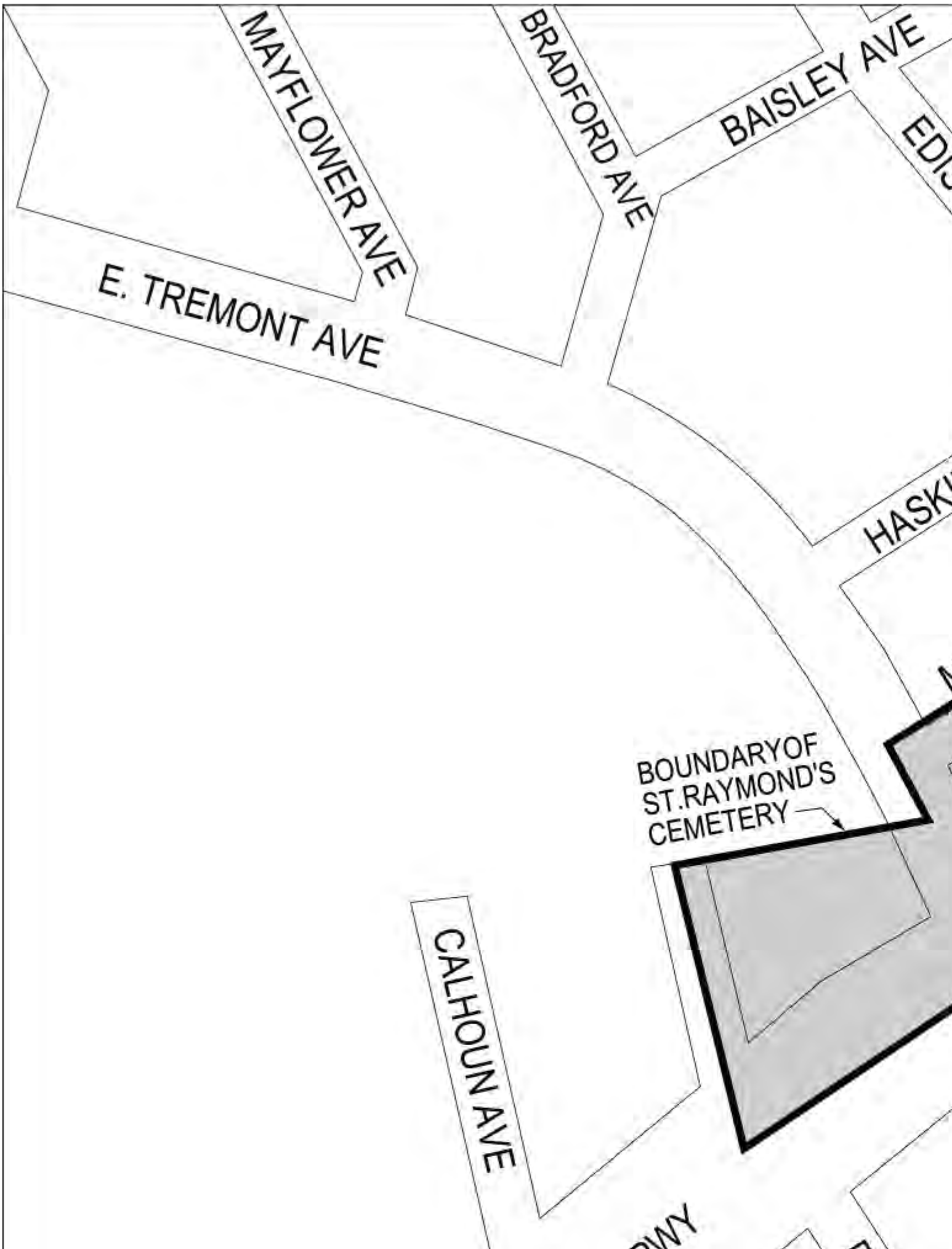
The Bronx Community Districts 9, 10, 11

Map 1 – (8/15/24)

Portion of Community Districts **9, 10, 11**, The Bronx

The Bronx Community District 10

Map 1 – (10/12/22)


MAYFLOWER AVE
BRADFORD AVE
BAISLEY AVE
E. TREMONT AVE
BOUNDARYOF
ST.RAYMOND'S
CEMETERY
CALHOUN AVE

Portion of Community District 10, The Bronx

The Bronx Community Districts 10, 11

Map 1 – (8/15/24)

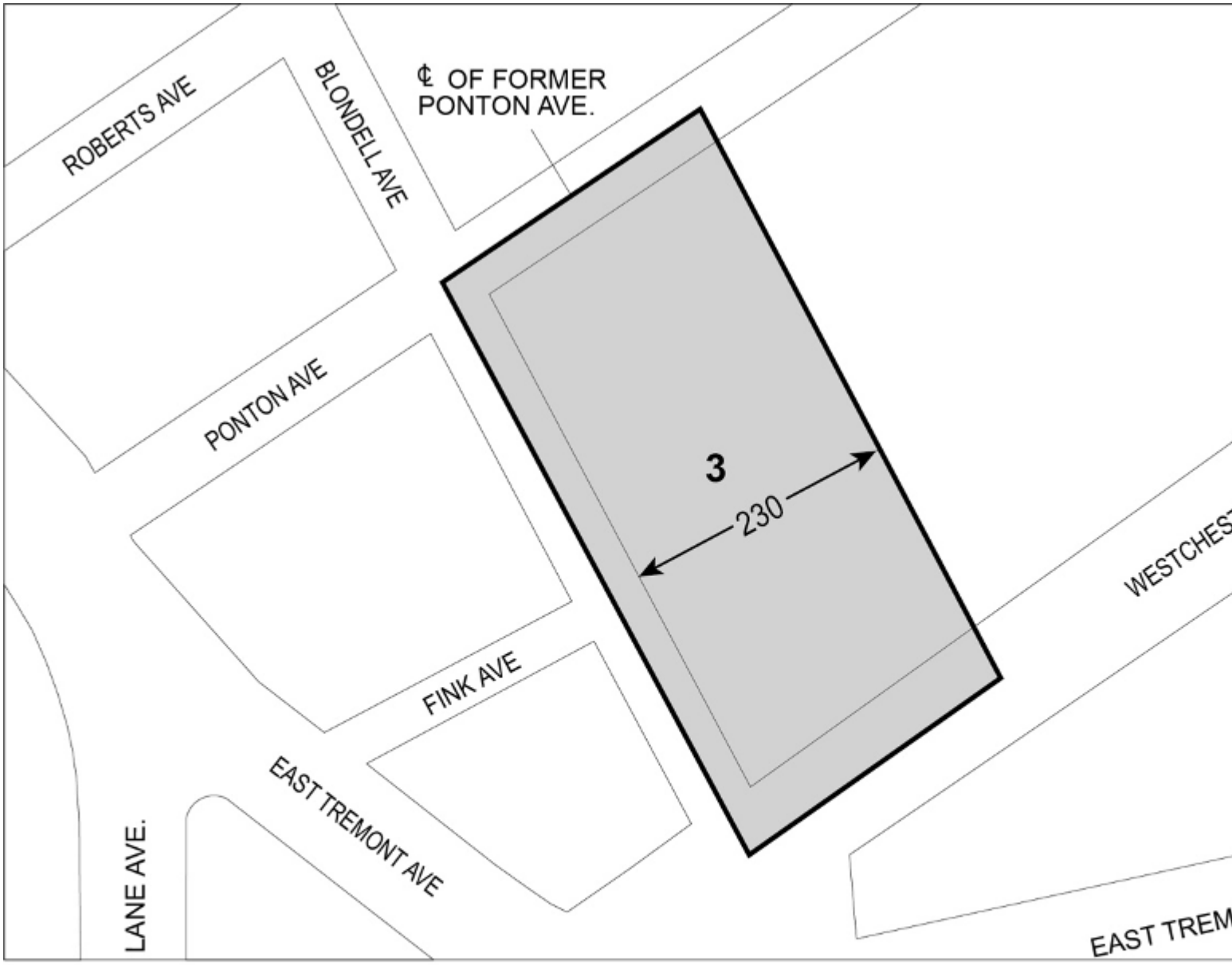
Portion of Community Districts 10, 11, The Bronx

The Bronx Community District 11

Map 2 – (3/13/19)

Portion of Community District 11, The Bronx

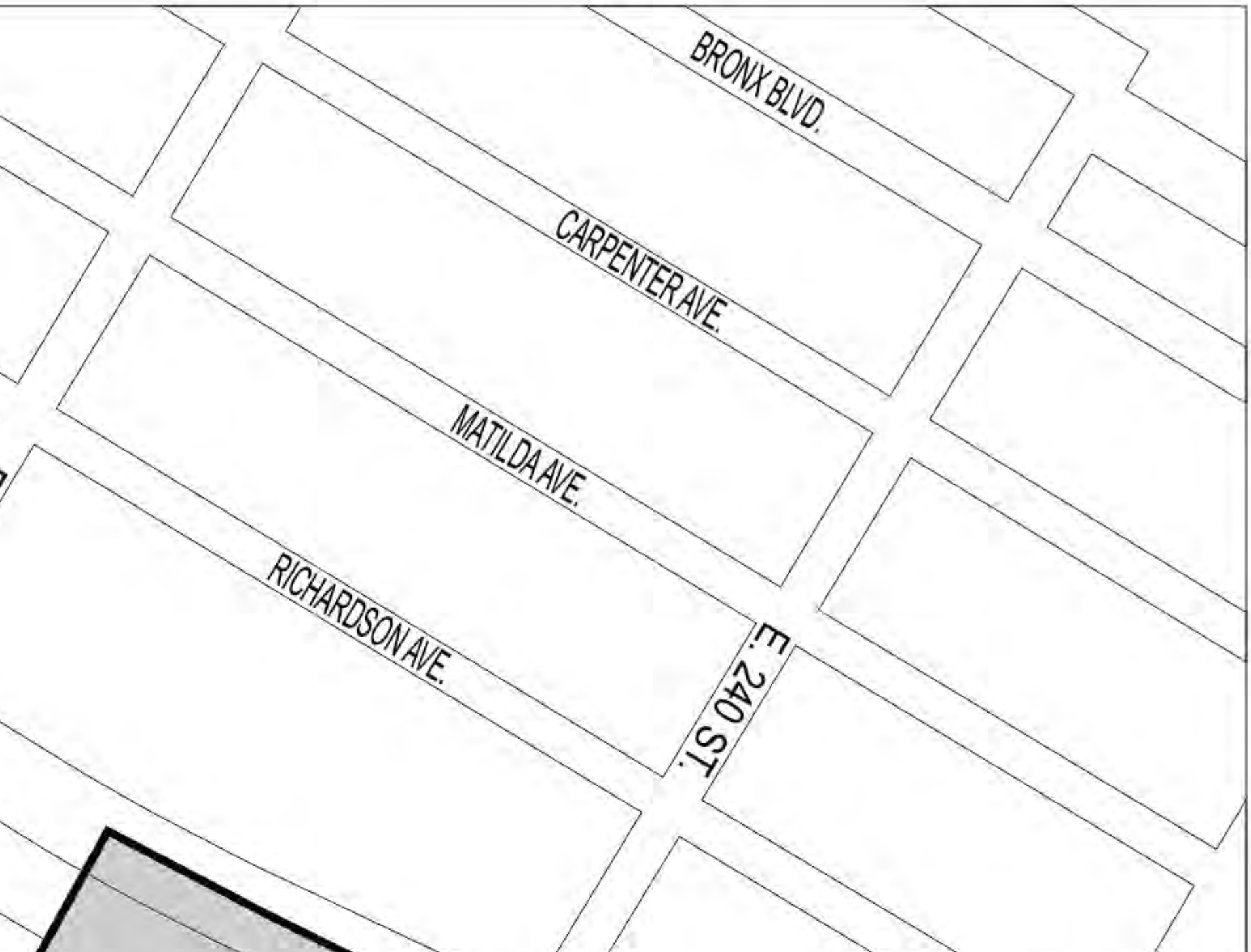
Map 3 – (4/18/19)



Portion of Community District 11, The Bronx

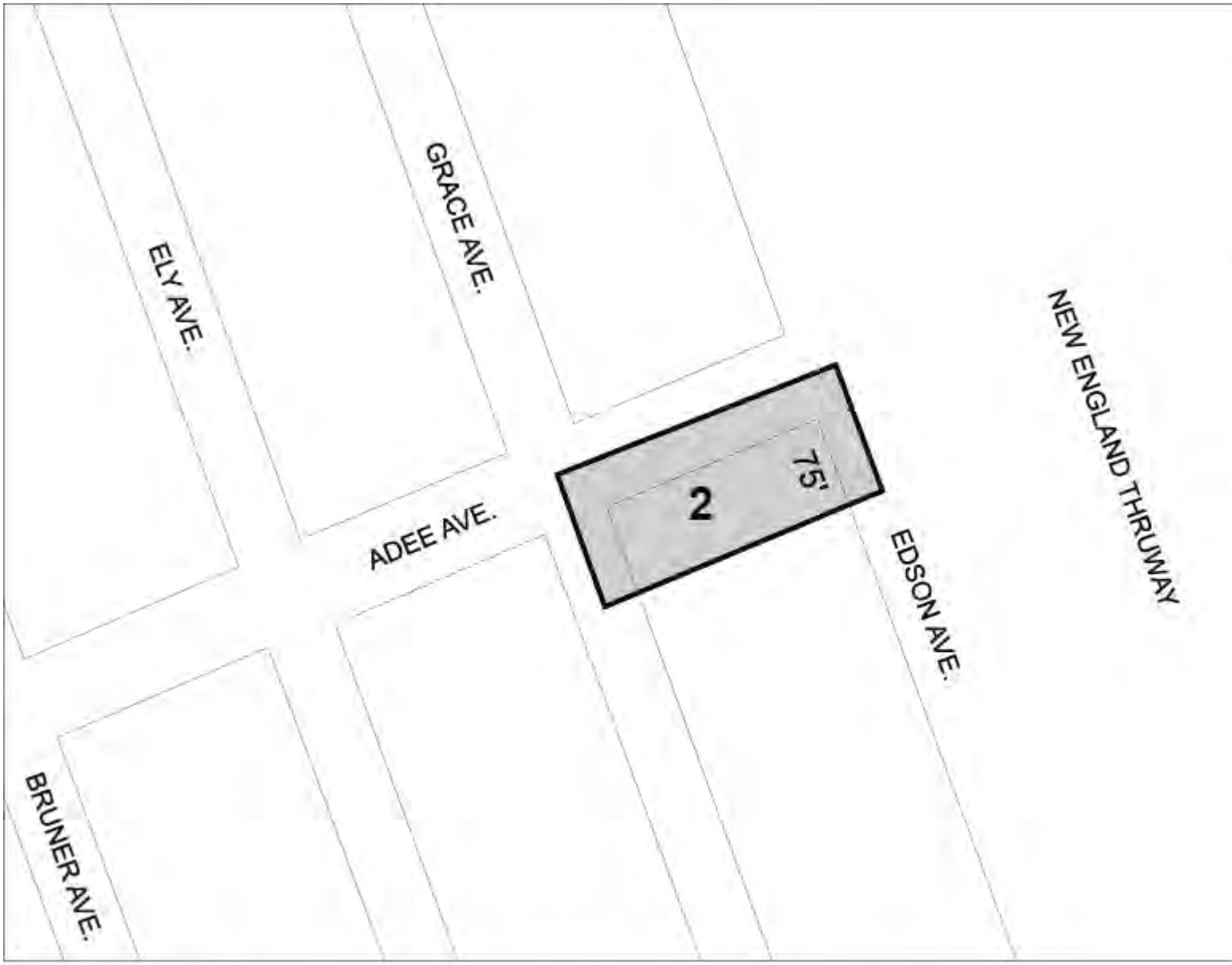
The Bronx Community District 12

Map 1 – (7/14/22)


BRONX BLVD.
CARPENTER AVE.
MATILDA AVE.
RICHARDSON AVE.
E. 240 ST.

Portion of Community District 12, The Bronx

Map 2 – (6/2/22)



Portion of Community District 12, The Bronx

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Appendix F – Brooklyn

File generated by https://zr.planning.nyc.gov on 9/21/2026

Appendix F – Brooklyn

Brooklyn Community District 1

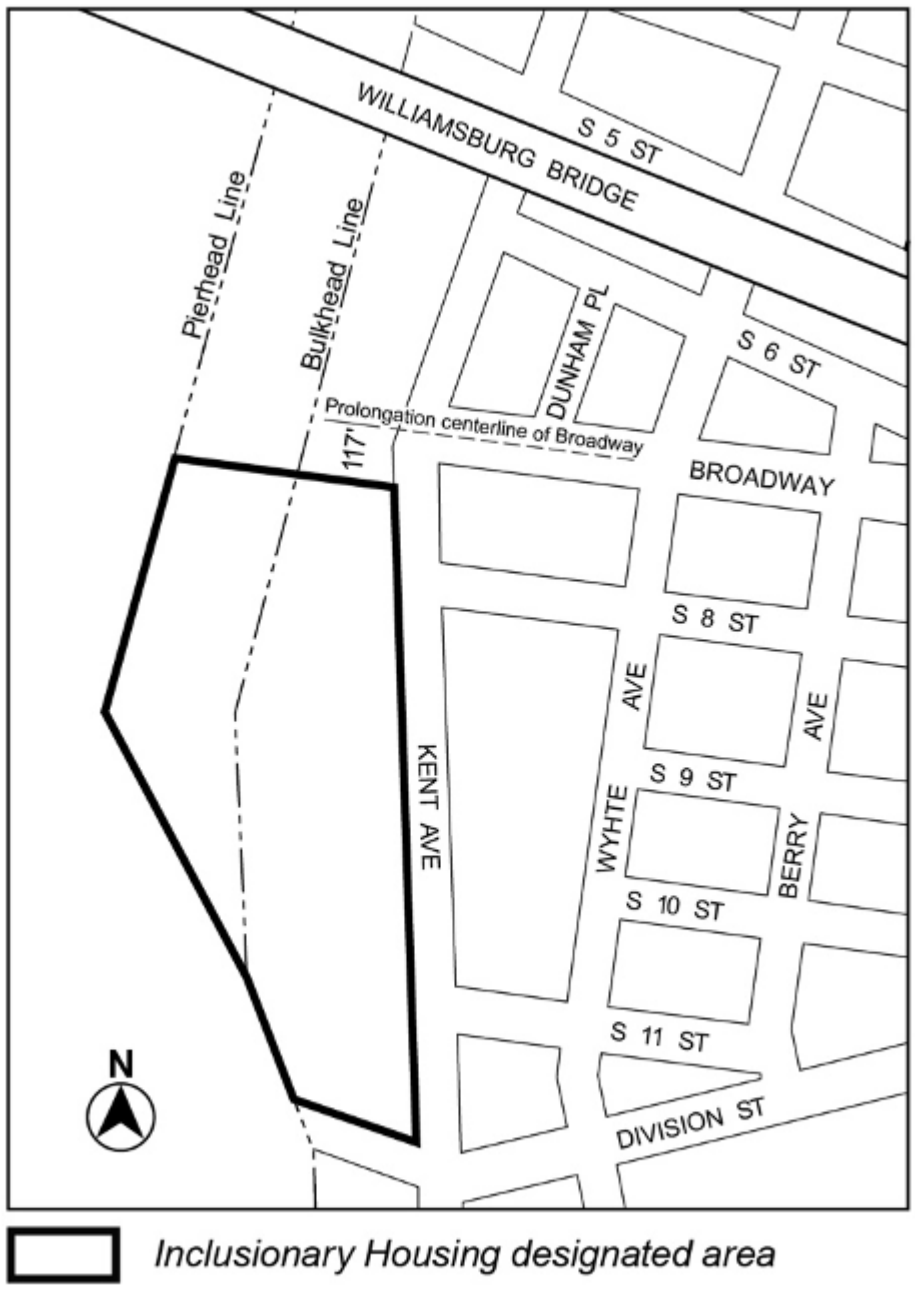
Map 1 – (7/16/26)

Portion of Community District 1, Brooklyn

Map 2 - (9/10/26)

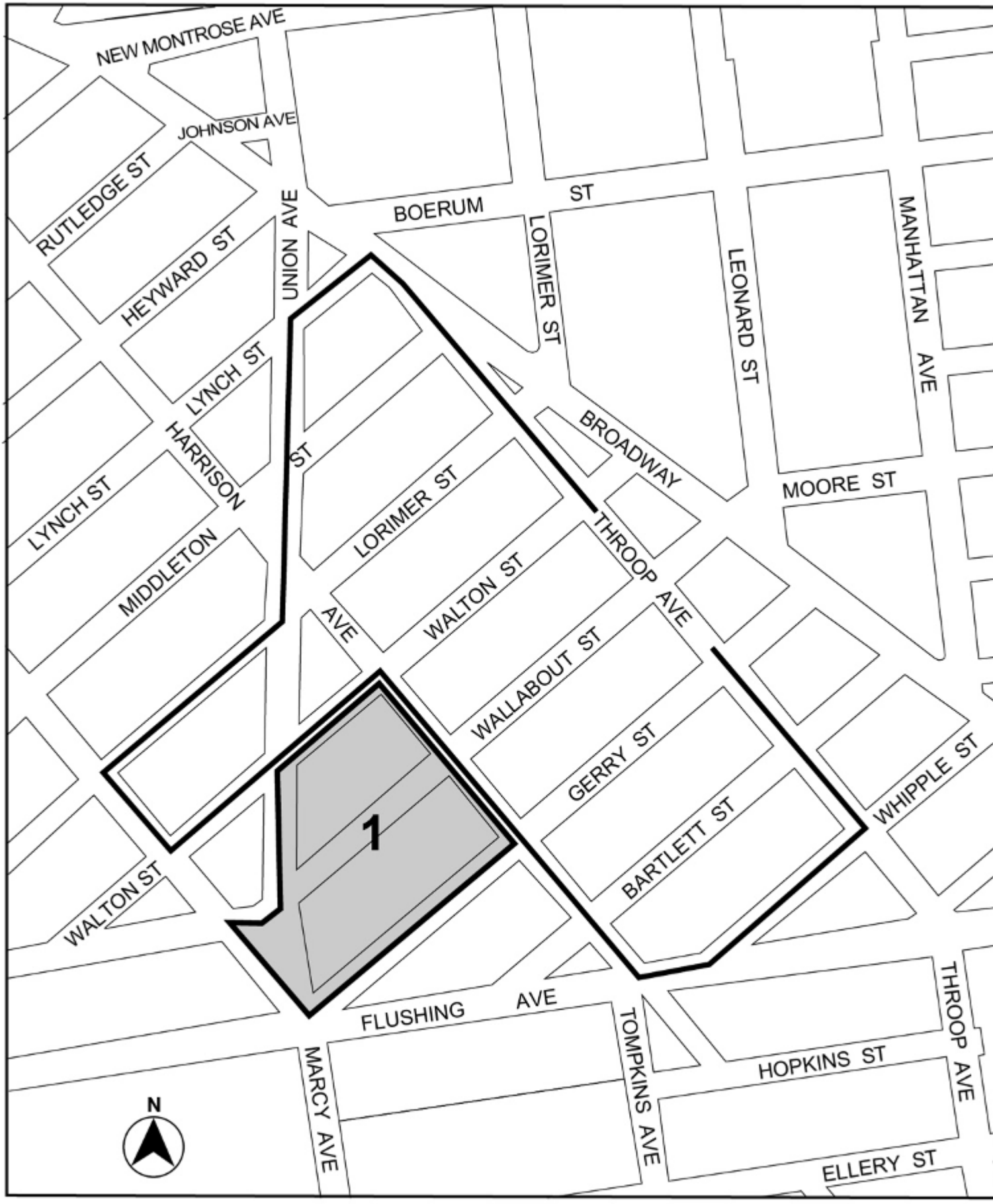
Portion of Community District 1, Brooklyn

Map 3 - (4/14/10)



Portion of Community District 1, Brooklyn

Map 4 - (10/31/17)

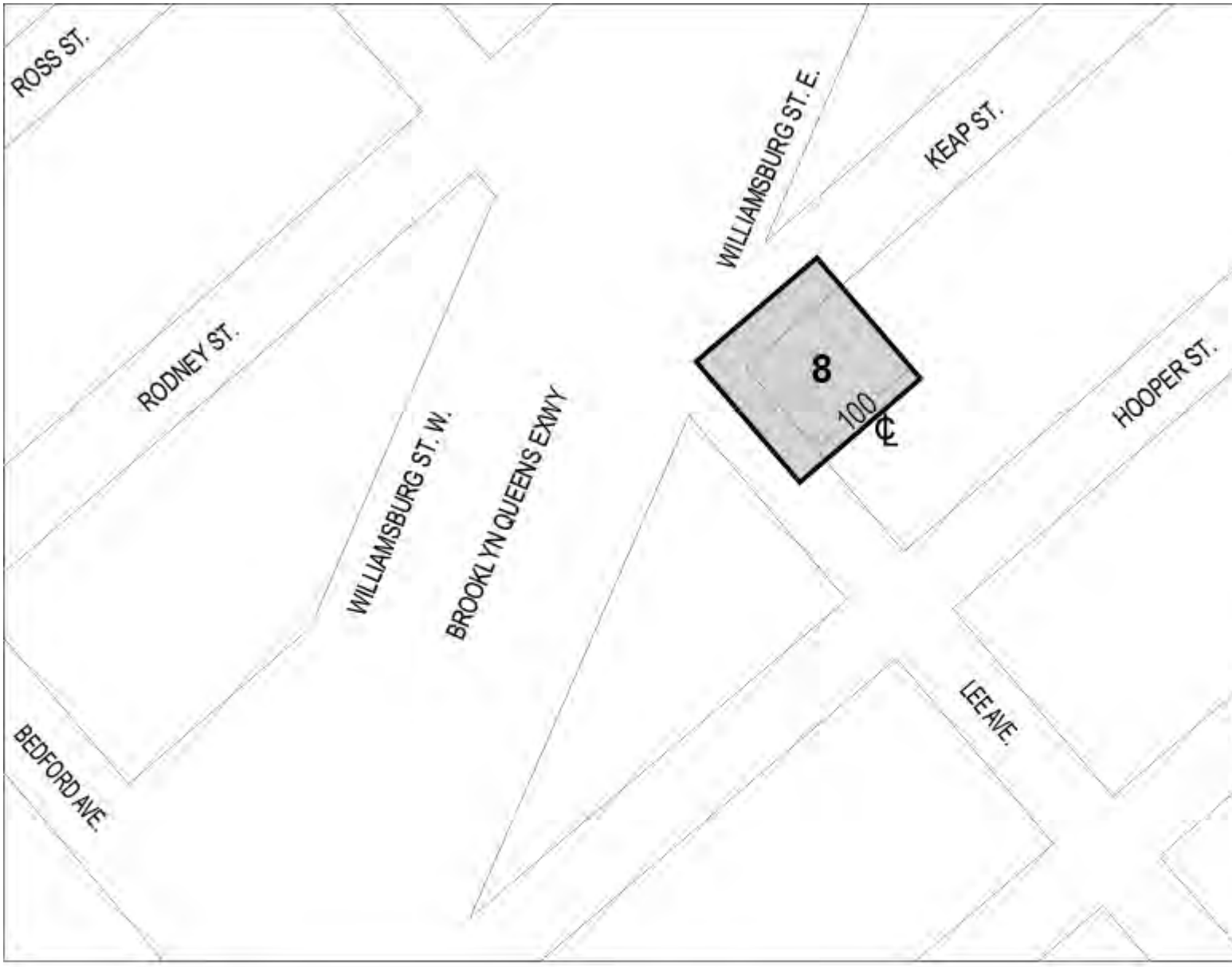


Inclusionary Housing designated area

Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Portion of Community District 1, Brooklyn

Map 5 - (6/2/22)



Portion of Community District 1, Brooklyn

Map 6 - (8/14/25)

Portion of Community District 1, Brooklyn

Brooklyn Community District 2

Map 1 - (8/14/25)

Portion of Community District 2, Brooklyn

Map 2 - (3/10/26)

Portion of Community District 2, Brooklyn

Also, in Brooklyn CD 2, deleted Map 5 (MIHa 5, 8), Map 6 (MIHa 2) and Map 8 (MIHa 6, 10) and incorporated all into expanded Map 2 which now includes Former IHda, plus existing MIHa 1, 2, 4, 6, 8, 0 and this recently adopted MIHa 15 (395 Flatbush Avenue Extension (N 260039 ZRK), adopted 10th March, 2026).

Map 3 - (4/9/19)

Portion of Community District 2, Brooklyn

Map 4 - (7/29/09)

Portion of Community District 2, Brooklyn

Map 5 - (12/10/19)

Portion of Community District 2, Brooklyn

Map 6 - (9/7/17)

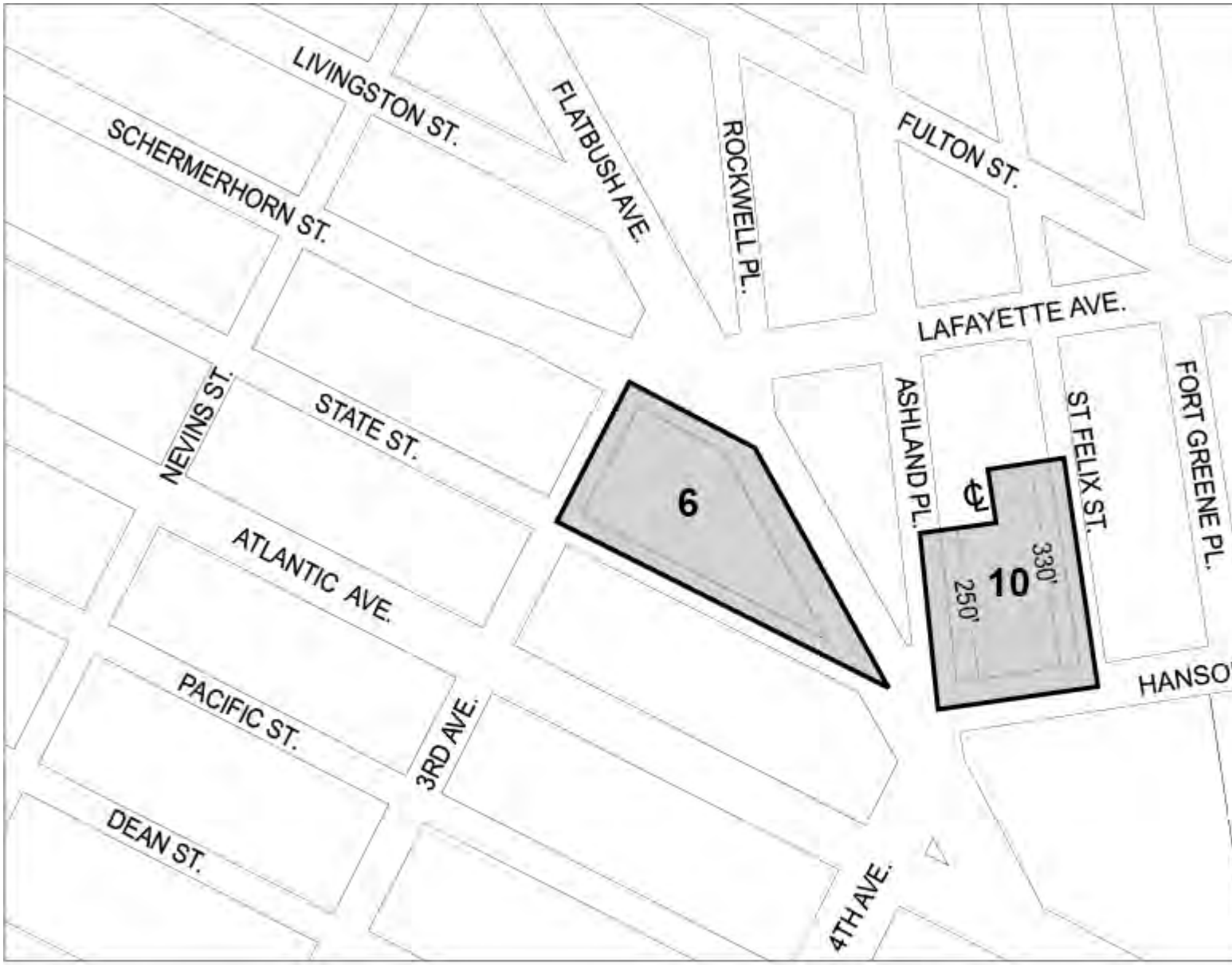


Portion of Community District 2, Brooklyn

Map 7 - (8/14/25)

Portion of Community District 2, Brooklyn

Map 8 – (10/21/21)



Portion of Community District 2, Brooklyn

Map 9 – (4/22/20)

Portion of Community District 2, Brooklyn

Map 10 – (12/7/22)

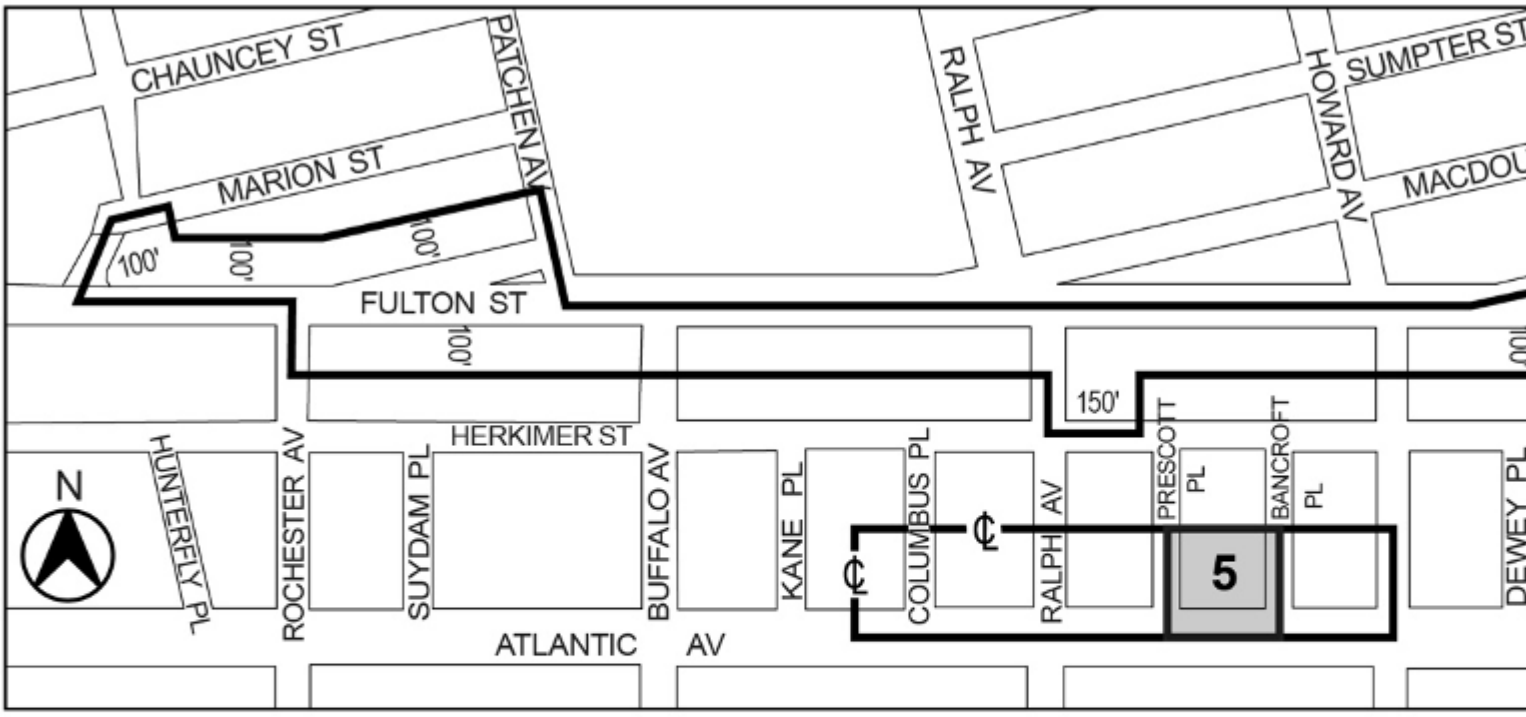
Portion of Community District 2, Brooklyn

Brooklyn Community District 3

Map 1 - (7/16/26)

Portion of Community District 3, Brooklyn

Map 2 - (5/8/19)



Inclusionary Housing designated area

Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area **5** – 5/8/19 MIH Program Option 1

Portion of Community District 3, Brooklyn

Map 3 - (8/15/24)

Portion of Community District 3, Brooklyn

Map 4 - (10/11/12)

Portion of Community District 3, Brooklyn

Map 5 - (7/14/25)

Portion of Community District 3, Brooklyn

Map 6 - (6/26/19)

Portion of Community District 3, Brooklyn

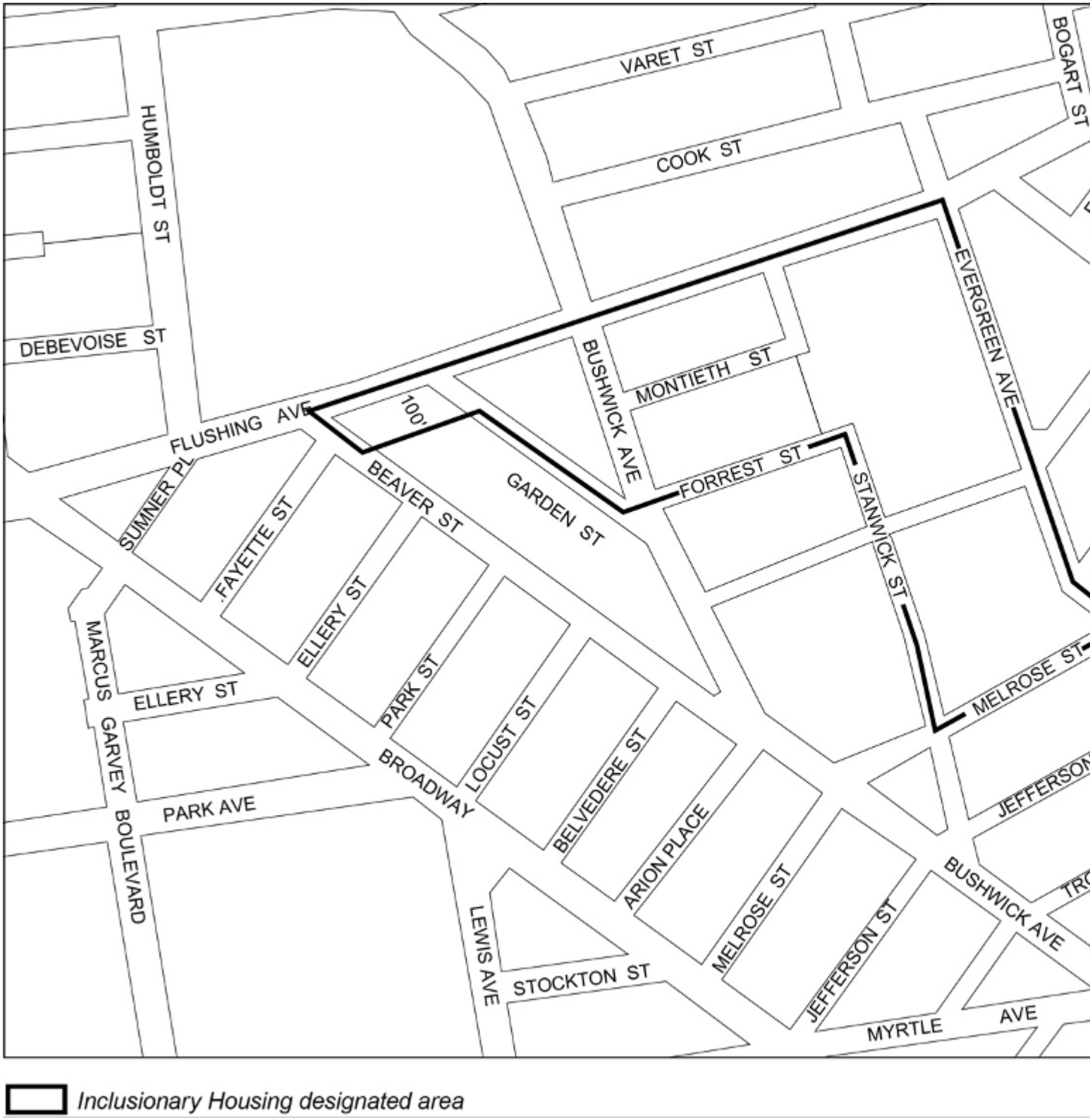
[Maps 7 (with MIH area 8) and 1 in Brooklyn CD 3 have been incorporated into composite Map 1 per N 250015 ZRK (5/28/25)]

Map 8 - (11/25/25)

Portion of Community District 3, Brooklyn

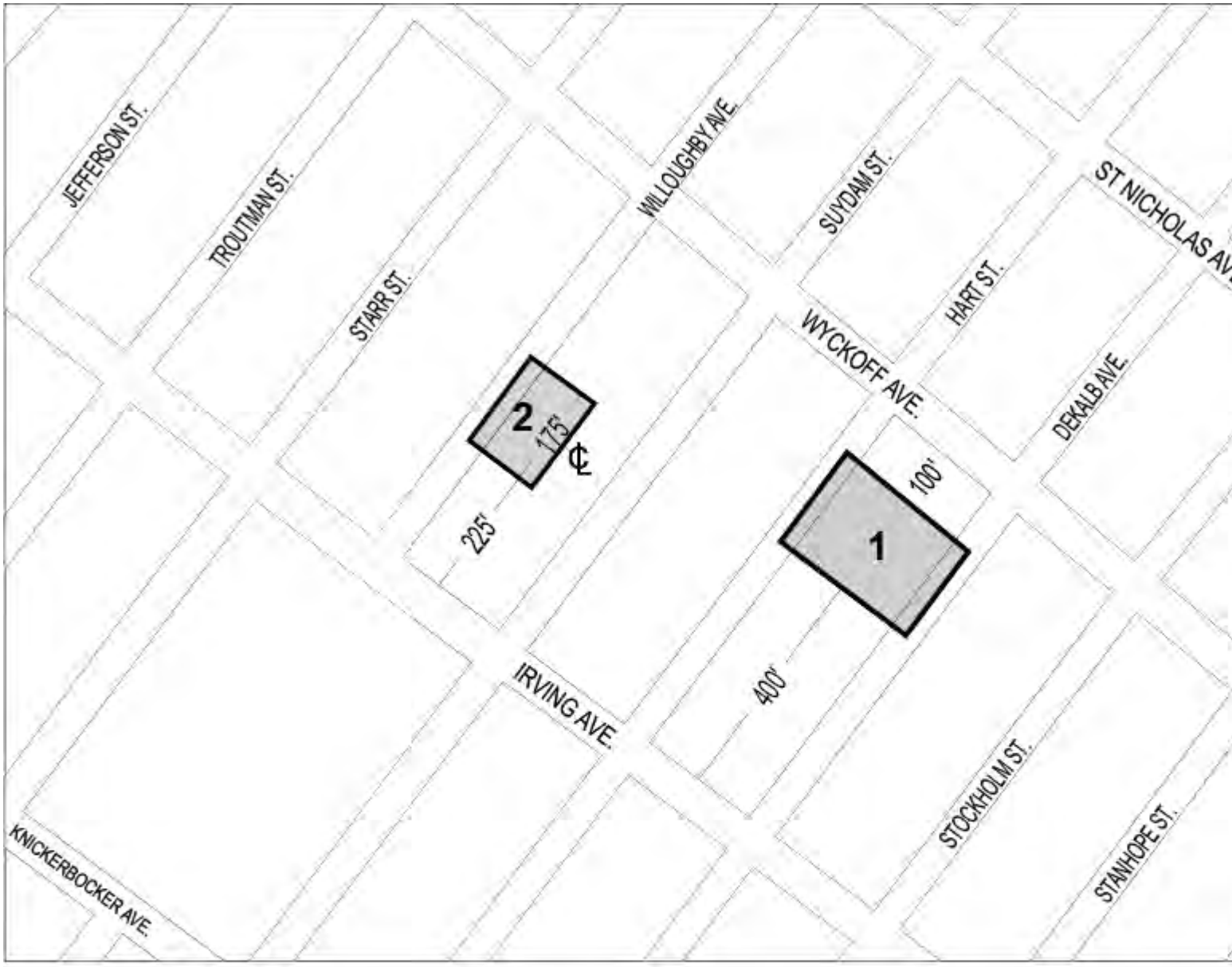
Brooklyn Community District 4

Map 1 - (12/10/13)



Portion of Community District 4, Brooklyn

Map 2 - (5/27/21)



Mandatory Inclusionary Housing Program Area *see Section 23-154(*

Area **1** (9/12/18) — MIH Program Option 1 and Deep Affordability

Area **2** (5/27/21) — MIH Program Option 1 and Deep Affordability

Portion of Community District 4, Brooklyn

Brooklyn Community District 5

Map 1 – (6/30/25)

Portion of Community District 5, Brooklyn

Map 2 – (10/31/17)

Portion of Community District 5, Brooklyn

Map 3 – (12/10/19)

Portion of Community District 5, Brooklyn

Map 4 – (2/24/22)

Portion of Community District 5, Brooklyn

Map 5 – (4/28/22)

Portion of Community District 5, Brooklyn

Map 6 – (11/22/22)

Portion of Community District 5, Brooklyn

Map 7 – (3/26/25)

Portion of Community District 5, Brooklyn

Map 8 – (12/18/25)

Portion of Community District 5, Brooklyn

Brooklyn Community District 6

Map 1 - (4/18/24)

Portion of Community District 6, Brooklyn

Map 2 - (9/12/18)

Portion of Community District 6, Brooklyn

Map 3 - (5/14/26)

Portion of Community District 6, Brooklyn

Brooklyn Community District 7

Map 1 - (4/22/21)

Portion of Community District 7, Brooklyn

Map 2 – (9/30/09)

Portion of Community District 7, Brooklyn

Map 3 - (12/17/20)

Portion of Community District 7, Brooklyn

Map 4 - (2/27/25)

Portion of Community District 7, Brooklyn

Brooklyn Community District 8

Map 1 - (5/28/25)

Portion of Community District 8, Brooklyn

[Maps 1, 2, 3 and 4 in Brooklyn CD 8 -- establishing MIH areas 3, 4, 5, 6, 7, and 8 in BK CD -- have been incorporated into composite Map 1 per N 250015 ZRK, (5/28/25)]

Map 5 – (11/25/25)

Portion of Community District 8, Brooklyn

Brooklyn Community District 9

Map 1 - (6/11/25)

Portion of Community District 9, Brooklyn

Brooklyn Community District 10

Map 1 – (5/14/26)

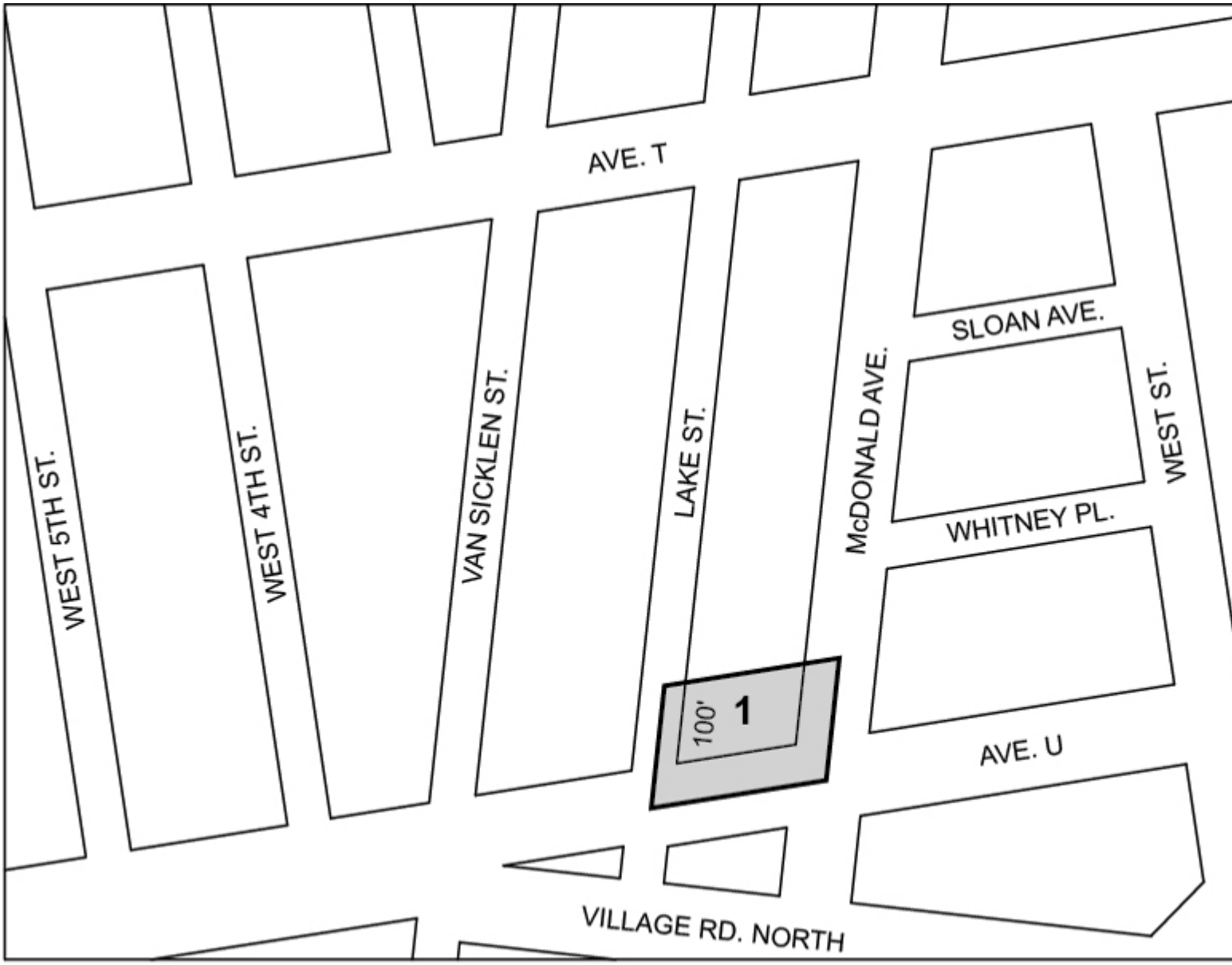
Portion of Community District 10, Brooklyn

Map 2 – (11/12/25)

Portion of Community District 10, Brooklyn

Brooklyn Community District 11

Map 1 - (9/12/19)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 9/12/19 MIH Program Option 1

Portion of Community District 11, Brooklyn

Map 2 - (10/12/22)

Portion of Community District 11, Brooklyn

Map 3 - (7/13/23)

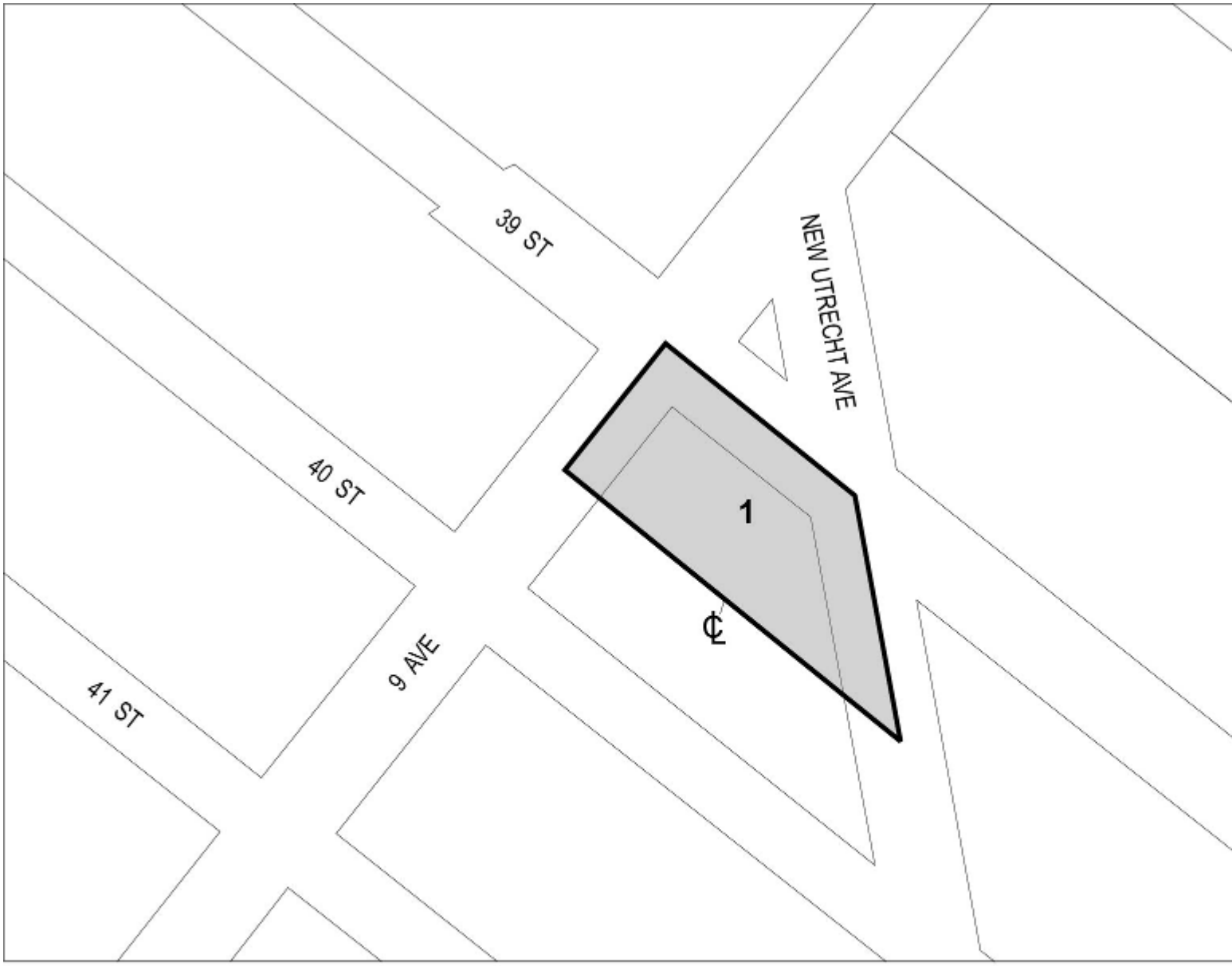
Portion of Community District 11, Brooklyn

Map 4 - (8/3/23)

Portion of Community District 11, Brooklyn

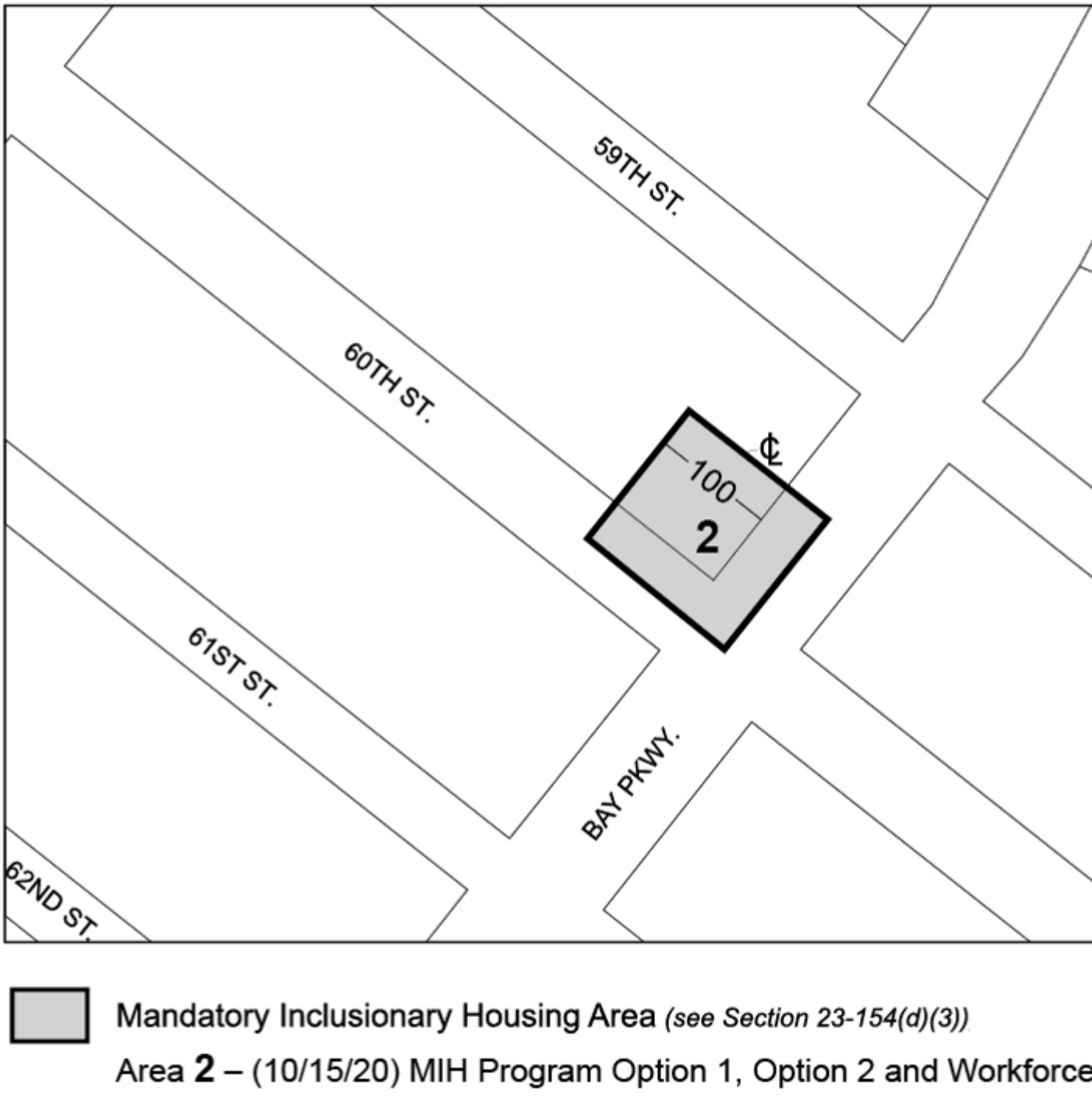
Brooklyn Community District 12

Map 1 - (10/31/18)



Portion of Community District 12, Brooklyn

Map 2 - (10/15/20)

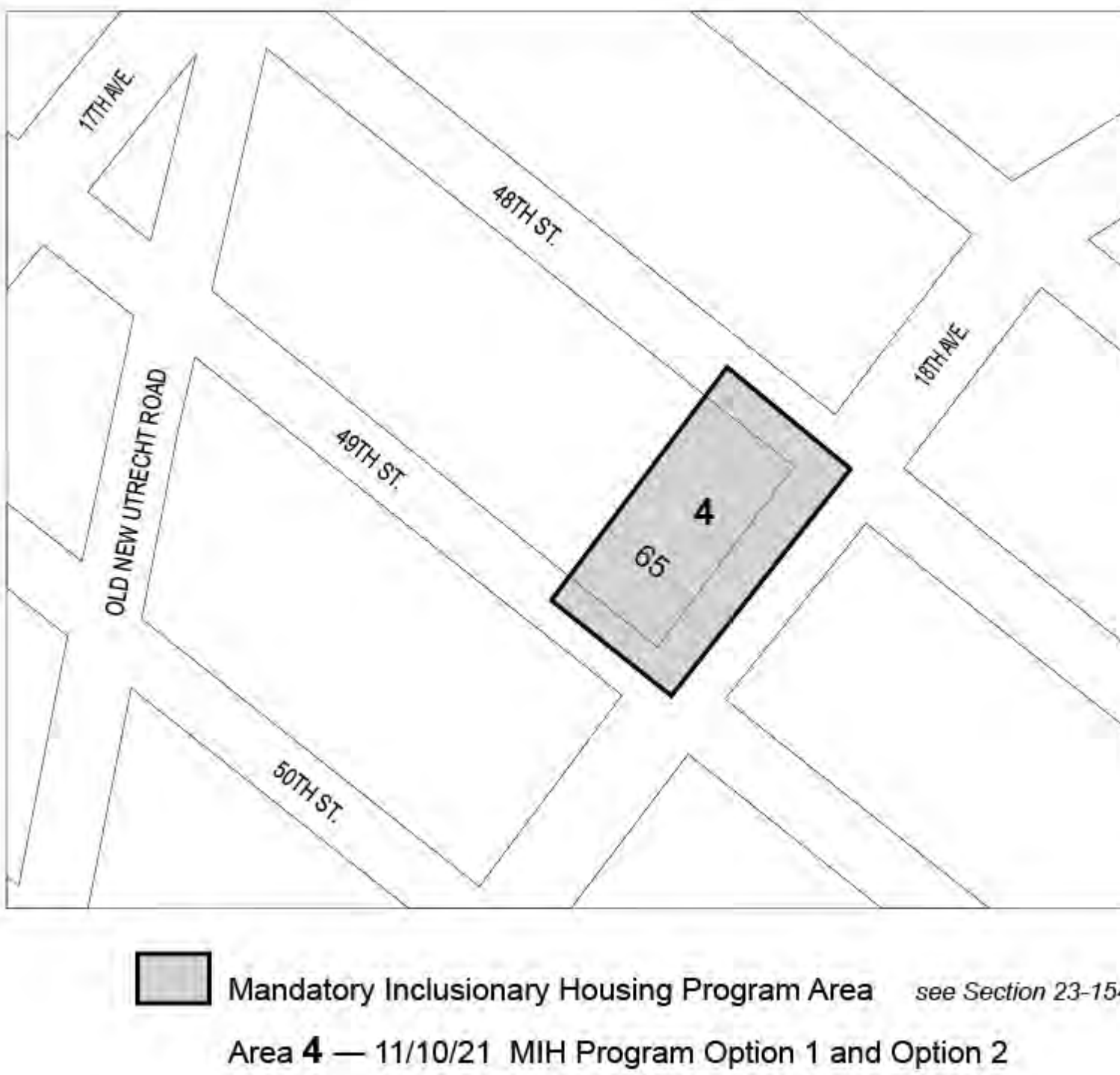


Portion of Community District 12, Brooklyn

Map 3 - (11/21/24)

Portion of Community District 12, Brooklyn

Map 4 - (11/10/21)



Portion of Community District 12, Brooklyn

Map 5 - (5/25/23)

Portion of Community District 12, Brooklyn

Map 6 - (12/6/23)

Portion of Community District 12, Brooklyn

Brooklyn Community District 13

Map 1 - (7/16/26)

Portion of Community District 13, Brooklyn

Map 2 - (11/12/25)

Portion of Community District 13, Brooklyn

Brooklyn Community District 14

Map 1 - (7/29/09)

Portion of Community District 14, Brooklyn

Map 2 - (4/25/17)

Portion of Community District 14, Brooklyn

Map 3 - (3/18/21)

Portion of Community District 14, Brooklyn

Map 4 - (2/28/19)

Portion of Community District 14, Brooklyn

Map 5 - (5/8/19)

Portion of Community District 14, Brooklyn

Map 6 - (5/16/24)

Portion of Community District 14, Brooklyn

Brooklyn Community District 15

Map 1 - (9/26/18)

Portion of Community District 15, Brooklyn

Map 2 - (10/7/21)

Portion of Community District 15, Brooklyn

Map 3 – (2/24/22)

Portion of Community District 15, Brooklyn

Map 4 – (2/13/25)

Portion of Community District 15, Brooklyn

Map 5 – (4/28/22)

Portion of Community District 15, Brooklyn

Map 6 - (4/11/24)

Portion of Community District 15, Brooklyn

Map 7 - (2/24/26)

Portion of Community District 15, Brooklyn

Map 8 - (9/26/24)

Portion of Community District 15, Brooklyn

Map 9 - (5/28/25)

Portion of Community District 15, Brooklyn

Map 10 - (9/25/25)

Portion of Community District 15, Brooklyn

Brooklyn Community District 16

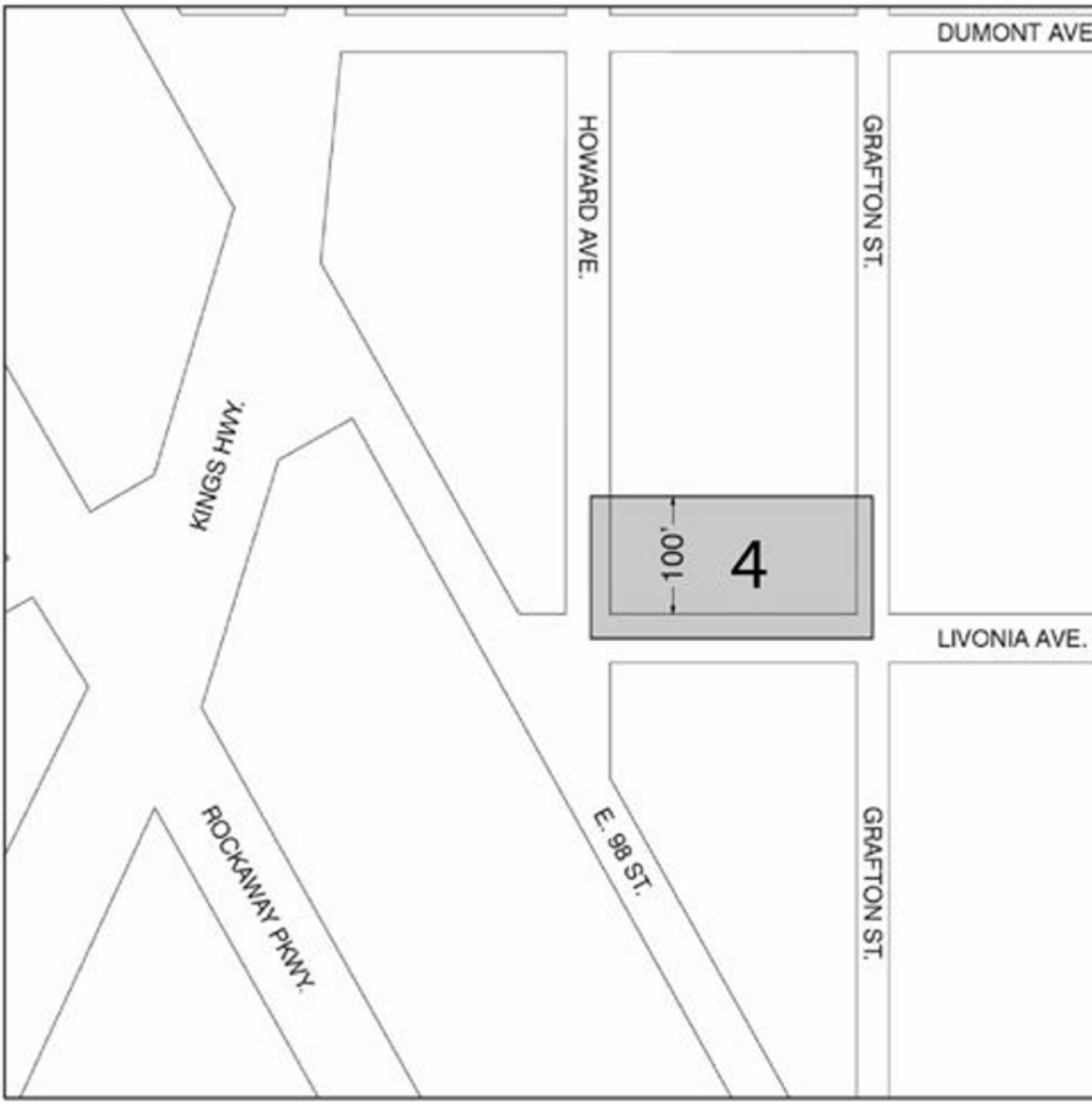
Map 1 - (4/24/25)

Portion of Community District 16, Brooklyn

Map 2 - (9/7/17)

Portion of Community District 16, Brooklyn

Map 3 - (11/16/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3*
Area **4** — 11/16/17 MIH Program Option 1 and Option 2

Portion of Community District 16, Brooklyn

Map 4 – (12/7/22)

Portion of Community District 16, Brooklyn

Map 5 – (10/15/20)

Portion of Community District 16, Brooklyn

Map 6 – (12/6/23)

Portion of Community District 16, Brooklyn

Map 7 – (3/19/23)

Portion of Community District 16, Brooklyn

Brooklyn Community District 18

Map 1 - (11/25/25)

Portion of Community District 18, Brooklyn

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

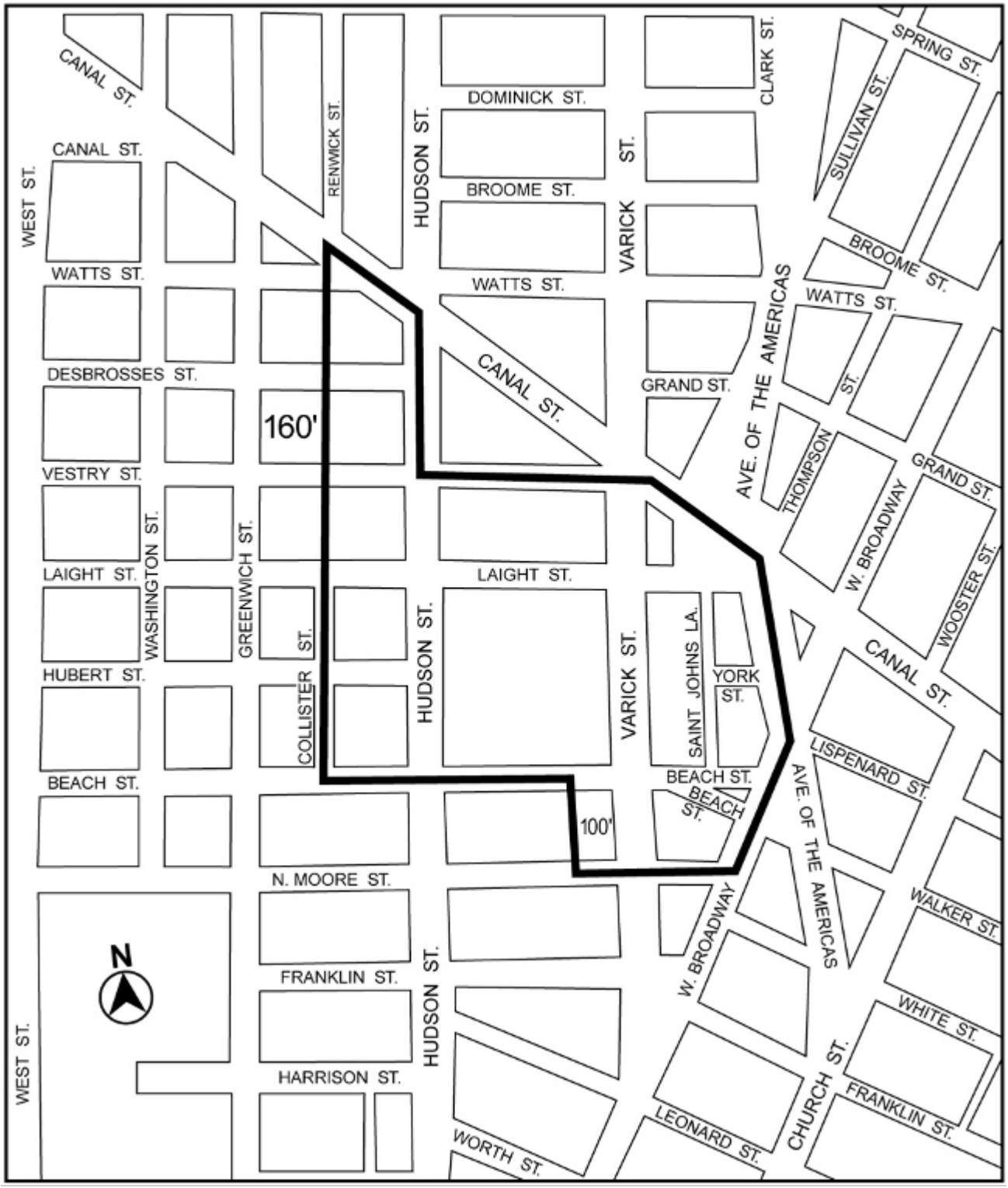
Appendix F - Manhattan

File generated by https://zr.planning.nyc.gov on 9/21/2026

Appendix F - Manhattan

Manhattan Community District 1

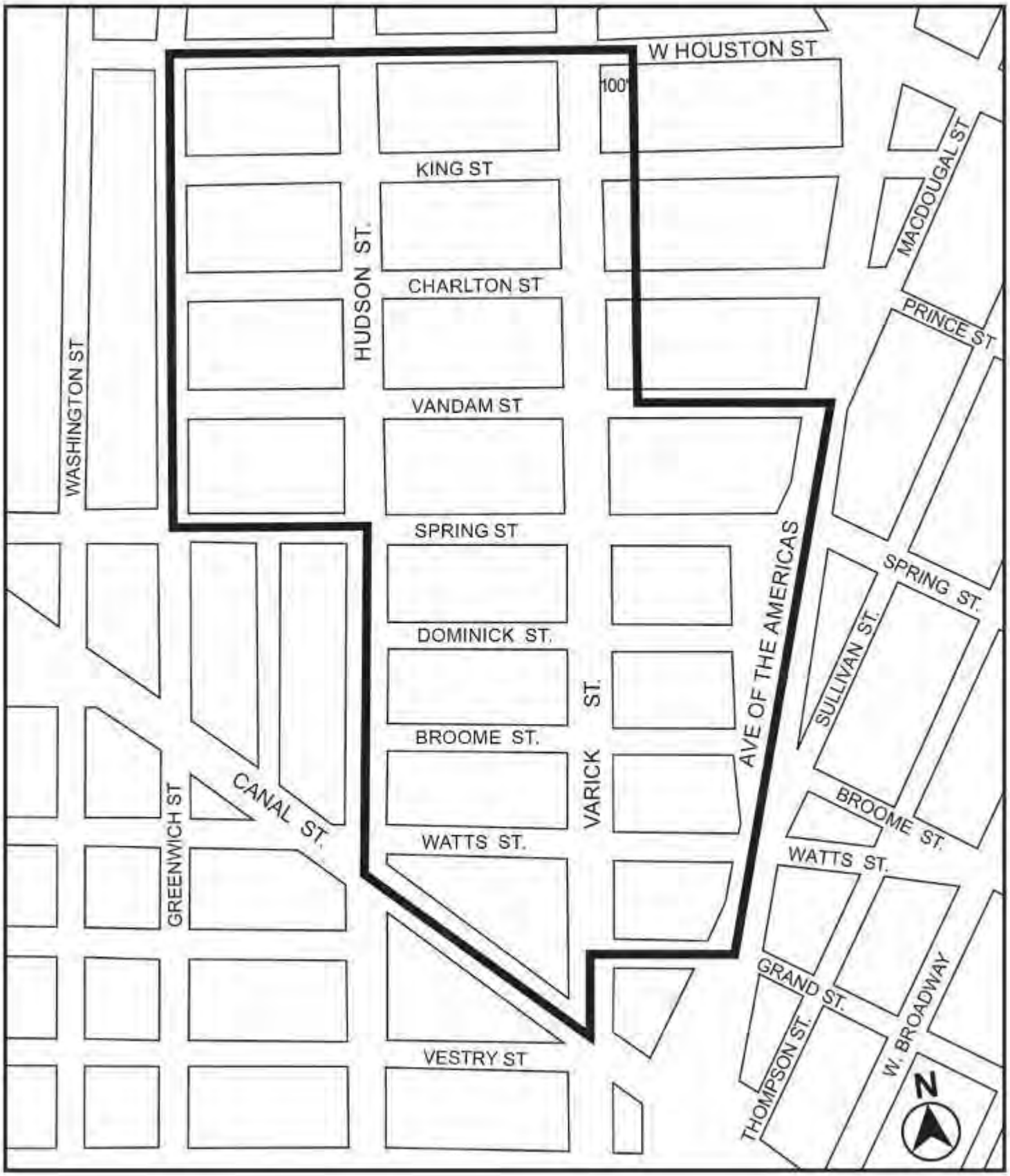
Map 1 - (10/13/10)



Portion of Community District 1, Manhattan

Manhattan Community District 2

Map 1 - (3/20/13)


W HOUSTON ST
100'
KING ST
HUDSON ST.
CHARLTON ST
VANDAM ST
SPRING ST
DOMINICK ST.
BROOME ST.
WATTS ST.
VESTRY ST
WASHINGTON ST
GREENWICH ST
CANAL ST.
VARICK ST.
AVE OF THE AMERICAS
MACDOUGAL ST
PRINCE ST
SPRING ST.
SULLIVAN ST.
BROOME ST.
WATTS ST.
GRAND ST.
THOMPSON ST.
W. BROADWAY
N

Portion of Community District 2, Manhattan

Map 2 - (12/15/21)


WEST 8 STREET
5 AVENUE
EAST 8 STREET
ASTOR PLACE
100
EAST 7 STREET
COOPER SQUARE
GREENE STREET
WASHINGTON SQUARE EAST
WASHINGTON SQUARE NORTH
WAVERLY PLACE
EAST 6 STREET
LAFAYETTE STREET
WASHINGTON PLACE
EAST 5 STREET
WASHINGTON SQUARE SOUTH
WEST 4 STREET
EAST 4 STREET
WEST 3 STREET
GREAT JONES STREET
EAST 3 ST
100
BOWERY
LA GUARDIA PLACE
BOND STREET
EAST 2
MAC DOUGAL STREET
BLEECKER STREET
EAST HOUSTON STREET
WEST HOUSTON STREET
MOTT STREET
ELIZABETH STREET
100
120
PRINCE STREET
MULBERRY STREET
AVENUE OF THE AMERICAS
SULLIVAN STREET
THOMPSON STREET
1
WEST BROADWAY
WOOSTER STREET
GREENE STREET
MERCER STREET
SPRING STREET
BROADWAY
CROSBY STREET
KENMARE STREET
200
BROOME STREET

Portion of Community District 2, Manhattan

Manhattan Community District 3

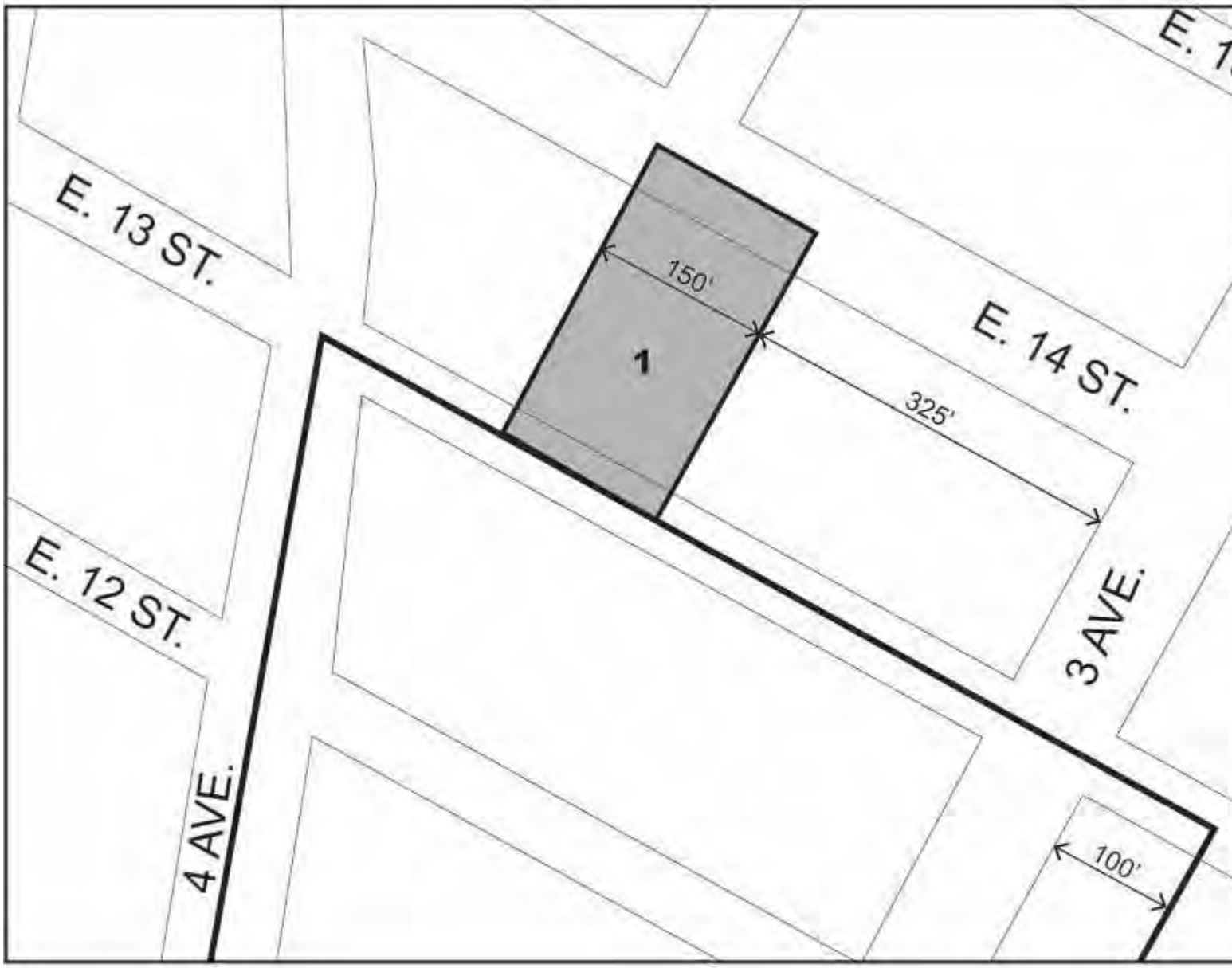
Map 1 - (2/27/20)



Inclusionary Housing designated area

Portion of Community District 3, Manhattan

Map 2 – (8/8/18)



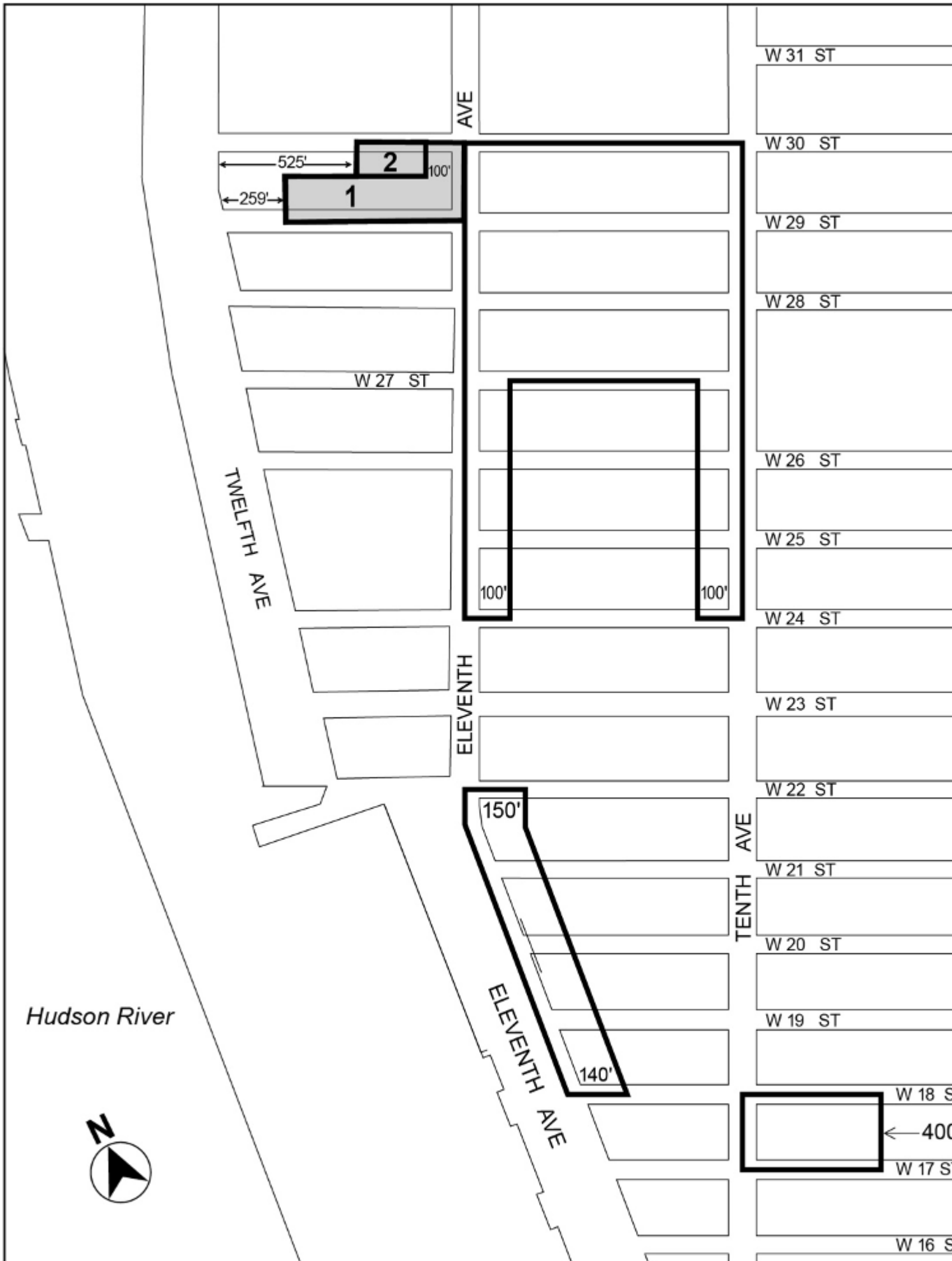
Inclusionary Housing Designated Area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** -- 8/8/18 MIH Program Option 1 and Option 2

Portion of Community District 3, Manhattan

Manhattan Community District 4

Map 1 - (6/28/18)

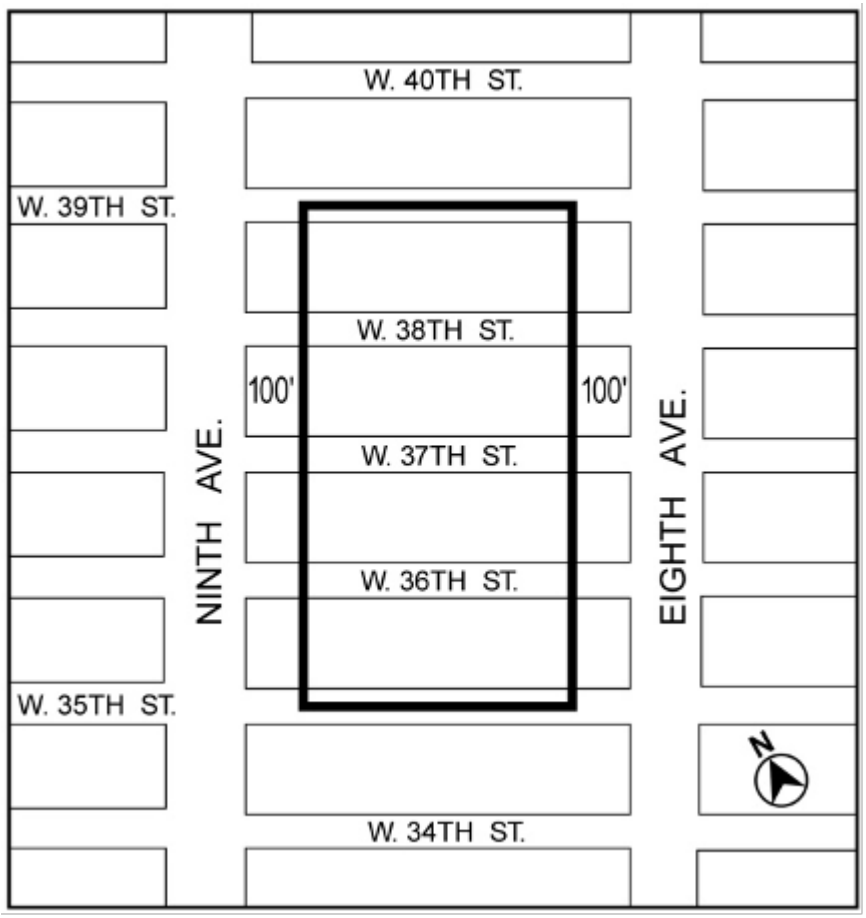

W 31 ST
AVE
W 30 ST
525'
2
100'
259'
1
W 29 ST
W 28 ST
W 27 ST
W 26 ST
TWELFTH AVE
W 25 ST
100'
100'
W 24 ST
ELEVENTH
W 23 ST
W 22 ST
150'
AVE
W 21 ST
TENTH
W 20 ST
ELEVENTH AVE
Hudson River
W 19 ST
140'
W 18 S
400
W 17 S
N
W 16 S

Portion of Community District 4, Manhattan

Map 2 – (7/16/26)

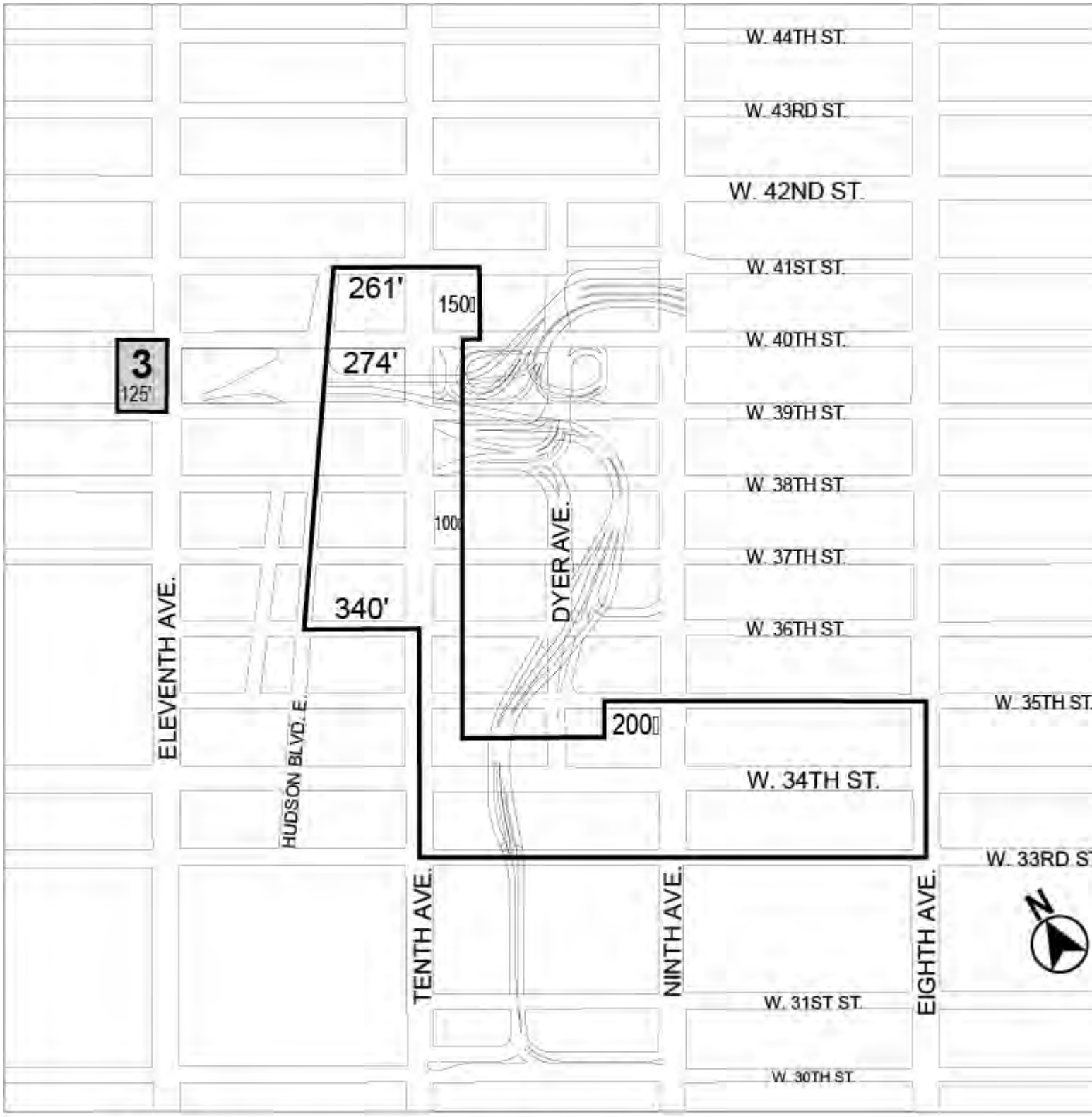
Portion of Community District 4, Manhattan

Map 3 – (12/21/09)



Portion of Community District 4, Manhattan

Map 4 – (10/21/21)



Inclusionary Housing designated area

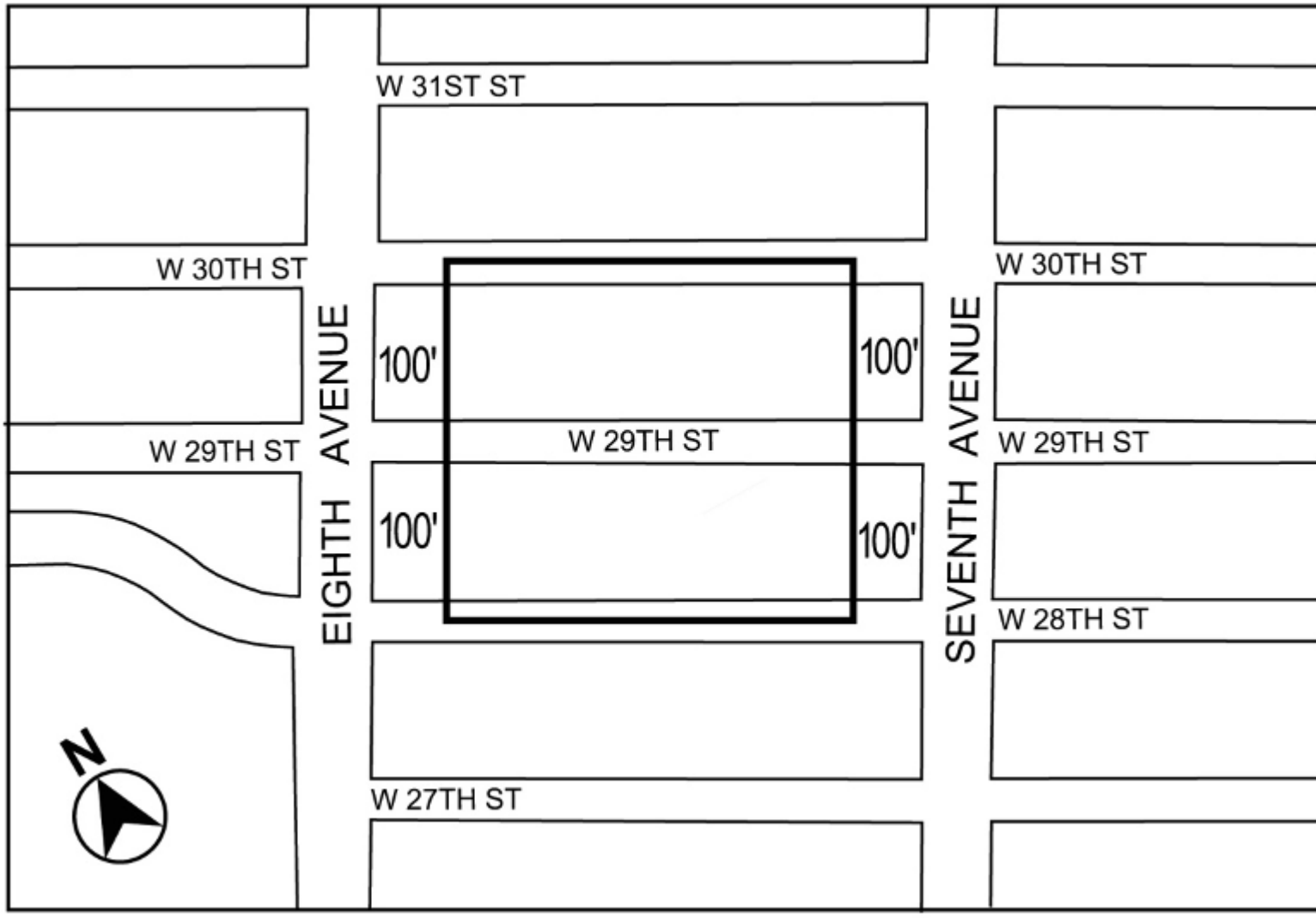
Mandatory Inclusionary Housing Program Area *see Section 23-154(d)*

Area 3 — 10/21/21 MIH Program Option 1 and Option 2

Portion of Community District 4, Manhattan

Manhattan Community District 5

Map 1 - (9/21/11)



Portion of Community District 5, Manhattan

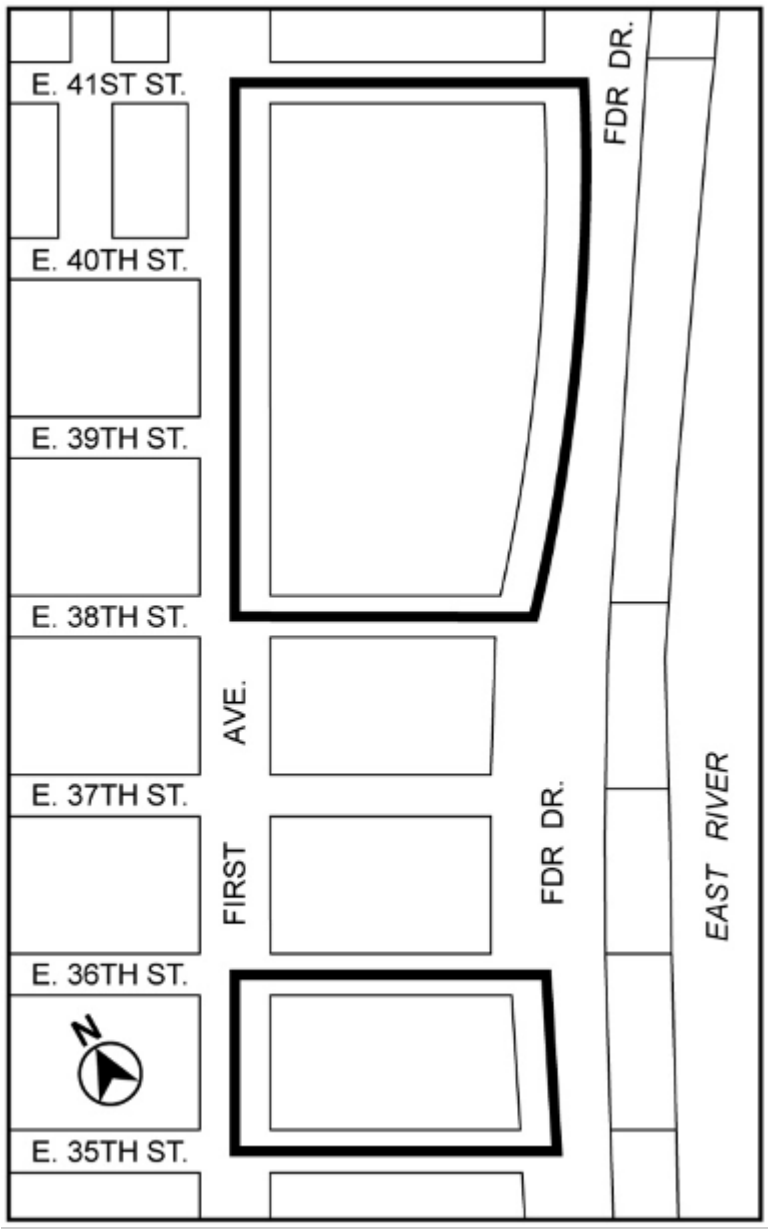
Manhattan Community Districts 4 and 5

Map 1 - (8/14/25)

Portion of Community Districts 4 and 5, Manhattan

Manhattan Community District 6

Map 1 - (3/26/08)



Portion of Community District 6, Manhattan

Map 2 - (8/8/18)

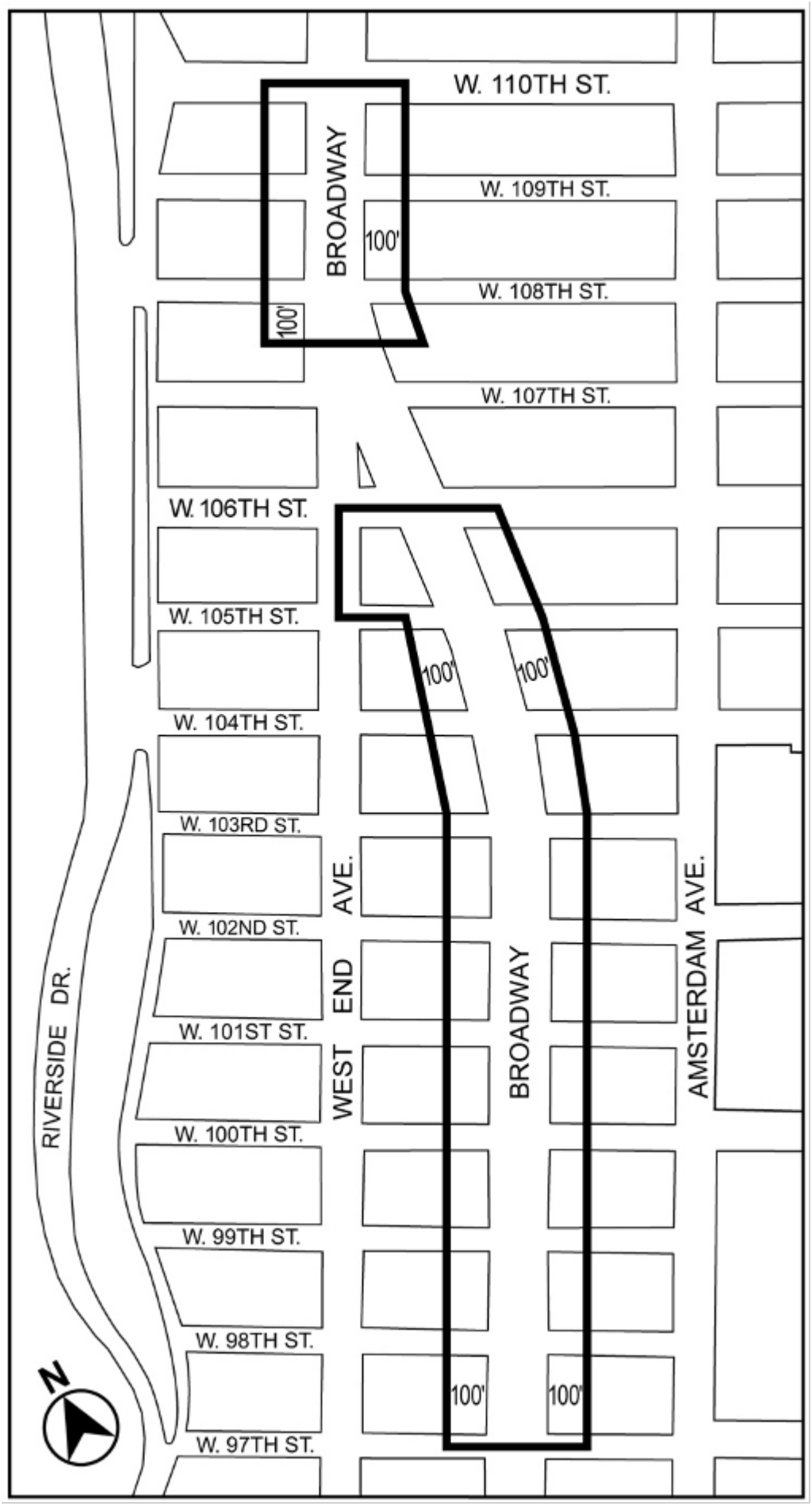
Portion of Community District 6, Manhattan

Map 3 - (2/13/25)

Portion of Community District 6, Manhattan

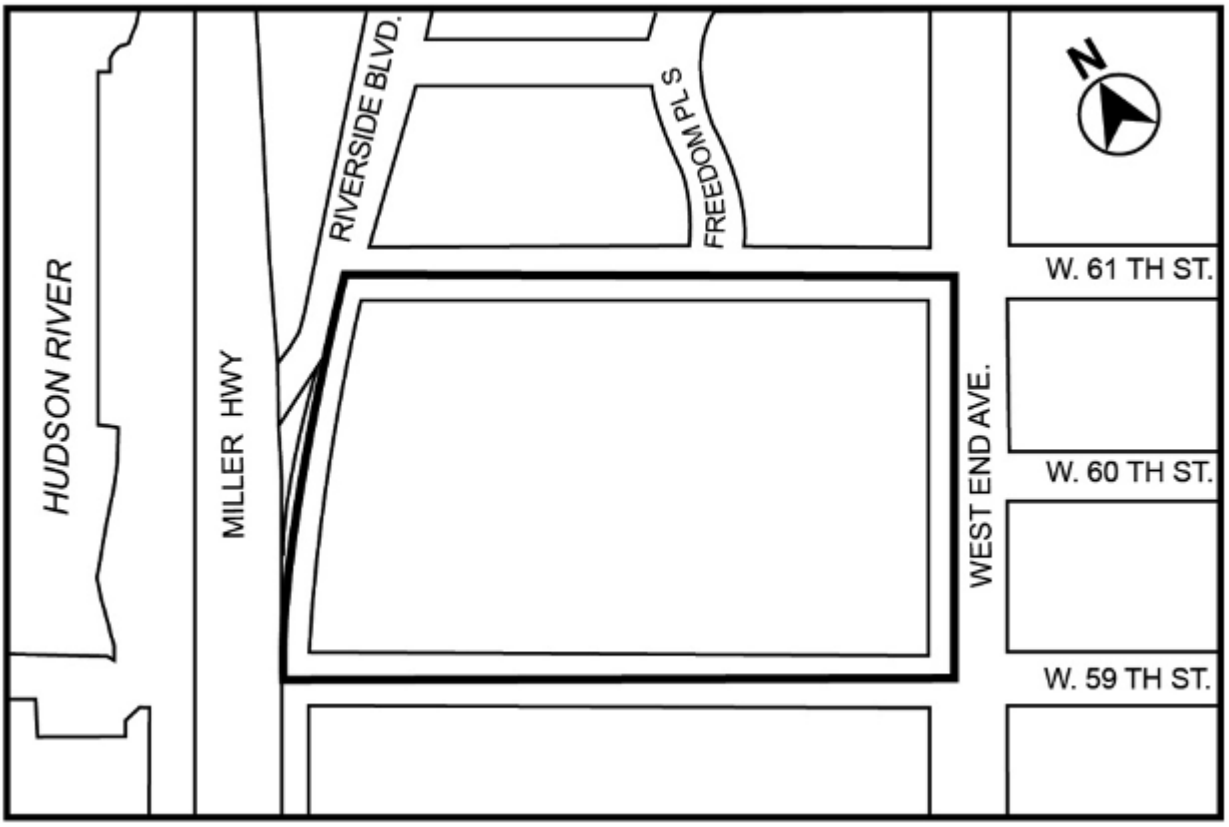
Manhattan Community District 7

Map 1 - (9/25/07)


W. 110TH ST.
BROADWAY
W. 109TH ST.
100'
W. 108TH ST.
100'
W. 107TH ST.
W. 106TH ST.
W. 105TH ST.
100'
100'
W. 104TH ST.
W. 103RD ST.
W. 102ND ST.
W. 101ST ST.
W. 100TH ST.
W. 99TH ST.
W. 98TH ST.
100'
100'
W. 97TH ST.
RIVERSIDE DR.
WEST END AVE.
BROADWAY
AMSTERDAM AVE.
N

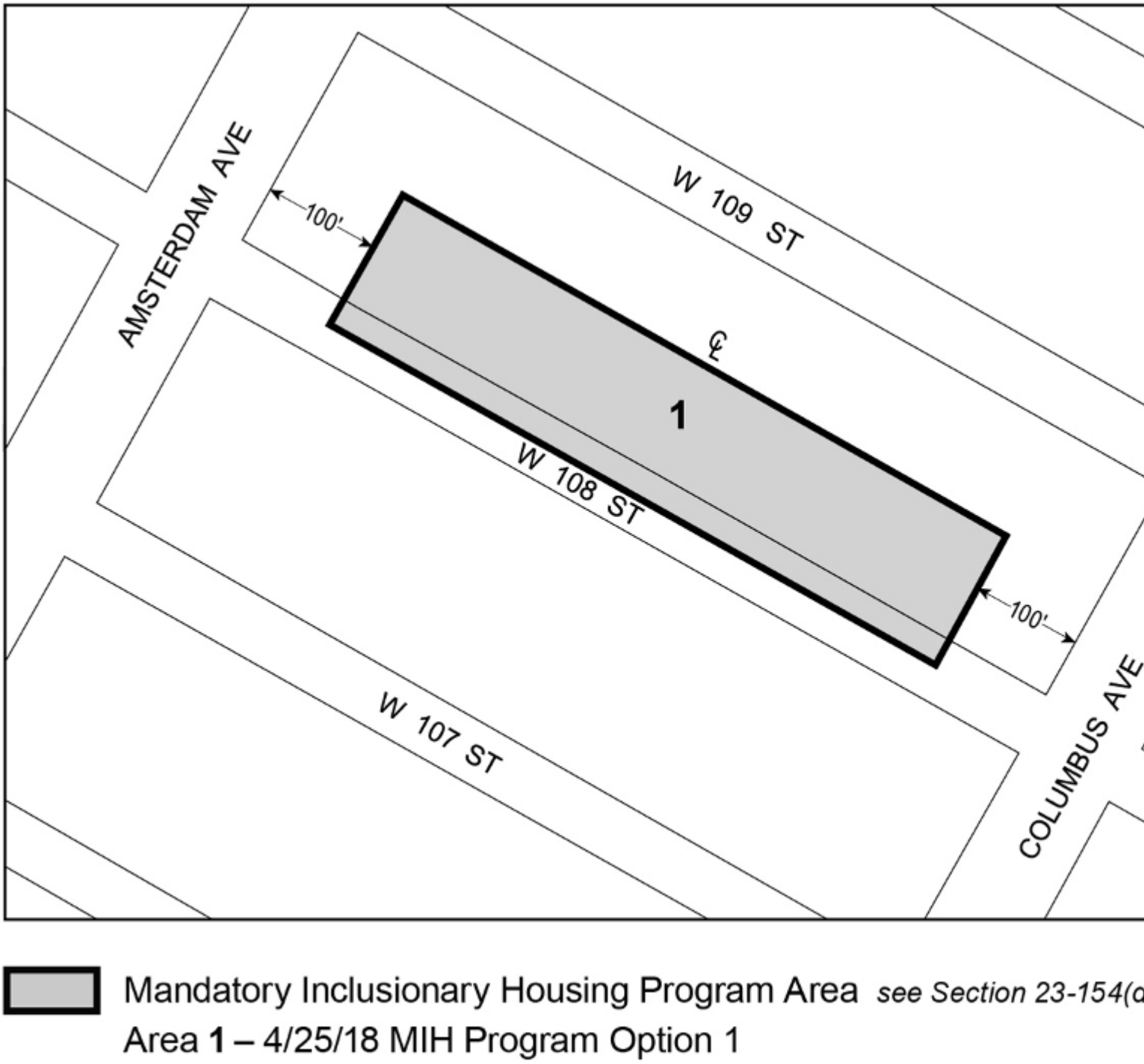
Portion of Community District 7, Manhattan

Map 2 - (12/20/10)



Portion of Community District 7, Manhattan

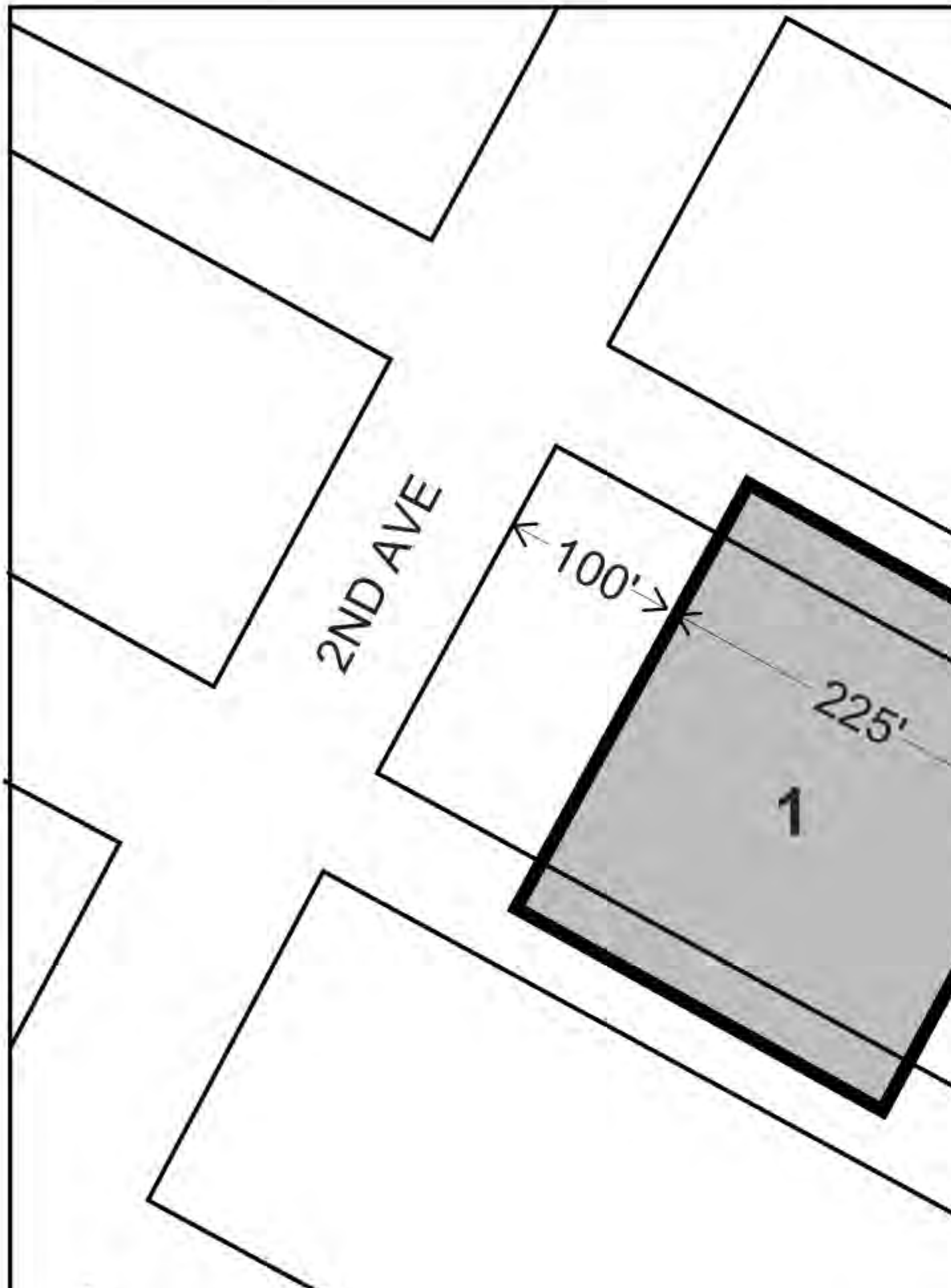
Map 3 – (4/25/18)



Portion of Community District 7, Manhattan

Manhattan Community District 8

Map 1 - (11/23/21)


2ND AVE
100'
225'
1

Portion of Community District 8, Manhattan

Map 2 - (3/19/24)

Portion of Community District 8, Manhattan

Map 3 - (8/14/25)

Portion of Community District 8, Manhattan

Manhattan Community Districts 9, 10 and 11

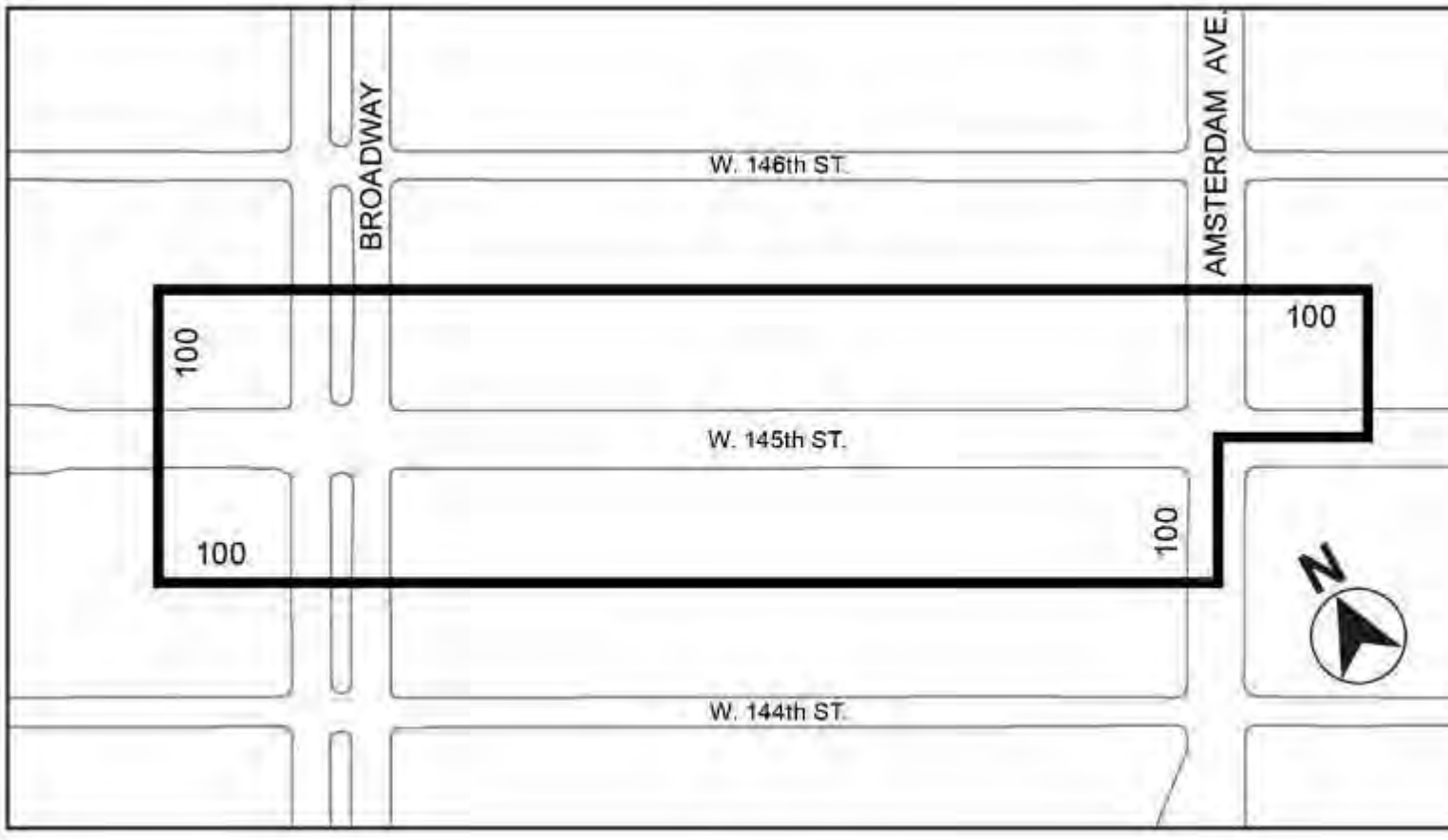
[see also individual maps in Manhattan CD 9, CD 10 and CD 11]

Map 1 – (12/18/25)

Portions of Community Districts 9, 10 and 11, Manhattan

Manhattan Community District 9

Map 1 – (11/13/12)



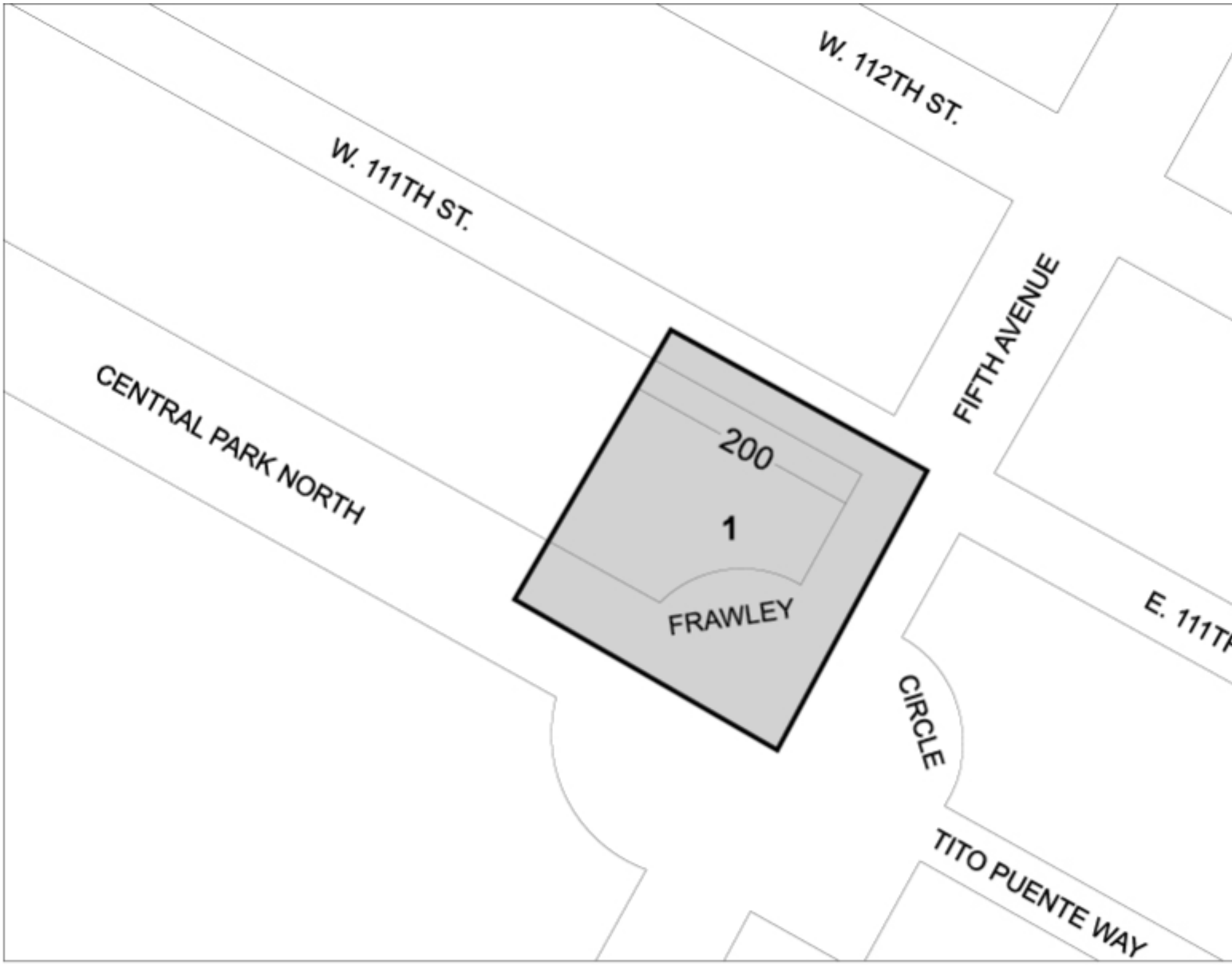
Portion of Community District 9, Manhattan

Map 2 - (10/23/24)

Portion of Community District 9, Manhattan

Manhattan Community District 10

Map 1 - (12/19/19)



Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area **1** — 12/19/19 MIH Program Option 1

Portion of Manhattan Community District 10

Map 2 - (7/14/25)

Portion of Manhattan Community District 10

Manhattan Community District 11

Map 2 – (8/24/17)

Portion of Community District 11, Manhattan

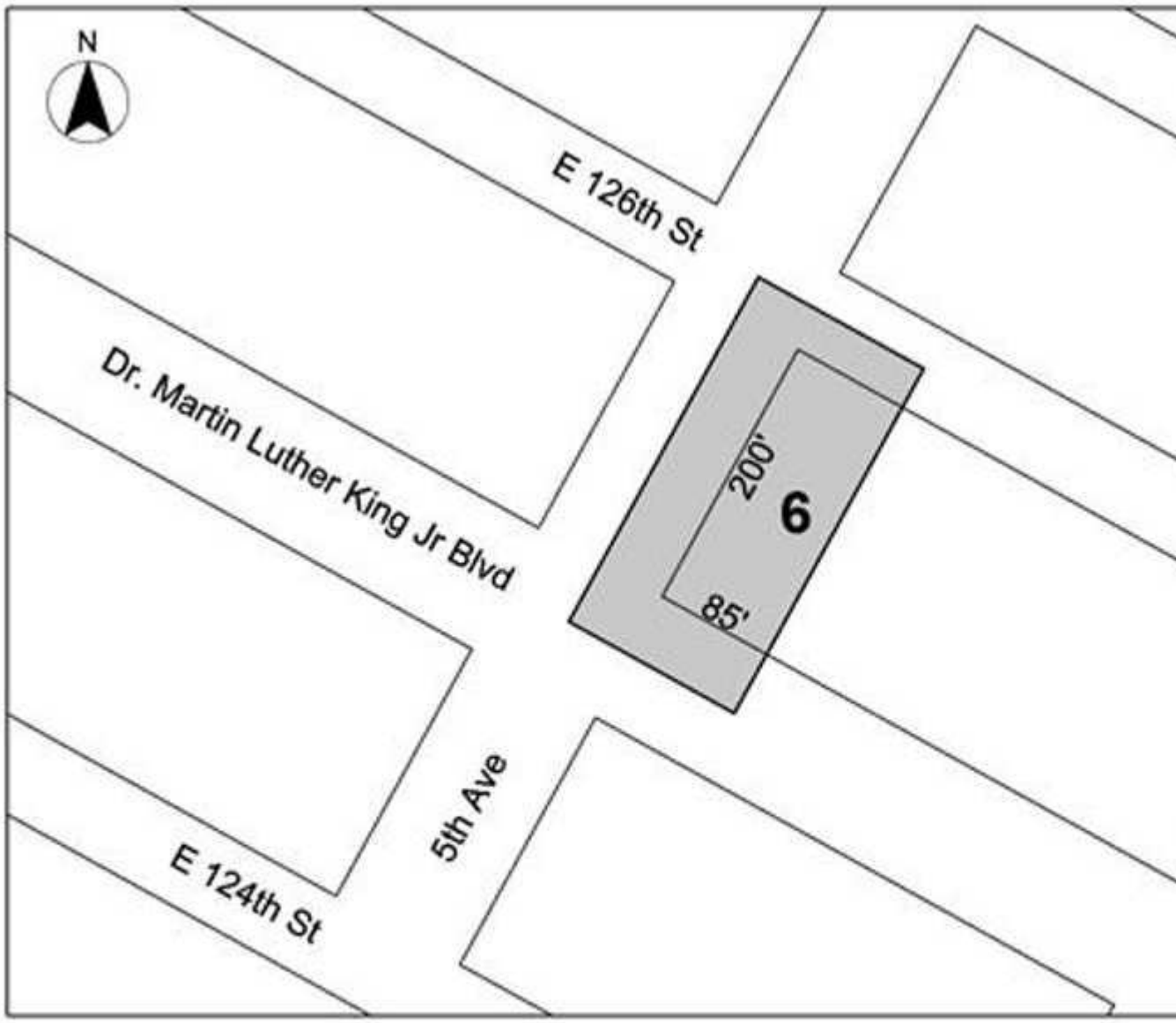
Map 3 – (9/27/17)

Portion of Community District 11, Manhattan

Map 5 – (7/14/25)

Portion of Community District 11, Manhattan

Map 6 – (12/19/17)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **6** — 12/19/17 MIH Program Option 1 and Deep Affordability Op

Portion of Community District 11, Manhattan

Map 7 – (10/17/19)

Portion of Community District 11, Manhattan

Map 8 – (3/12/25)

Portion of Community District 11, Manhattan

Manhattan Community District 12

Map 1 - (8/8/18)

Portion of Community District 12, Manhattan

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

Appendix F - Queens

File generated by https://zr.planning.nyc.gov on 9/21/2026

Appendix F - Queens

Queens Community District 1

Map 1 - (3/10/26)

Portion of Community District 1, Queens

Map 2 – (7/29/09)

Portion of Community District 1, Queens

Map 3 – (12/9/21)



Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Portion of Community District 1, Queens

Map 4 – (10/31/18)



Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area **2** — 10/31/18 MIH Program Option 1 and Option 2
Area **13** — 5/19/22 MIH Program Option 1

Portion of Community District 1, Queens

Map 5 – (11/22/22)

Portion of Community District 1, Queens

[Maps 6 and 7 have been incorporated into composite Map5 per N 220367 ZRQ, adopted 22nd November, 2022]

Map 8 – (4/11/24)

Portion of Community District 1, Queens

Map 9 - (8/14/25)

Portion of Community District 1, Queens

[Maps 9 and 11 have been incorporated into composite Map 9 per N 240224 ZRQ, adopted 14th August, 2025]

Map 10 - (10/12/22)

Portion of Community District 1, Queens

Map 12 - (10/29/25)

Portion of Community District 1, Queens

Queens Community Districts 1 and 2

Map 1 - (11/12/25)

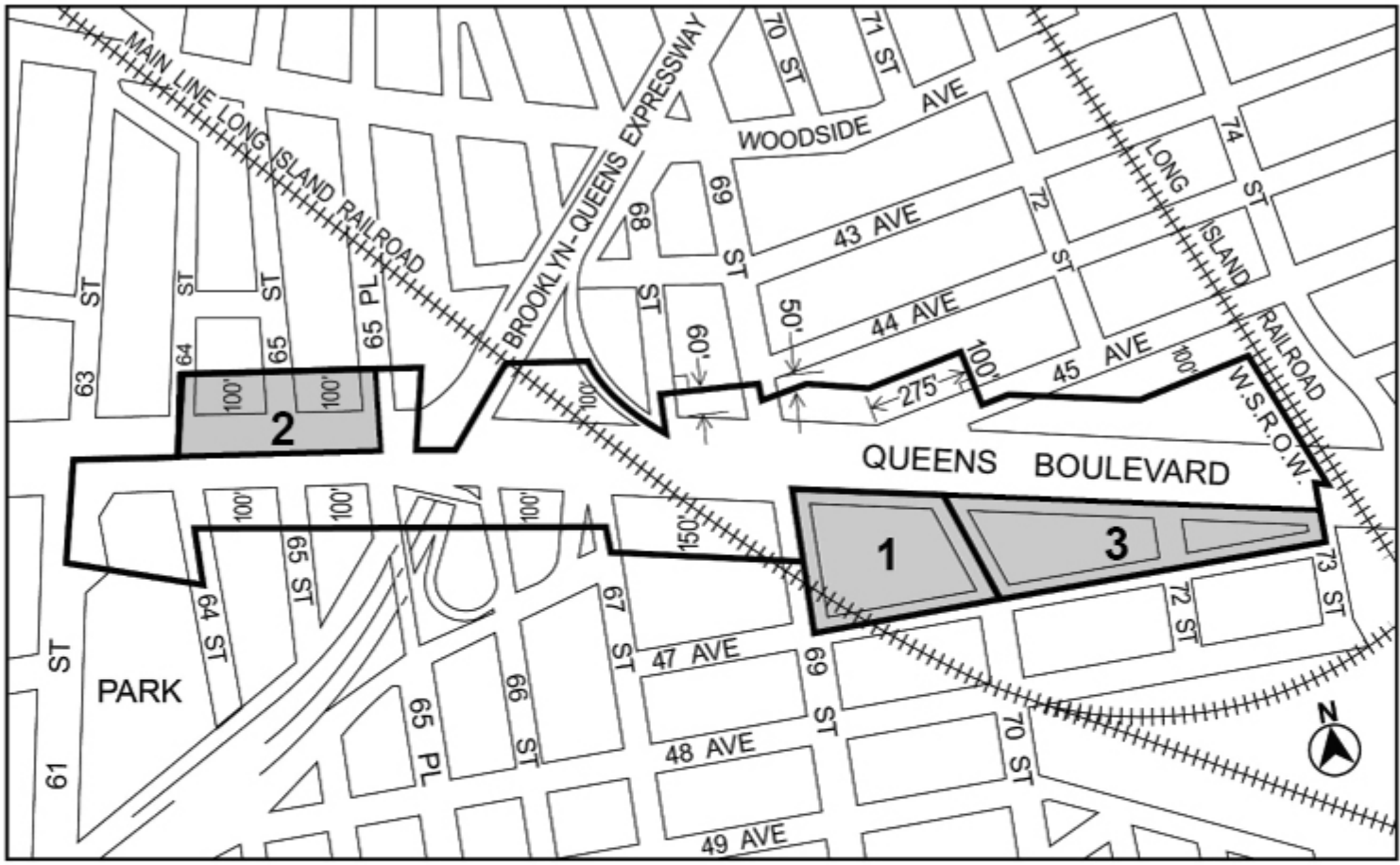
Portion of Community Districts 1 and 2, Queens

Queens Community District 2

Map 1 - (8/27/20)

Portion of Community District 2, Queens

Map 2 - (4/22/20)



Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1**—10/31/18 MIH Program Option 2

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **2** — 4/22/20 MIH Program Option 1

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** — 4/22/20 MIH Program Option 1 and Option 2

Portion of Community District 2, Queens

Map 3 – (7/29/09)

Portion of Community District 2, Queens

Map 4 - (3/25/21)

Portion of Community District 2, Queens

Map 5 - (10/21/21)

Portion of Community District 2, Queens

Map 6 - (2/24/26)

Portion of Community District 2, Queens

Queens Community District 3

Map 1 - (6/21/17)

Portion of Community District 3, Queens

Queens Community District 4

Map 1 - (11/19/20)

Portion of Community District 4, Queens

Map 2 - (11/12/25)

Portion of Community District 4, Queens

Map 3 - (8/13/26)

Portion of Community District 4, Queens

Map 4 - (9/10/26)

Portion of Community District 4, Queens

Queens Community District 5

Map 1 - (8/13/26)

Portion of Community District 5, Queens

Queens Community District 6

Map 1 - (2/2/23)

Portion of Community District 6, Queens

Map 2 - (3/18/21)

Portion of Community District 6, Queens

Map 3 - (5/12/21)

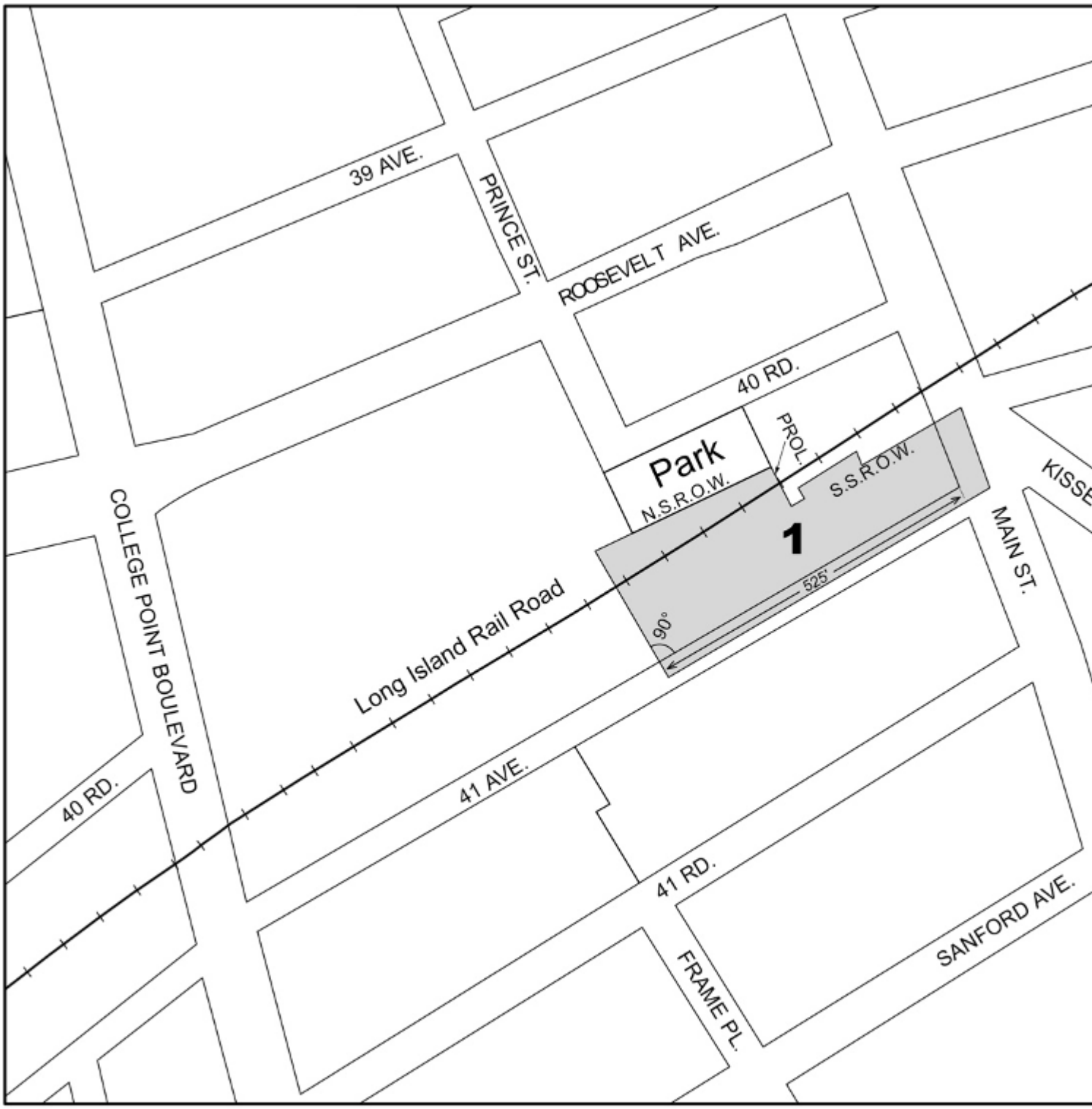
Portion of Community District 6, Queens

Map 4 - (5/1/25)

Portion of Community District 6, Queens

Queens Community District 7

Map 1 - (6/21/16)



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** — 6/21/16 MIH Program Option 1 and Option 2

Portion of Community District 7, Queens

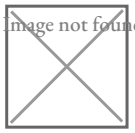
Map 2 - (10/17/17)

Portion of Community District 7, Queens

Map 3 - (12/10/20)

Portion of Community District 7, Queens

Map 4 – (2/8/24)



Portion of Community District 7, Queens

Map 5 – (2/13/25)

Portion of Community District 7, Queens

Map 5 – (5/20/26)

Portion of Community District 7, Queens

Queens Community District 8

Map 1 – (11/23/21)



Portion of Community District 8, Queens

Map 2 – (7/14/22)

Portion of Community District 8, Queens

Map 3 – (7/16/26)

Portion of Community District 8, Queens

Queens Community Districts 8 and 12

Map 1 – (10/29/25)

Portion of Community Districts 8 and 12, Queens

Queens Community District 10

Map 1 – (12/15/21)

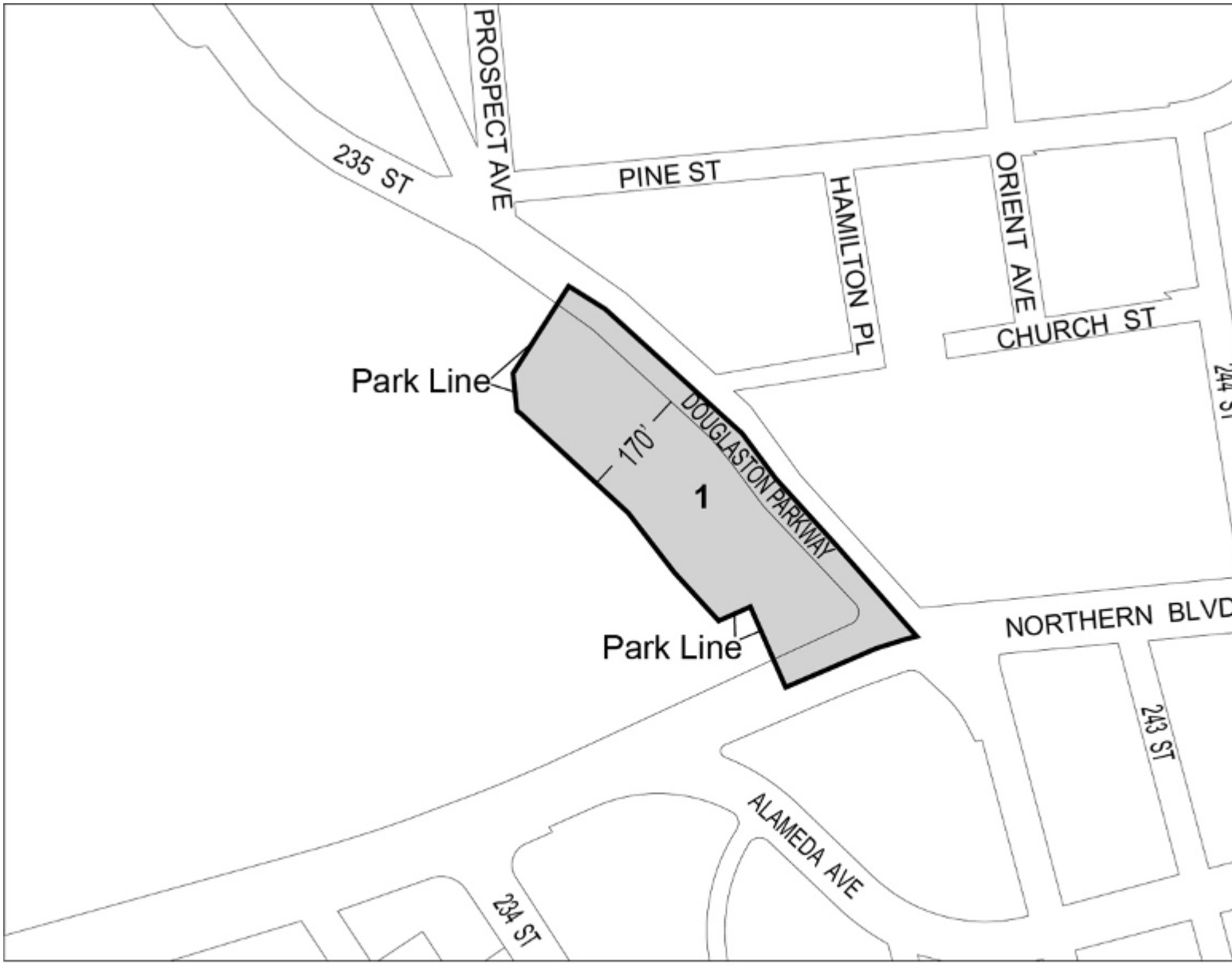
Portion of Community District 10, Queens

Map 2 – (2/12/26)

Portion of Community District 10, Queens

Queens Community District 11

Map 1 – (3/13/19)



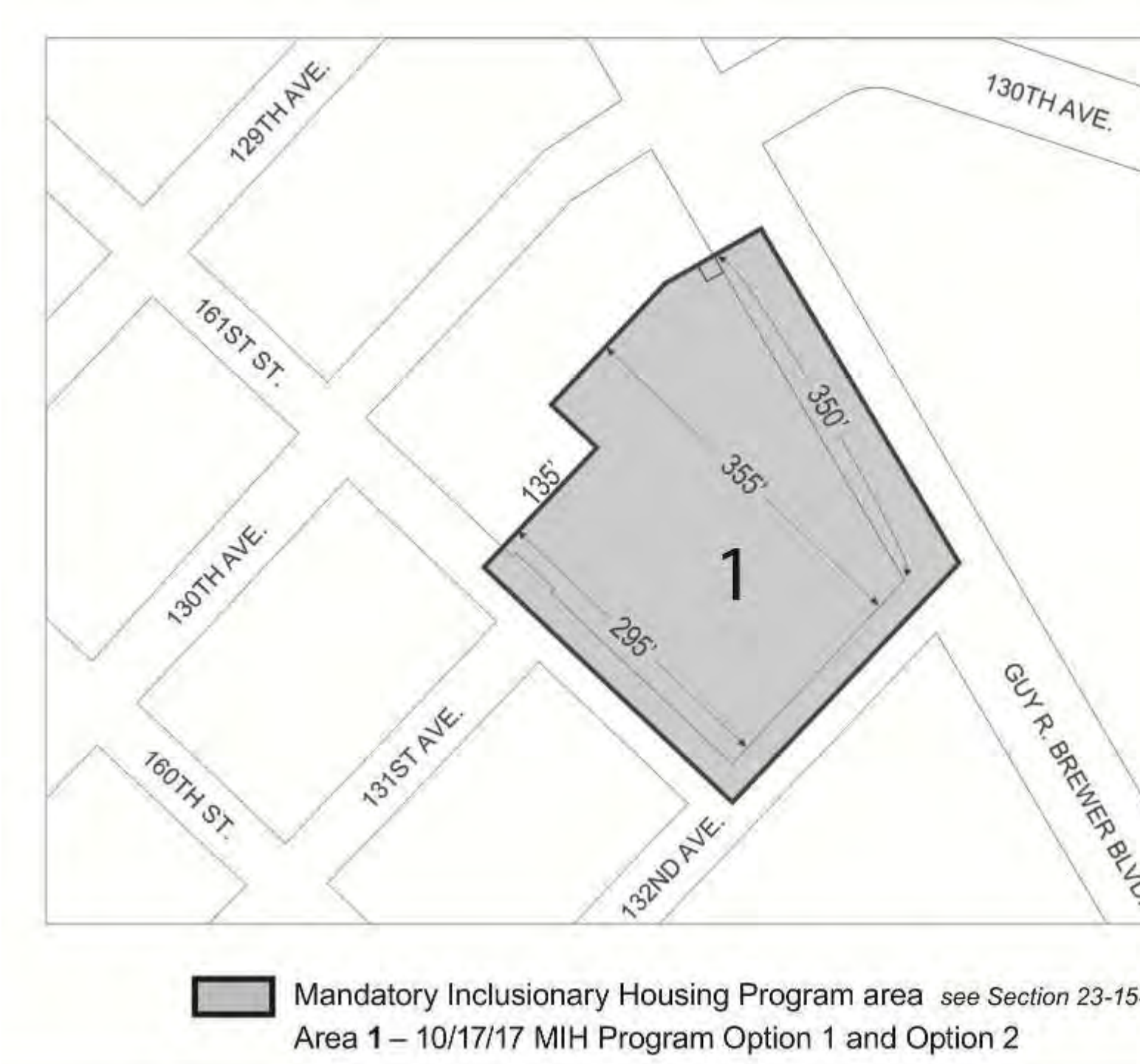
Portion of Community District 11, Queens

Map 2 - (2/24/26)

Portion of Community District 11, Queens

Queens Community District 12

Map 1 – (10/17/17)



Portion of Community District 12, Queens

Map 2 - (5/25/23)

Portion of Community District 12, Queens

Map 3 - (10/10/24)

Portion of Community District 12, Queens

Map 4 - (3/26/25)

Portion of Community District 12, Queens

Queens Community District 14

Map 1 - (10/13/16)

Portion of Community District 14, Queens

Map 2 - (3/10/26)

Portion of Community District 14, Queens

Map 3 - (7/14/22)

Portion of Community District 14, Queens

Map 4 - (8/26/21)

Portion of Community District 14, Queens

Map 5 - (8/3/23)

Portion of Community District 14, Queens

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

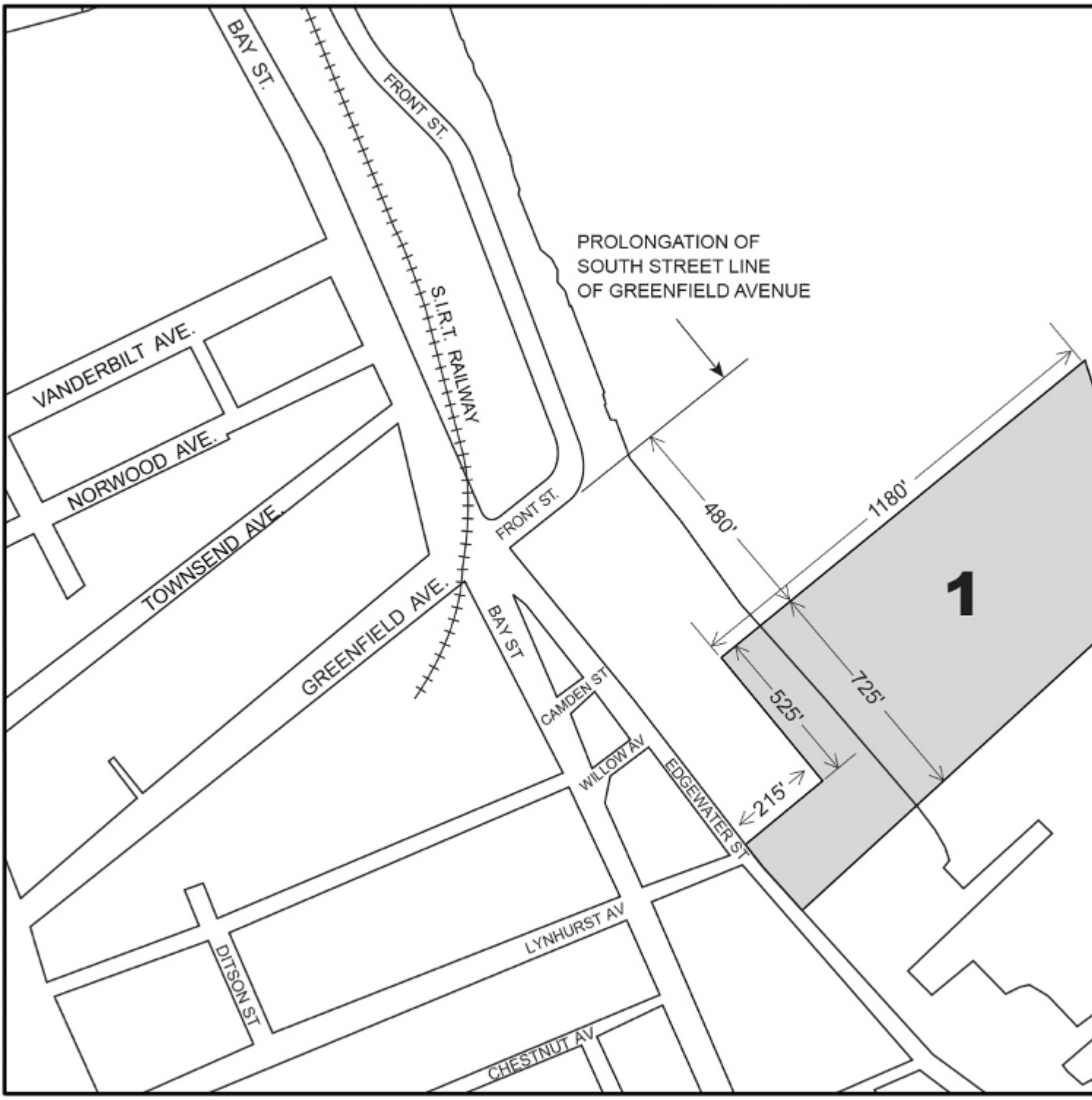
Appendix F - Staten Island

File generated by https://zr.planning.nyc.gov on 9/21/2026

Appendix F - Staten Island

Staten Island Community District 1

Map 1 - (7/20/17)



Portion of Community District 1, Staten Island

Map 2 - (12/21/23)

Portion of Community District 1, Staten Island

Map 3 - (7/16/26)

Portion of Community District 1, Staten Island

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX G — Radioactive Materials

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APPENDIX G — Radioactive Materials

(6/6/24)

EXCERPT FROM SECTION 38-2 OF INDUSTRIAL CODE RULE NO. 38 RELATING TO RADIATION PROTECTION*

(Section 42-462 of the Zoning Resolution limits quantities of unsealed radioactive materials which may be manufactured, utilized or stored in #Manufacturing Districts#)

MAXIMUM PERMITTED QUANTITIES OF

UNSEALED RADIOACTIVE MATERIAL

Material	Unsealed (microcuries)
Antimony 124 (Sb 124)	1.0
Arsenic 76 (As 76)	10.0
Arsenic 77 (As 77)	10.0
Barium 140-Lanthanum 140 (Ba-La 140)	1.0
Beryllium (Be)	50.0

Cadmium 109-Silver 109 (Cd-Ag 109)	10.0
Calcium 45 (Ca 45)	10.0
Carbon 14 (C 14)	50.0
Cerium 144-Praseodymium 144 (Ce-Pr 144)	1.0
Cesium 137-Barium 137 (Cs-Ba 137)	1.0
Chlorine 36 (Cl 36)	1.0
Chromium 51 (Ch 51)	50.0
Cobalt 60 (Co 60)	1.0
Copper 64 (Cu 64)	50.0
Europium 154 (Eu 154)	1.0

Fluorine 18 (F 18)	50.0
Gallium 72 (Ga 72)	10.0
Germanium 71 (Ge 71)	50.0
Gold 198 (Au 198)	10.0
Gold 199 (Au 199)	10.0
Hydrogen 3 (Tritium) (H 3)	250.0
Indium 114 (In 114)	1.0
Iodine 131 (I 131)	10.0
Iridium 192 (Ir 192)	10.0
Iron 55 (Fe 55)	50.0

Iron 59 (Fe 59)	1.0
Lanthanum (La 140)	10.0
Manganese 52 (Mn 52)	1.0
Manganese 56 (Mn 56)	50.0
Molybdenum 99 (Mo 99)	10.0
Nickel 59 (Ni 59)	1.0
Nickel 63 (Ni 63)	1.0
Niobium 95 (Nb 95)	10.0
Palladium 109 (Pd 109)	10.0
Palladium 103-Rhodium 103 (Pd-Rh 103)	50.0

Phosphorus 32 (P 32)	10.0
Polonium 210 (Po 210)	0.1
Potassium 42 (K 42)	10.0
Praseodymium 143 (Pr 143)	10.0
Promethium 147 (Pm 147)	10.0
Radium 226 (Ra 226)	1.0
Rhenium 186 (Re 186)	10.0
Rhodium 105 (Rh 105)	10.0
Rubidium 86 (Rb 86)	10.0
Ruthenium 106-Rhodium 106 (Ru-Rh 106)	1.0

Samarium 153 (Sm 153)	10.0
Scandium 46 (Sc 46)	1.0
Silver 105 (Ag 105)	1.0
Silver 111 (Ag 111)	10.0
Sodium 22 (Na 22)	10.0
Sodium 24 (Na 24)	10.0
Strontium 89 (Sr 89)	1.0
Strontium 90-Yttrium 90 (Sr-Y 90)	0.1
Sulfur 35 (S 35)	50.0
Tantalum 182 (Ta 182)	10

Technetium 96 (Tc 96)	1
Technetium 99 (Tc 99)	1
Tellurium 127 (Te 127)	10
Tellurium 129 (Te 129)	1.0
Thallium 204 (Tl 204)	50.0
Tin 113 (Sn 113)	10.0
Tungsten 181 (W 181)	10.0
Tungsten 185 (W 185)	10.0
Vanadium 48 (V 48)	1.0
Yttrium 90 (Y 90)	1.0

Yttrium 91 (Y 91)	1.0
Zinc 65 (Zn 65)	10.0
Natural Uranium	1,000
Natural Thorium	1,000

* Adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX H — Arterial Highways

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APPENDIX H — Arterial Highways

(6/6/24)

Pursuant to the provisions of Sections 32-66 and 42-65 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) of the Zoning Resolution of the City of New York, the City Planning Commission has designated as arterial highways to which the provisions of Sections 32-66 and 42-65 apply, the following arterial highways which appear on the City Map and which are also indicated as Principal Routes, Parkways and Toll Crossings on the duly adopted Master Plan of Arterial Highways and Major Streets.

PRINCIPAL ROUTES

Adams Street - Sands Street to Fulton Street

Arthur V. Sheridan Expressway - Bruckner Expressway (Boulevard) to Cross Bronx Expressway

Alexander Hamilton Bridge and Approaches

Battery Park Underpass and Approaches - Franklin Delano Roosevelt (FDR) Drive to West Street

Boston Road - Pelham Parkway to New England Thruway

Brooklyn Bridge and Approaches

Brooklyn - Queens Expressway - Hamilton Avenue, Brooklyn to Grand Central Parkway, Queens

Bruckner Expressway (Boulevard) - Robert F Kennedy (Triborough) Bridge Approach to New England Thruway

Clearview Expressway - Throgs Neck Bridge Approach to 73rd Avenue

Cross Bay Boulevard - Rockaway Boulevard to Shore Front Parkway

Cross Bronx Expressway - George Washington Bridge to Throgs Neck Bridge Approach

Ed Koch - Queensboro Bridge and Approaches

Franklin D. Roosevelt (FDR) Drive - East 125th Street to Whitehall Street

George Washington Bridge and Approaches

Gowanus Expressway (Third Avenue) - Prospect Expressway to Verrazano Bridge Approach

Grand Concourse - 151st Street to Mosholu Parkway

Father Capodanno Boulevard - Lily Pond Avenue to Miller Field

Harlem River Drive - East 125th Street to Dyckman Street

Joe DiMaggio Highway (West Side Highway) - West 72nd Street to Brooklyn Battery Tunnel Approach

Lily Pond Avenue - Verrazano Bridge Approach to Father Capodanno Boulevard

Long Island Expressway (Queens Midtown Expressway, Horace Harding Expressway) - Queens Midtown Tunnel Approach to Nassau County Line

Major Deegan Expressway (Boulevard) - Robert F Kennedy (Triborough) Bridge Approach to Westchester County Line

Manhattan Bridge and Approaches

Nassau Expressway - Southern Parkway (Belt Parkway) to Nassau County Line

New England Thruway - Bruckner Expressway to Westchester County Line

Northern Boulevard - Grand Central Parkway to Whitestone Expressway

Park Row - Broadway to Chatham Square

Prospect Expressway - Gowanus Expressway to Fort Hamilton Parkway

Queens Boulevard - Ed Koch-Queensborough Bridge Approach to Hillside Avenue

Robert F Wagner, Sr. Place - Franklin Delano Roosevelt (FDR) Drive to Pearl Street

Seagirt Boulevard - Beach 35th Street to Nassau County Line

Staten Island Expressway - Verrazano Bridge Approach to Goethals Bridge Approach

Sunrise Highway - Southern Parkway (Belt Parkway) to Nassau County Line

Throgs Neck Expressway - Bruckner Expressway to Throgs Neck Bridge Approach

TransManhattan Expressway - George Washington Bridge Approach to Alexander Hamilton Bridge Approach

Van Wyck Expressway - Whitestone Expressway to John F Kennedy (JFK) International Airport

West Shore Expressway - Staten Island Expressway to Outerbridge Crossing Approach

Whitestone Expressway - Northern Boulevard to Whitestone Bridge Approach

Williamsburg Bridge and Approaches

Woodhaven Boulevard - Queens Boulevard to Rockaway Boulevard

PARKWAYS

Belt Parkway (Shore Parkway) - Southern Parkway, Queens to Gowanus Parkway, Brooklyn

Bronx River Parkway - Soundview Park to Westchester County Line

Cross Island Parkway - Whitestone Bridge Approach to Southern Parkway (Belt Parkway)

Dr. Martin Luther King Jr. Expressway (Willowbrook Parkway) - Bayonne Bridge Approach to Victory Boulevard

Eastern Parkway - Grand Army Plaza to Bushwick Avenue

Grand Central Parkway - Robert F Kennedy (Triborough) Bridge Approach to Nassau County Line

Henry Hudson Parkway - West 72nd Street to Westchester County Line

Hutchinson River Parkway - Whitestone Bridge Approach to Westchester County Line

Jackie Robinson (Interborough) Parkway - Bushwick Avenue, Brooklyn, to Grand Central Parkway, Queens

Korean War Veterans Memorial (Richmond) Parkway - Arthur Kill Road to Cliffwood Avenue

Mosholu Parkway - Van Cortlandt Park to Bronx Park

Ocean Parkway - Fort Hamilton Parkway to Surf Avenue

Pelham Parkway - Bronx River Parkway to Bruckner Expressway

Southern Parkway (Belt Parkway) - Cross Island Parkway to Conduit Boulevard

TOLL CROSSINGS

Bayonne Bridge and Approaches

Brooklyn - Battery Tunnel and Approaches

Cross Bay Veterans Memorial Bridge and Approaches

George Washington Bridge and Approaches

Goethals Bridge and Approaches

Henry Hudson Bridge

Holland Tunnel and Approaches

Lincoln Tunnel and Approaches

Marine Parkway - Gil Hodges Memorial Bridge and Approaches

Outerbridge Crossing and Approaches

Queens - Midtown Tunnel and Approaches

Robert F Kennedy (Triborough) Bridge and Approaches

Throgs Neck Bridge and Approaches

Verrazano Bridge and Approaches

Whitestone Bridge and Approaches

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX I

File generated by https://zr.planning.nyc.gov on 9/21/2026

APPENDIX I

(8/15/24)

APPENDIX I

The boundaries shown on the maps in this APPENDIX include:

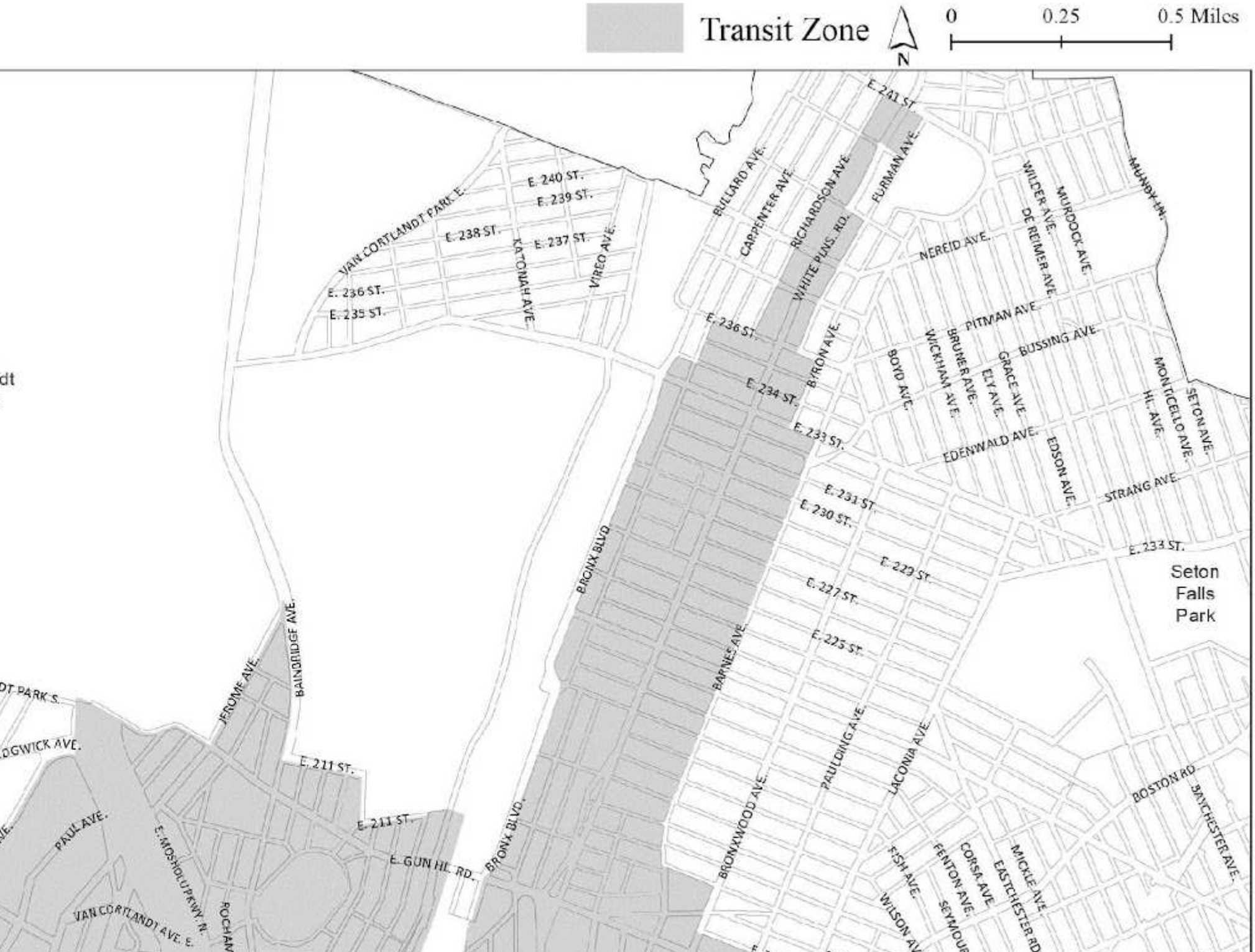
all of Manhattan Community Districts 9, 10, 11 and 12;

all of Bronx Community Districts 1, 2, 4, 5, 6 and 7; and

all of Brooklyn Community Districts 1, 2, 3, 4, 6, 7, 8, 9 and 16.

Portions of other Community Districts are shown on Maps 1 through 15 in this APPENDIX.

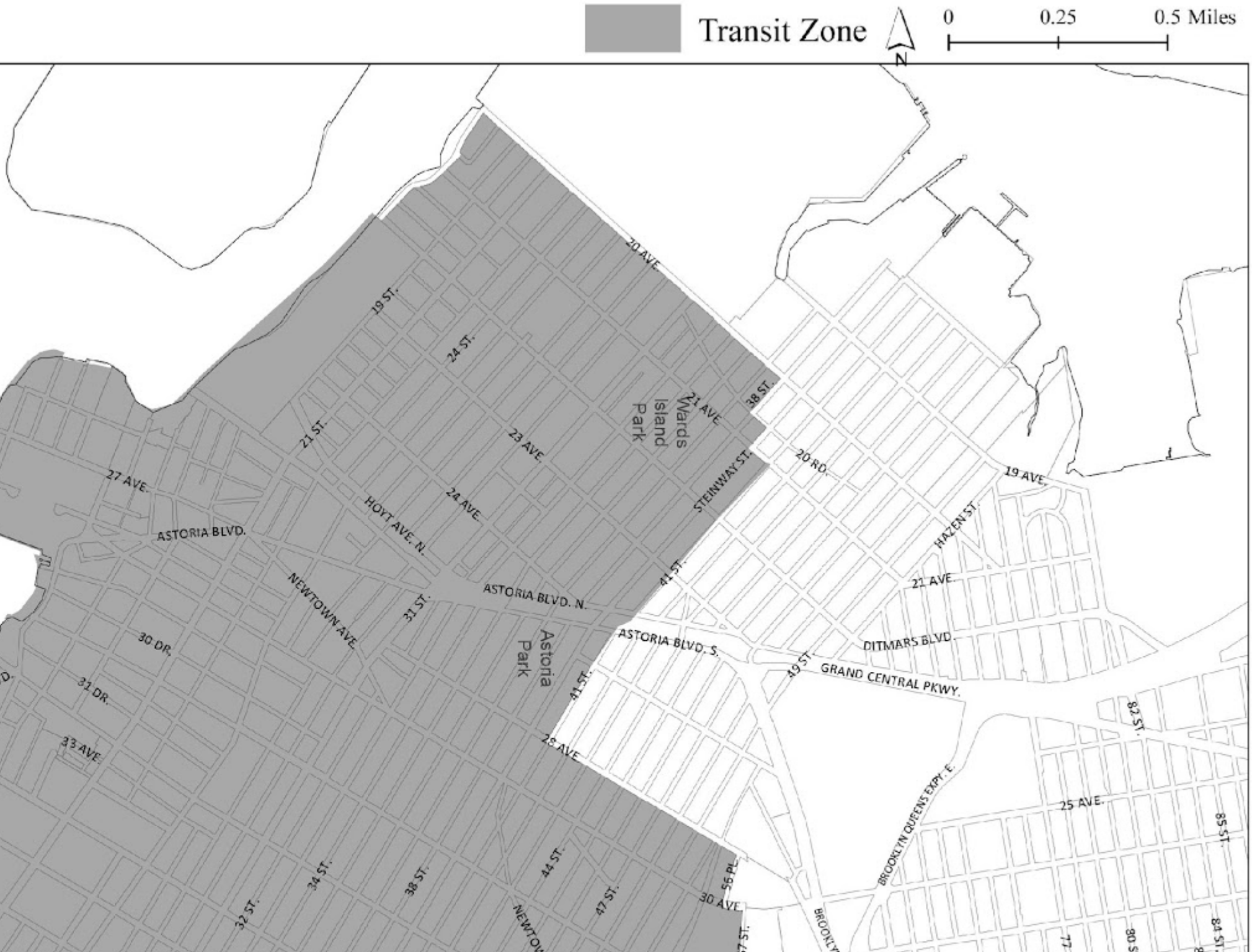
Transit Zone Map 1


Transit Zone
N
0
0.25
0.5 Miles
E. 241 ST.
BULLARD AVE.
CARPENTER AVE.
RICHARDSON AVE.
FURMAN AVE.
WILDER AVE.
DE REIMER AVE.
MURDOCK AVE.
MUNDY LN.
NEREID AVE.
WHITE PLNS. RD.
PITMAN AVE.
BUSSING AVE.
BRUNER AVE.
WICKHAM AVE.
ELY AVE.
GRACE AVE.
BOYD AVE.
MONTICELLO AVE.
HI. AVE.
SETON AVE.
EDENWALD AVE.
EDSON AVE.
STRANG AVE.
E. 240 ST.
E. 239 ST.
E. 238 ST.
E. 237 ST.
E. 236 ST.
E. 235 ST.
VAN CORTLANDT PARK E.
KATONAH AVE.
VIREO AVE.
BYRON AVE.
E. 234 ST.
E. 233 ST.
E. 231 ST.
E. 230 ST.
E. 229 ST.
E. 227 ST.
E. 225 ST.
BRONX BLVD.
BARNES AVE.
BRONXWOOD AVE.
PAULDING AVE.
LACONIA AVE.
Seton Falls Park
BOSTON RD.
BAYCHESTER AVE.
FISH AVE.
WILSON AVE.
CORSA AVE.
FENTON AVE.
SEYMOUR AVE.
MICKLE AVE.
EASTCHESTER RD.
JEROME AVE.
BAINBRIDGE AVE.
E. 211 ST.
E. GUN HIL RD.
PAUL AVE.
E. MOSHOLU PKWY. N.
VAN CORTLANDT AVE. E.
ROCHAM
OGWICK AVE.
DT PARK S.
dt

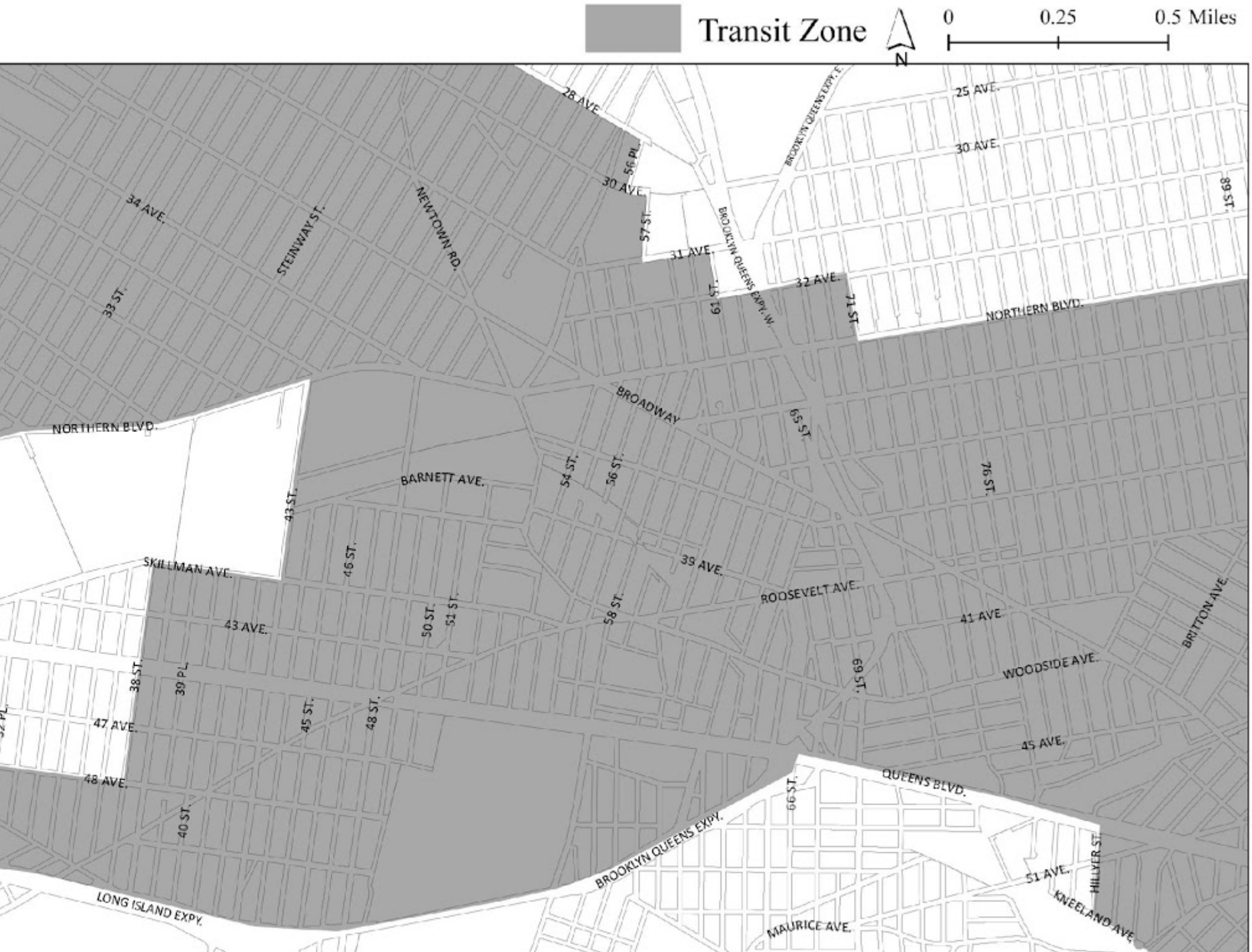
Transit Zone Map 2

Transit Zone Map 3

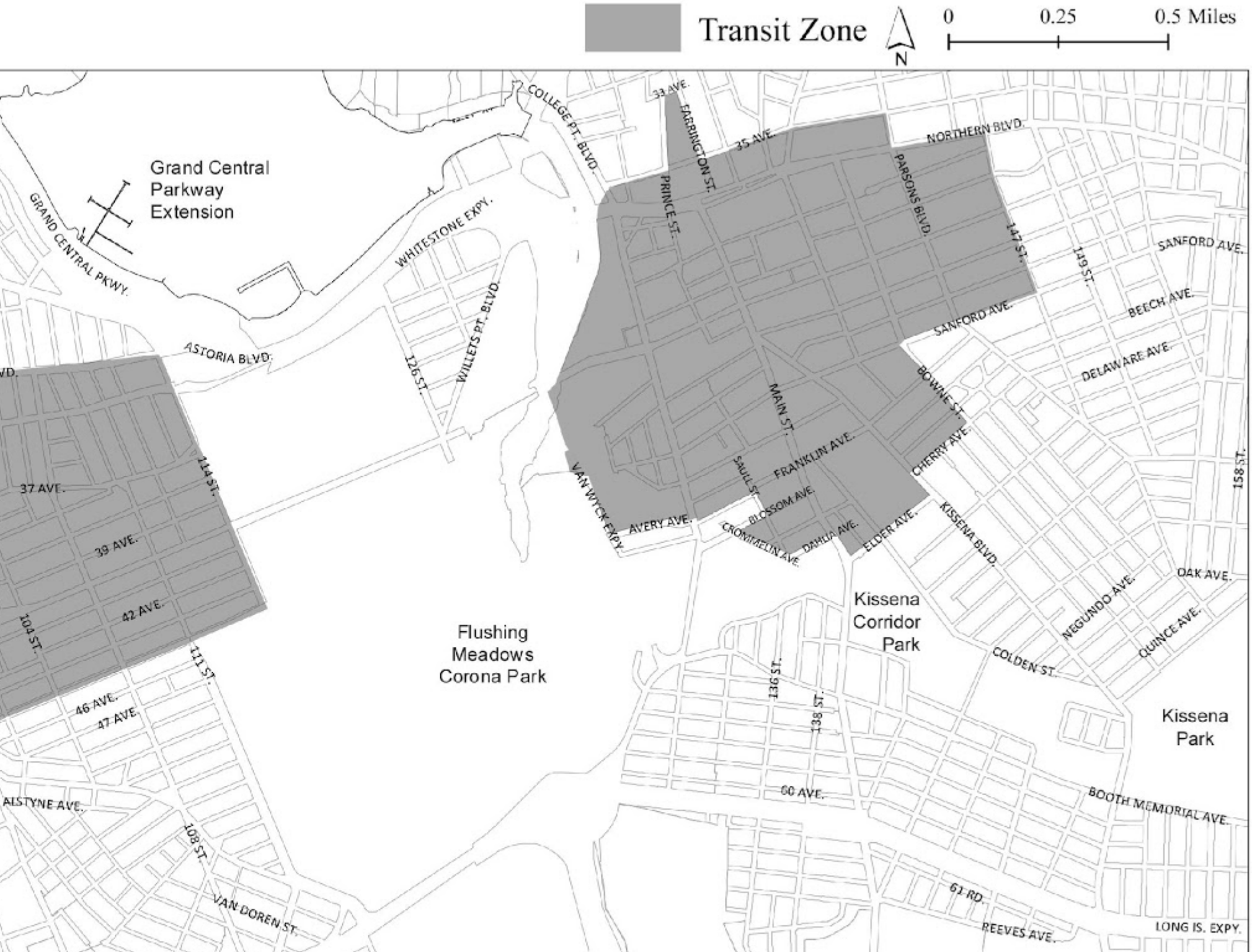
Transit Zone Map 4


Transit Zone
N
0
0.25
0.5 Miles
20 AVE.
19 ST.
24 ST.
21 ST.
23 AVE.
Wards Island Park
21 AVE
38 ST.
STEINWAY ST.
20 RD.
19 AVE.
27 AVE.
ASTORIA BLVD.
HOYT AVE. N.
24 AVE.
HAZEN ST.
41 ST.
NEWTOWN AVE
31 ST.
ASTORIA BLVD. N.
21 AVE
ASTORIA BLVD. S.
DITMARS BLVD
49 ST.
GRAND CENTRAL PKWY.
30 DR.
31 DR.
33 AVE.
Astoria Park
41 ST.
28 AVE
82 ST.
BROOKLYN QUEENS EXPY. E
25 AVE.
85 ST.
32 ST.
34 ST.
38 ST.
44 ST.
47 ST.
56 PL
30 AVE.
NEWTOWN AVE
BROOKLYN QUEENS EXPY. W
77 ST.
80 ST.
84 ST.

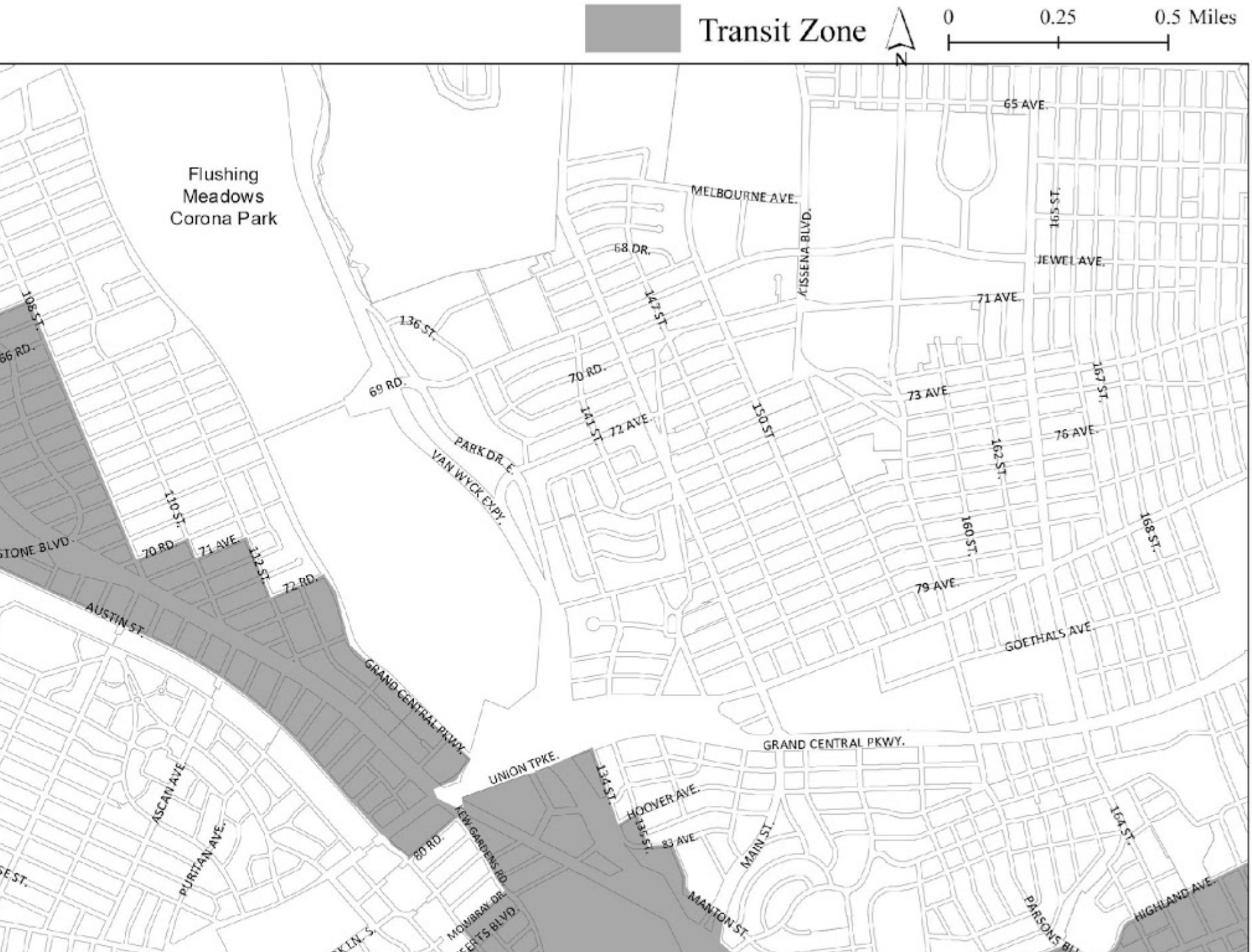
Transit Zone Map 5


Transit Zone
N
0
0.25
0.5 Miles
28 AVE
30 AVE
34 AVE
33 ST
STEINWAY ST
NEWTOWN RD
56 PL
57 ST
BROOKLYN QUEENS EXPY E
25 AVE
30 AVE
69 ST
31 AVE
BROOKLYN QUEENS EXPY W
61 ST
32 AVE
71 ST
NORTHERN BLVD
BROADWAY
NORTHERN BLVD
65 ST
76 ST
BARNETT AVE
43 ST
54 ST
56 ST
SKILLMAN AVE
46 ST
39 AVE
ROOSEVELT AVE
43 AVE
50 ST
51 ST
58 ST
41 AVE
BRITTON AVE
69 ST
WOODSIDE AVE
38 ST
39 PL
47 AVE
45 ST
48 ST
45 AVE
48 AVE
40 ST
QUEENS BLVD
66 ST
BROOKLYN QUEENS EXPY
51 AVE
HILLYER ST
KNEELAND AVE
LONG ISLAND EXPY
MAURICE AVE

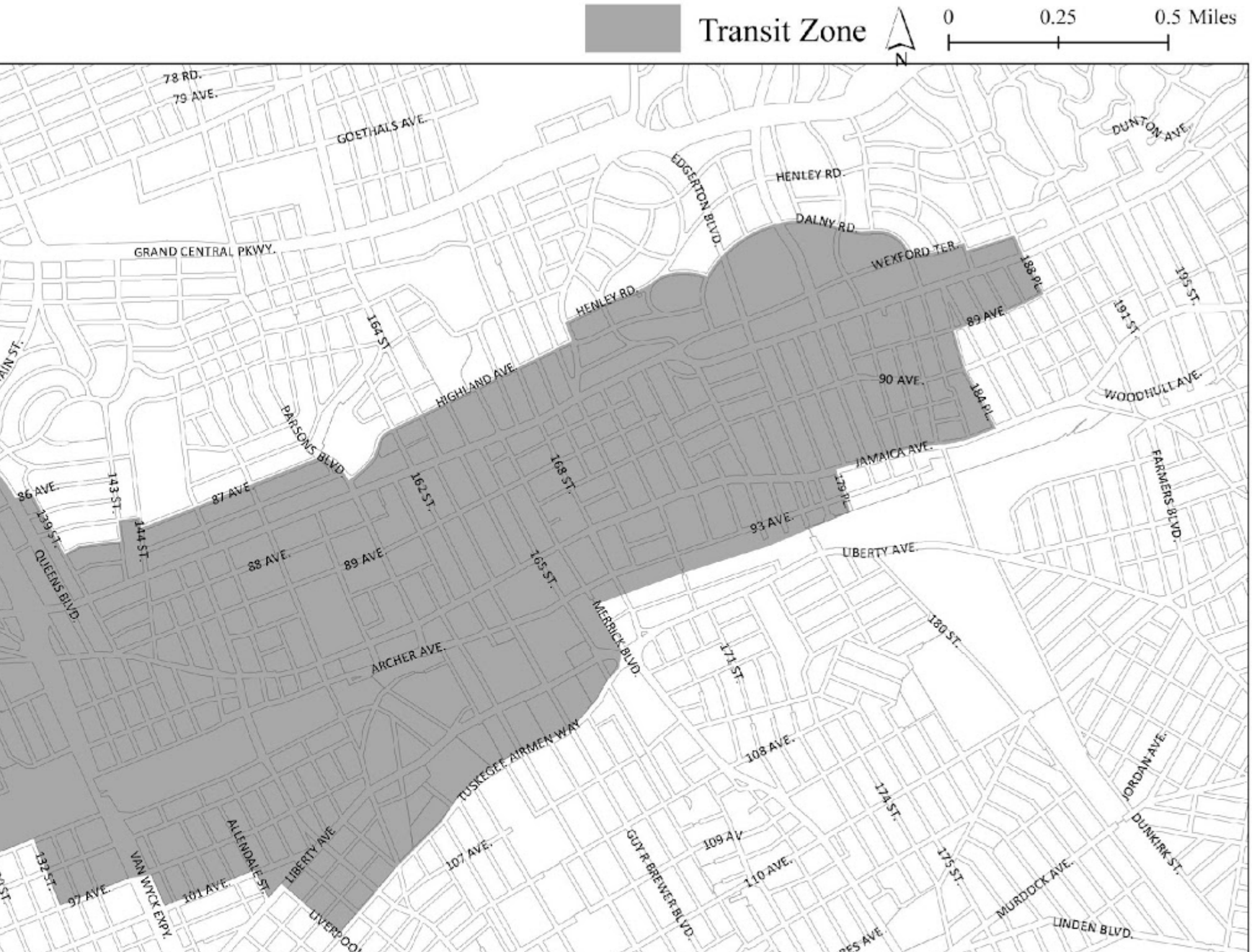
Transit Zone Map 6


Transit Zone
N
0
0.25
0.5 Miles
Grand Central Parkway Extension
GRAND CENTRAL PKWY.
WHITESTONE EXPY.
COLLEGE PT. BLVD.
33 AVE.
35 AVE.
FARRINGTON ST.
PRINCE ST.
NORTHERN BLVD.
PARSONS BLVD.
147 ST.
149 ST.
SANFORD AVE.
BEECH AVE.
DELAWARE AVE.
ASTORIA BLVD.
126 ST.
WILLETS PT. BLVD.
MAIN ST.
BOWNE ST.
FRANKLIN AVE.
CHERRY AVE.
158 ST.
VAN WYCK EXPY.
AVERY AVE.
SAUL ST.
BLOSSOM AVE.
CROMWELL AVE.
DAHLIA AVE.
ELDER AVE.
KISSENA BLVD.
OAK AVE.
NEGUNDO AVE.
QUINCE AVE.
COLDEN ST.
Kissena Corridor Park
Flushing Meadows Corona Park
Kissena Park
37 AVE.
39 AVE.
42 AVE.
114 ST.
104 ST.
111 ST.
46 AVE.
47 AVE.
136 ST.
138 ST.
60 AVE.
BOOTH MEMORIAL AVE.
ALSTYNE AVE.
108 ST.
VAN DOREN ST.
61 RD.
REEVES AVE.
LONG IS. EXPY.

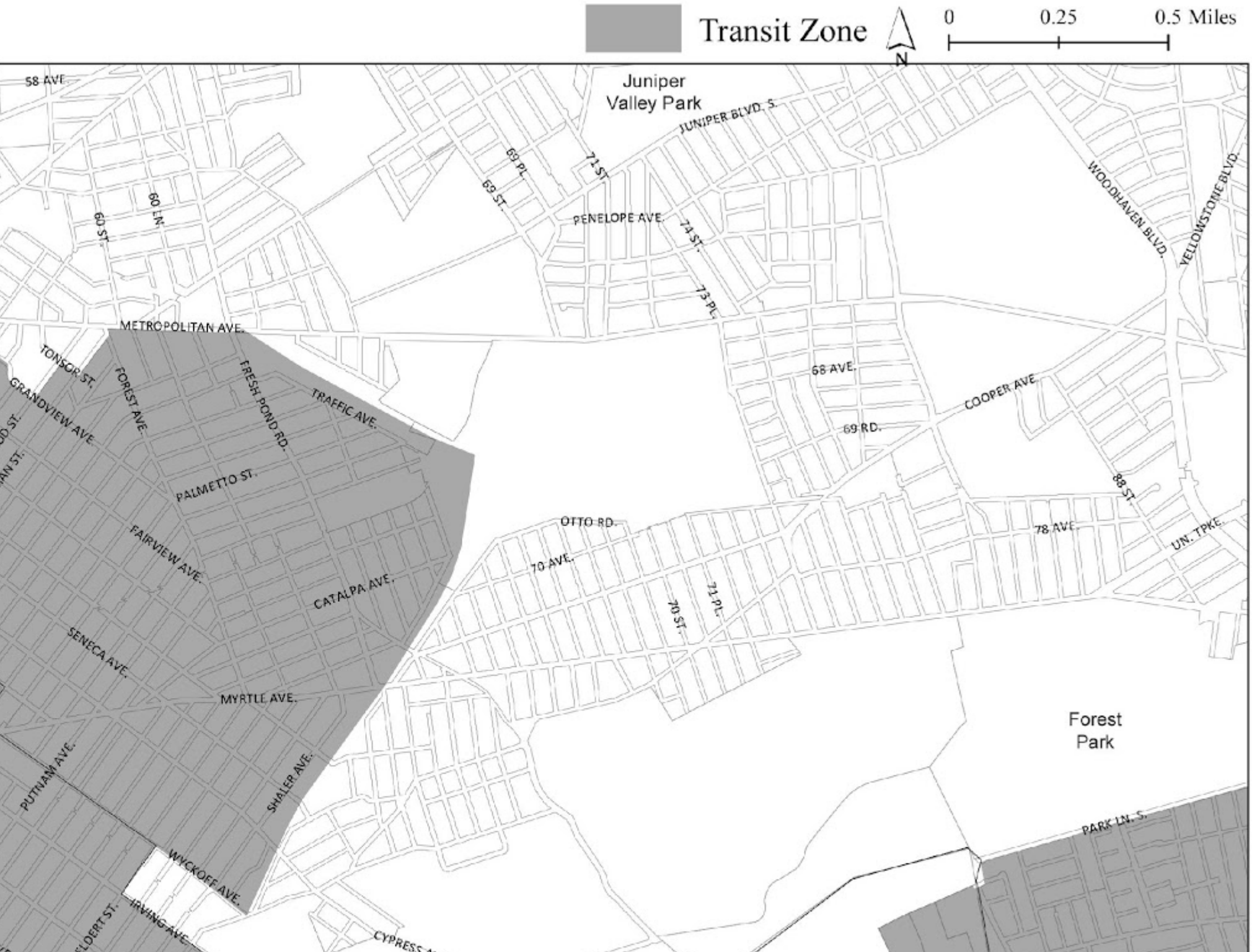
Transit Zone Map 7


Transit Zone
N
0
0.25
0.5 Miles
Flushing
Meadows
Corona Park
65 AVE.
MELBOURNE AVE.
68 DR.
KISSENA BLVD.
165 ST.
JEWEL AVE.
71 AVE.
147 ST.
136 ST.
70 RD.
69 RD.
73 AVE
167 ST.
141 ST.
72 AVE.
150 ST
PARK DR. E.
VAN WYCK EXPY.
76 AVE.
162 ST.
110 ST.
70 RD.
71 AVE.
112 ST.
72 RD.
160 ST.
168 ST.
79 AVE.
AUSTIN ST.
GRAND CENTRAL PKWY.
GOETHALS AVE.
GRAND CENTRAL PKWY.
UNION TPKE.
134 ST.
HOOVER AVE.
ASCAN AVE.
80 RD.
KEW GARDENS RD.
83 AVE.
MAIN ST.
164 ST.
PURITAN AVE.
MANTON ST.
PARSONS BL
HIGHLAND AVE.

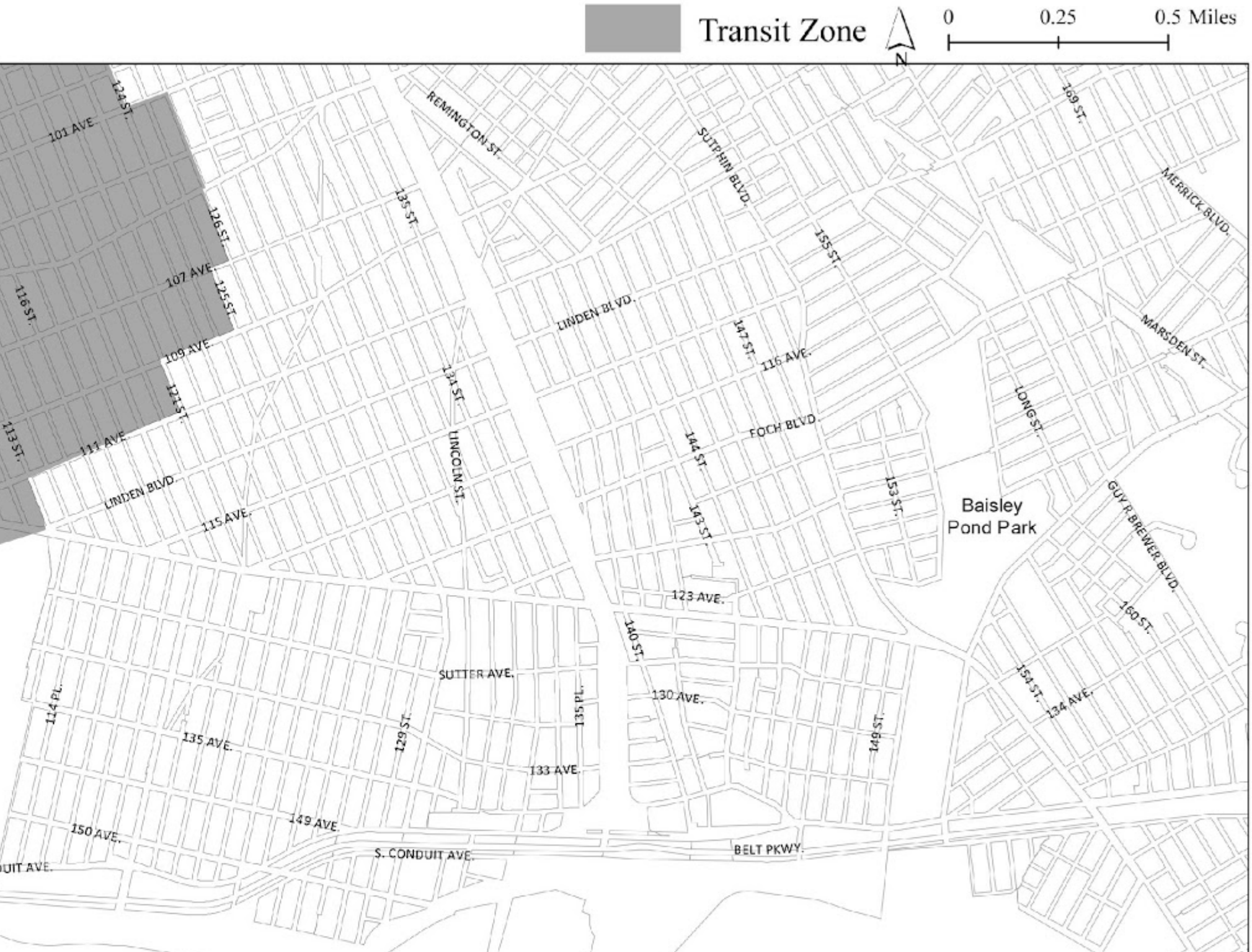
Transit Zone Map 8


Transit Zone
N
0
0.25
0.5 Miles
78 RD.
79 AVE.
GOETHALS AVE.
EDGERTON BLVD.
HENLEY RD.
DUNTON AVE.
DALNY RD.
GRAND CENTRAL PKWY.
WEXFORD TER.
188 PL.
195 ST.
191 ST.
89 AVE
HENLEY RD.
164 ST
HIGHLAND AVE.
90 AVE.
184 PL.
WOODHULL AVE.
PARSONS BLVD
168 ST.
JAMAICA AVE.
179 PL.
FARMERS BLVD.
86 AVE.
143 ST.
87 AVE.
162 ST.
139 ST.
144 ST.
93 AVE.
LIBERTY AVE.
88 AVE.
89 AVE.
165 ST.
QUEENS BLVD.
MERRICK BLVD.
180 ST.
ARCHER AVE.
171 ST.
108 AVE.
TUSKEGEE AIRMEN WAY
JORDAN AVE.
174 ST.
DUNKIRK ST.
132 ST.
97 AVE.
VAN WYCK EXPY.
101 AVE.
ALLENDALE ST.
LIBERTY AVE
107 AVE.
109 AVE.
GUY R BREWER BLVD.
110 AVE.
175 ST.
MURDOCK AVE.
LINDEN BLVD.

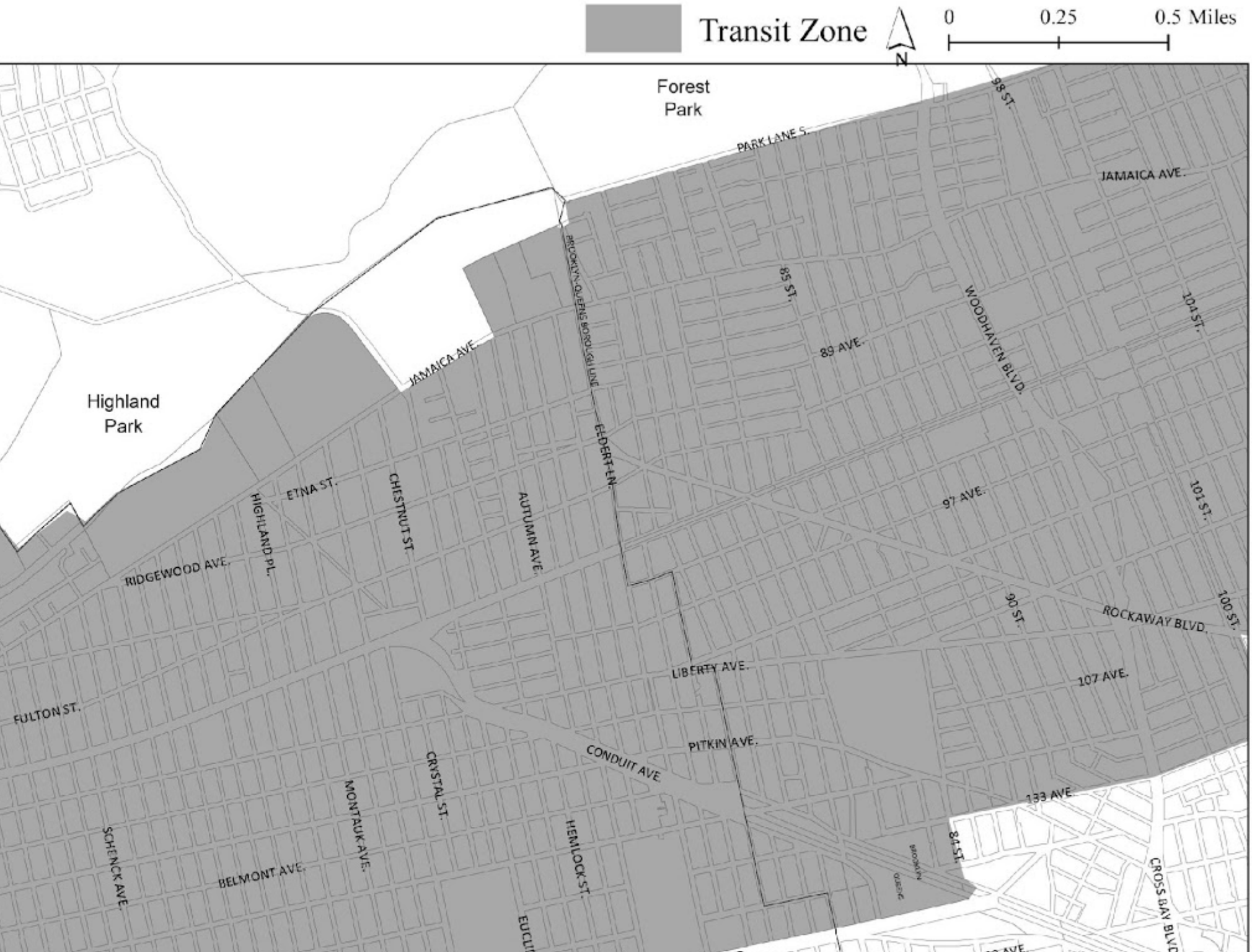
Transit Zone Map 9


Transit Zone
N
0
0.25
0.5 Miles
Juniper Valley Park
Forest Park
58 AVE.
60 ST.
60 LN.
69 PL.
69 ST.
71 ST.
JUNIPER BLVD. S.
PENELOPE AVE.
74 ST.
73 PL.
WOODHAVEN BLVD.
YELLOWSTONE BLVD.
METROPOLITAN AVE.
TONSOR ST.
GRANDVIEW AVE.
FOREST AVE.
FRESH POND RD.
TRAFFIC AVE.
68 AVE.
COOPER AVE.
69 RD.
88 ST.
PALMETTO ST.
OTTO RD.
78 AVE.
UN. TPKE.
70 AVE.
70 ST.
71 PL.
FAIRVIEW AVE.
CATALPA AVE.
SENECA AVE.
MYRTLE AVE.
PUTNAM AVE.
SHALER AVE.
PARK LN. S.
WYCKOFF AVE.
IRVING AVE.
CYPRESS

Transit Zone Map 10


Transit Zone
N
0
0.25
0.5 Miles
101 AVE.
124 ST.
126 ST.
125 ST.
107 AVE.
116 ST.
109 AVE.
121 ST.
113 ST.
111 AVE.
LINDEN BLVD.
115 AVE.
REMINGTON ST.
135 ST.
134 ST.
LINCOLN ST.
SUTPHIN BLVD.
LINDEN BLVD.
155 ST.
147 ST.
116 AVE.
144 ST.
FOCH BLVD.
143 ST.
153 ST.
169 ST.
MERRICK BLVD.
MARSDEN ST.
LONG ST.
Baisley Pond Park
GUY R BREWER BLVD.
160 ST.
154 ST.
134 AVE.
123 AVE.
140 ST.
130 AVE.
149 ST.
SUTTER AVE.
135 PL.
129 ST.
114 PL.
135 AVE.
133 AVE.
149 AVE.
150 AVE.
S. CONDUIT AVE.
BELT PKWY.
UIT AVE.

Transit Zone Map 11

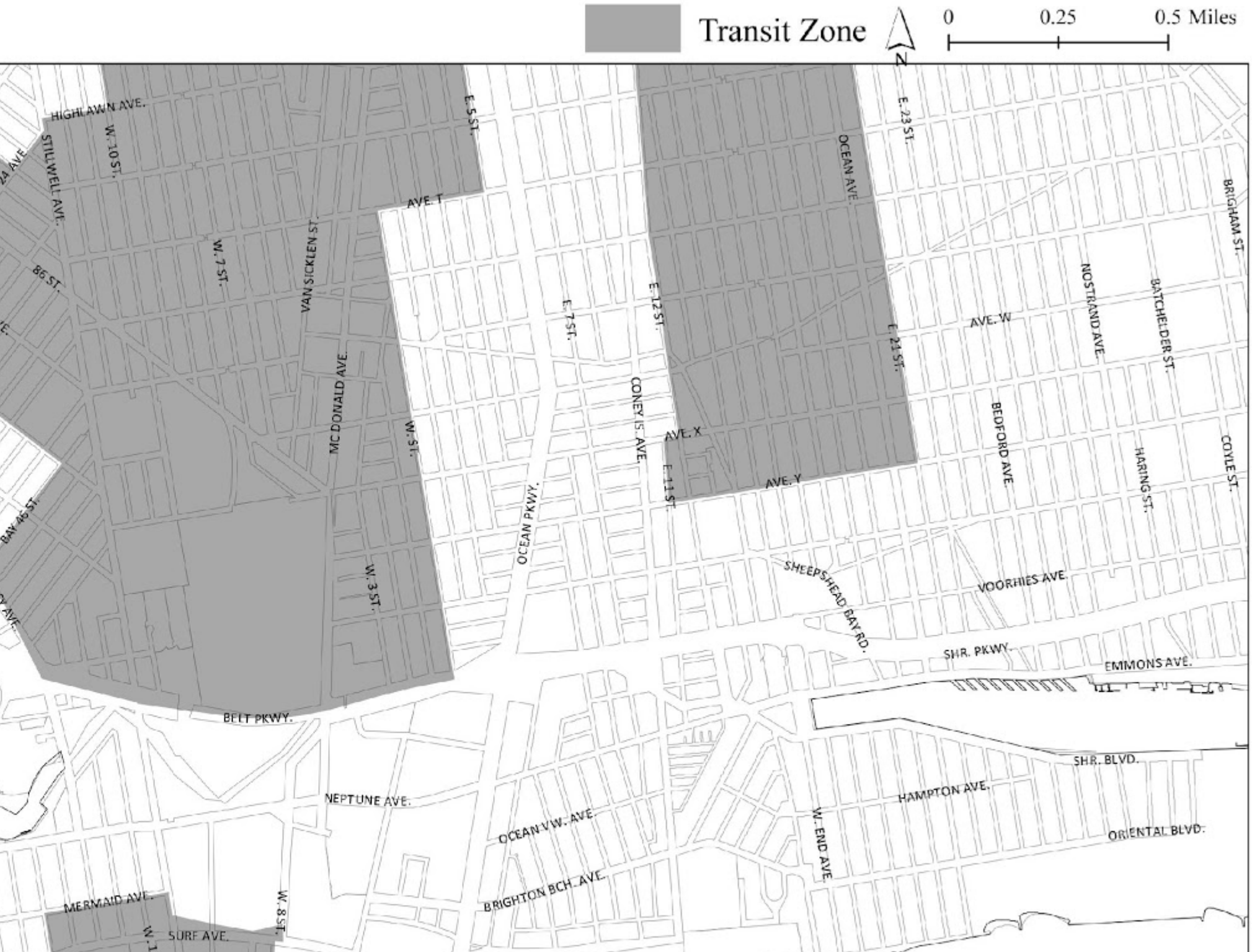

Transit Zone
N
0
0.25
0.5 Miles
Forest Park
Highland Park
PARK LANE S.
98 ST.
JAMAICA AVE.
JAMAICA AVE.
BROOKLYN-QUEENS BOROUGH LINE
85 ST.
89 AVE.
WOODHAVEN BLVD.
104 ST.
ELDERT LN.
ETNA ST.
CHESTNUT ST.
AUTUMN AVE.
HIGHLAND PL.
RIDGEWOOD AVE.
97 AVE.
101 ST.
90 ST.
ROCKAWAY BLVD.
100 ST.
LIBERTY AVE.
107 AVE.
FULTON ST.
PITKIN AVE.
CONDUIT AVE
133 AVE.
CRYSTAL ST.
MONTAUK AVE.
HEMLOCK ST.
84 ST.
SCHENCK AVE.
BELMONT AVE.
CROSS BAY BLVD.

Transit Zone Map 12

Transit Zone Map 13

Transit Zone Map 14

Transit Zone Map 15


Transit Zone
N
0
0.25
0.5 Miles
HIGHLAWN AVE.
STILLWELL AVE.
W. 10 ST.
W. 7 ST.
VAN SICKLEN ST.
MC DONALD AVE.
W. 5 ST.
W. 3 ST.
E. 5 ST.
AVE. T
E. 7 ST.
OCEAN PKWY.
CONEY IS. AVE.
E. 12 ST.
E. 11 ST.
OCEAN AVE.
E. 21 ST.
E. 23 ST.
AVE. X
AVE. Y
AVE. W
BEDFORD AVE.
NOSTRAND AVE.
BATCHELDER ST.
HARING ST.
BRIGHAM ST.
COYLE ST.
BAY 46 ST.
86 ST.
SHEEPSHEAD BAY RD.
VOORHIES AVE.
SHR. PKWY.
EMMONS AVE.
BELT PKWY.
SHR. BLVD.
NEPTUNE AVE.
OCEAN VW. AVE.
BRIGHTON BCH. AVE.
W. END AVE.
HAMPTON AVE.
ORIENTAL BLVD.
MERMAID AVE.
SURF AVE.
W. 8 ST.

Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX J — Designated Areas Within Manufacturing Districts

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APPENDIX J — Designated Areas Within Manufacturing Districts

(6/6/24)

The boundaries of certain designated areas within #Manufacturing Districts# are shown on the maps in this APPENDIX. Designated areas in which #self-service storage facilities# are subject to the as-of-right provisions of Section 42-19 (Use Group IX – Storage) are shown on the maps in Subarea 1, and those in which such #uses# are subject to special permit of the City Planning Commission pursuant to Section 74-192 (Self-service storage facility in designated areas within Manufacturing Districts) are shown on the maps in Subarea 2.

SUBAREA 1

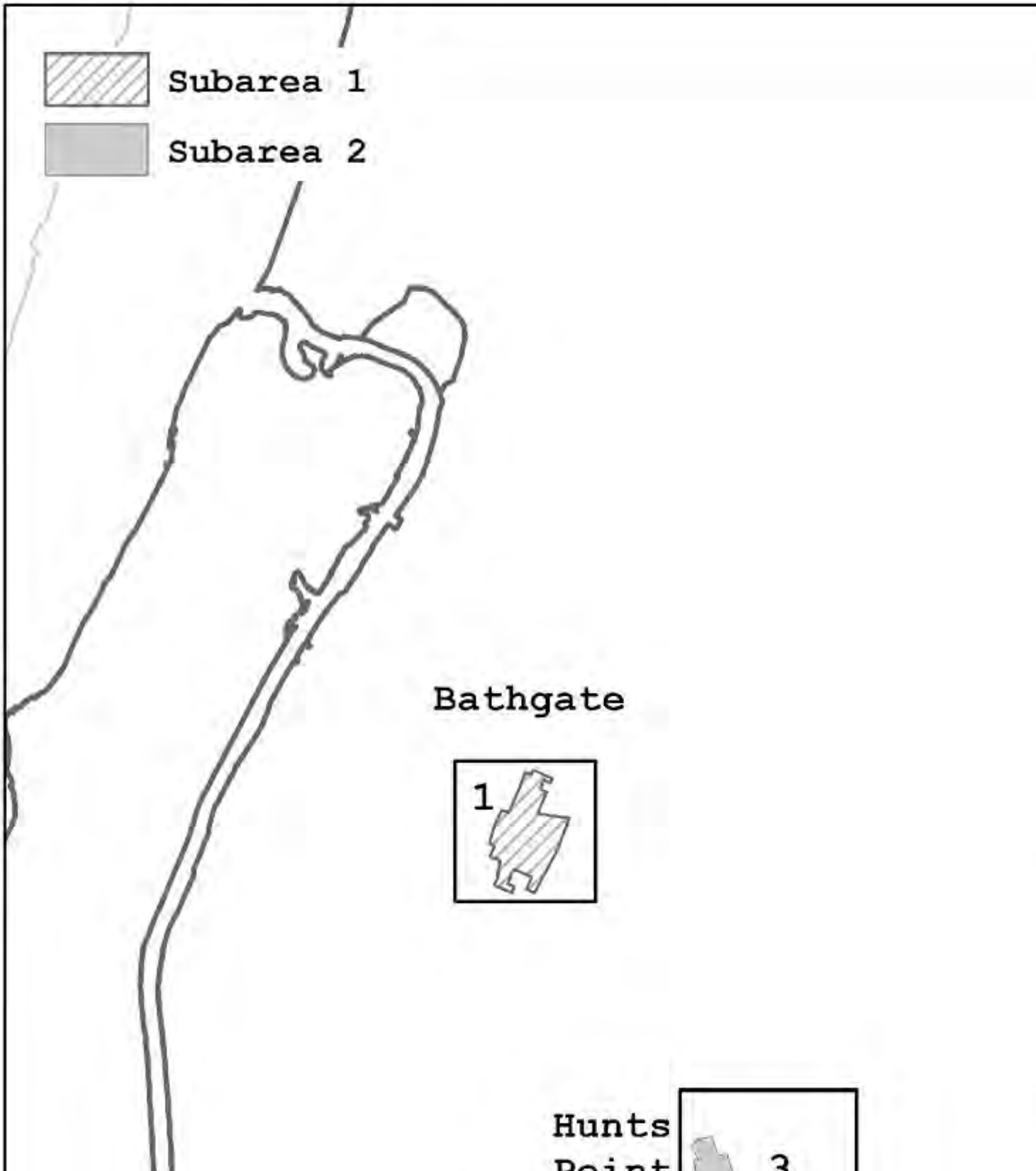
Borough	Community Districts	Name of Designated Area in M District	Map No
The Bronx	3, 4, 6	Bathgate	Map 1
Queens	1	Steinway	Maps 1, 2
Queens	9	Richmond Hill	Map 1
Staten Island	1, 2	West Shore	Maps 1-3
Staten Island	3	Rossville	Map 1

SUBAREA 2

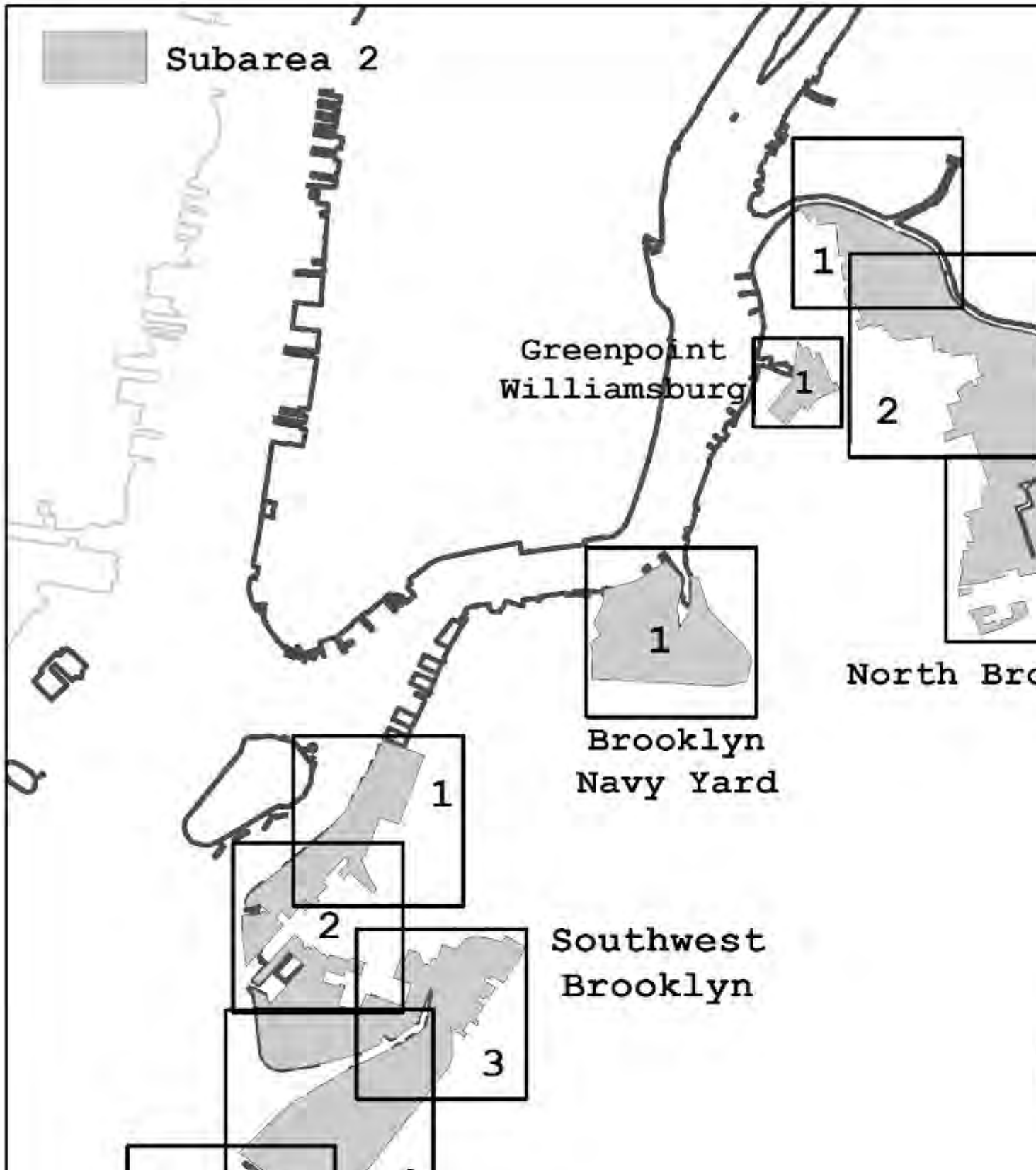
Borough	Community Districts	Name of Designated Area in M District	Map No
The Bronx	1, 2	Port Morris	Maps 1-3
The Bronx	2	Hunts Point	Maps 1-3
The Bronx	9, 10	Zerega	Maps 1, 2

The Bronx	10, 12	Eastchester	Map 1
Brooklyn	2	Brooklyn Navy Yard	Map 1
Brooklyn	6, 7	Southwest Brooklyn	Maps 1-5
Brooklyn	5, 16, 17, 18	Flatlands/Fairfield	Maps 1-4
Brooklyn	5, 16	East New York	Maps 1, 2
Brooklyn/Queens	BK 4/QN 5	Ridgewood	Map 1
Brooklyn	1	Williamsburg/Greenpoint	Map 1
Brooklyn/Queens	BK 1, 4/QN 2	North Brooklyn/Long Island City/ Maspeth	Maps 1-3
Queens/Brooklyn	QN 2, 5/BK 1	Maspeth/North Brooklyn	Maps 1-4
Queens	1, 2	Long Island City	Maps 1-4
Queens	2	Woodside	Map 1
Queens	12	Jamaica	Maps 1-3
Queens	10, 12, 13	JFK	Maps 1-3
Staten Island	1	North Shore	Maps 1-5

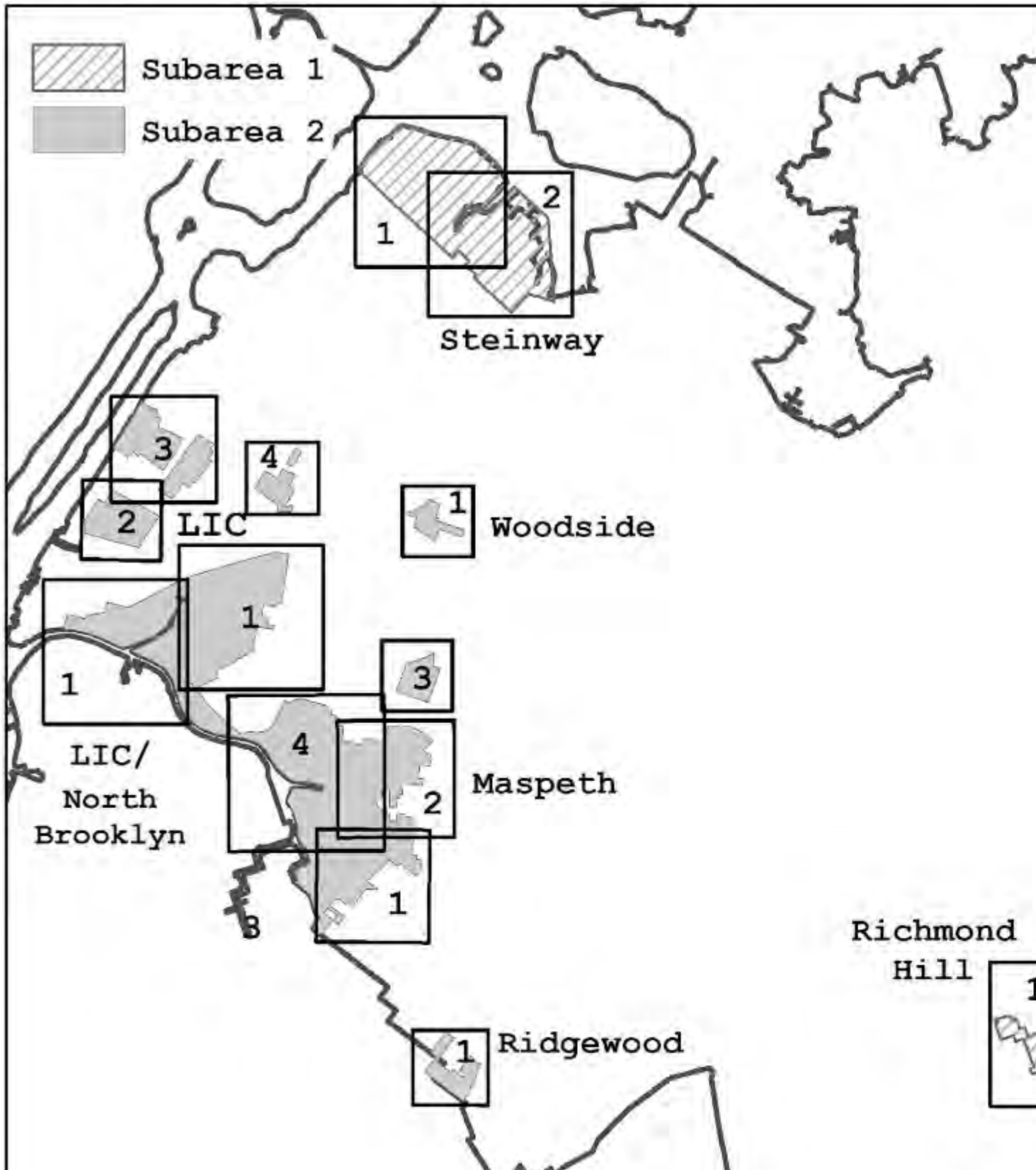
The Bronx



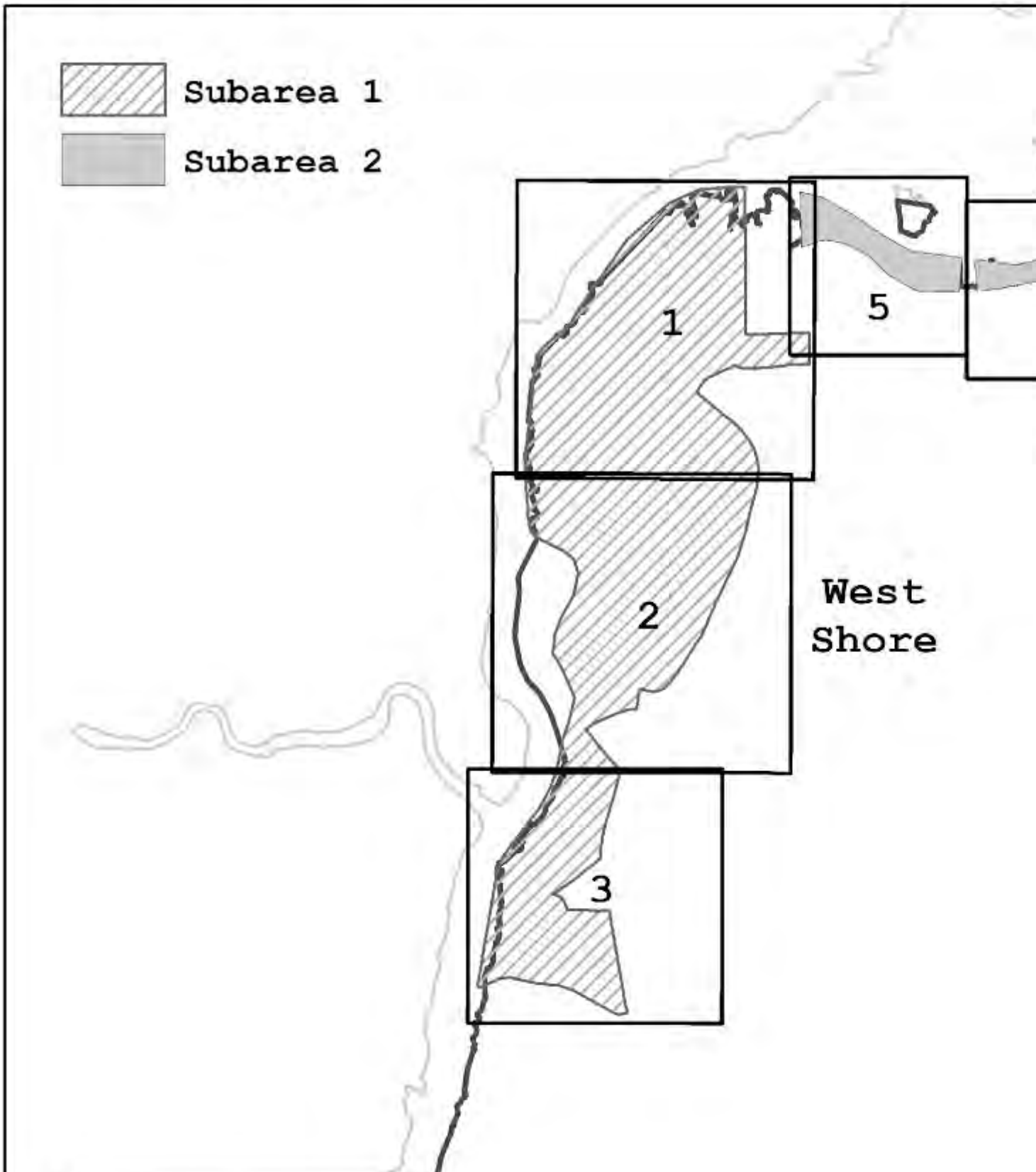
Brooklyn


Subarea 2
Greenpoint
Williamsburg
1
2
1
1
North Bro
Brooklyn
Navy Yard
1
2
Southwest
Brooklyn
3

Queens

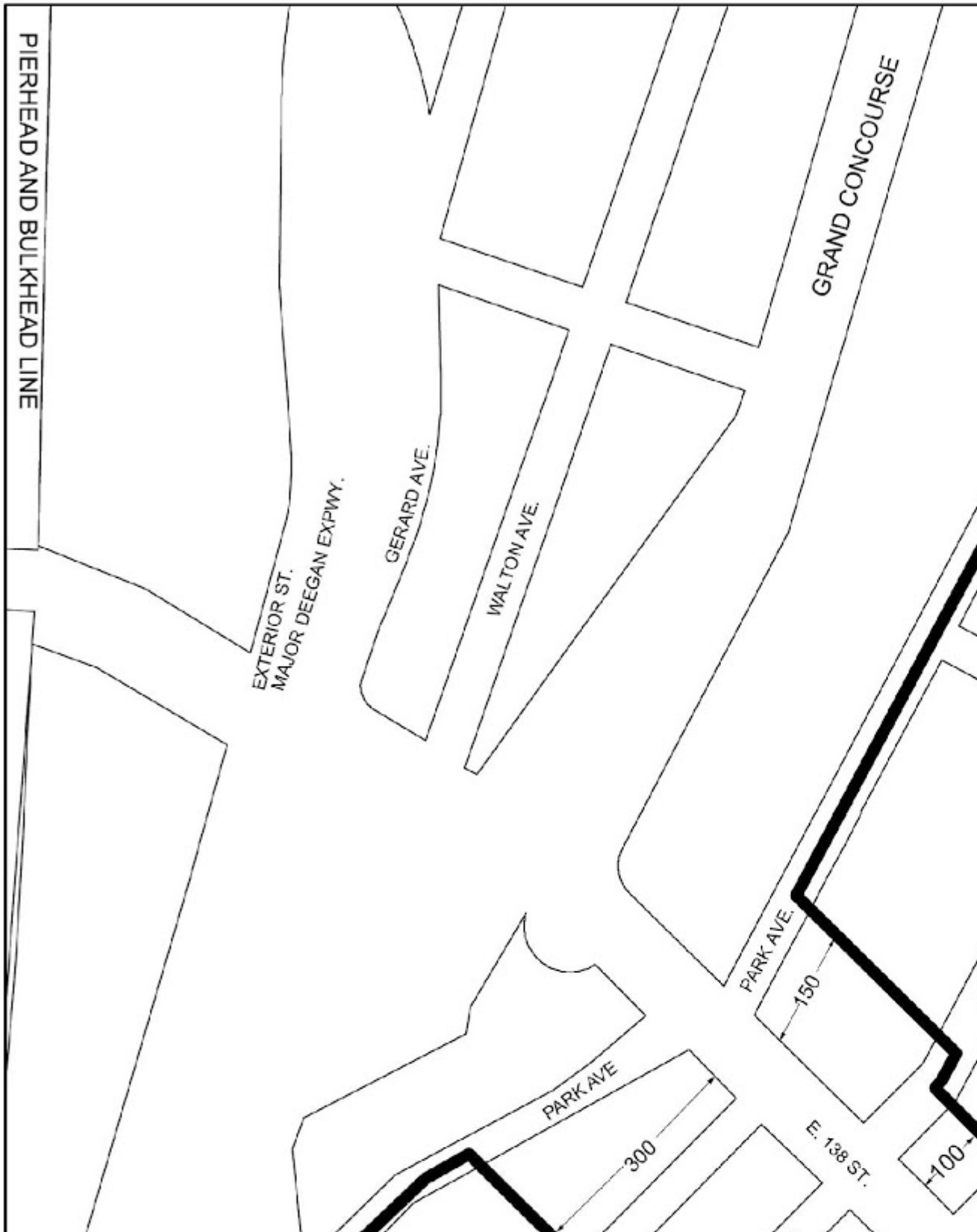

Subarea 1
Subarea 2
1
2
Steinway
3
4
2
LIC
1
Woodside
1
1
3
4
2
LIC/
North
Brooklyn
Maspeth
1
Ridgewood
Richmond
Hill

Staten Island



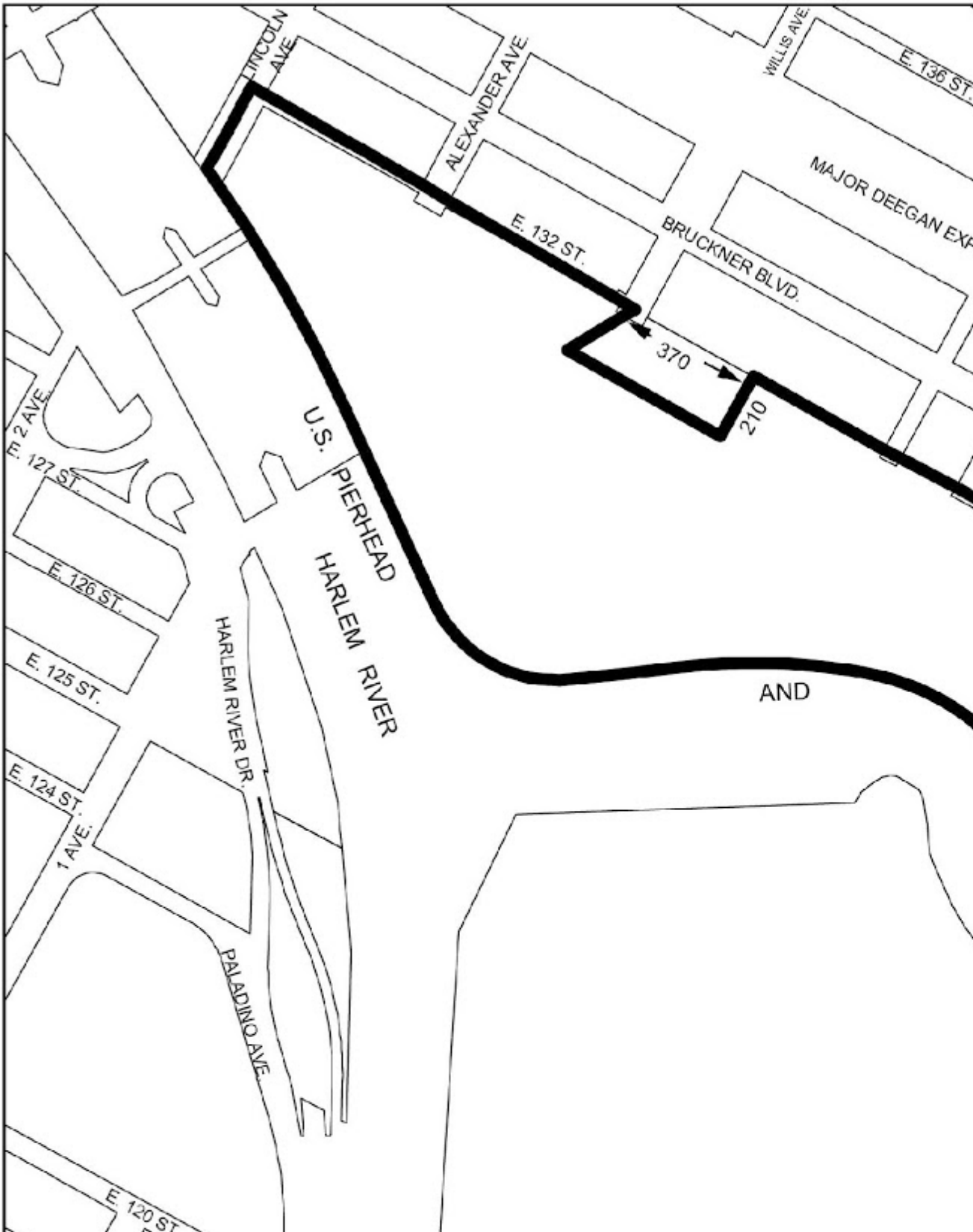
Port Morris

Map 1, Subarea 2



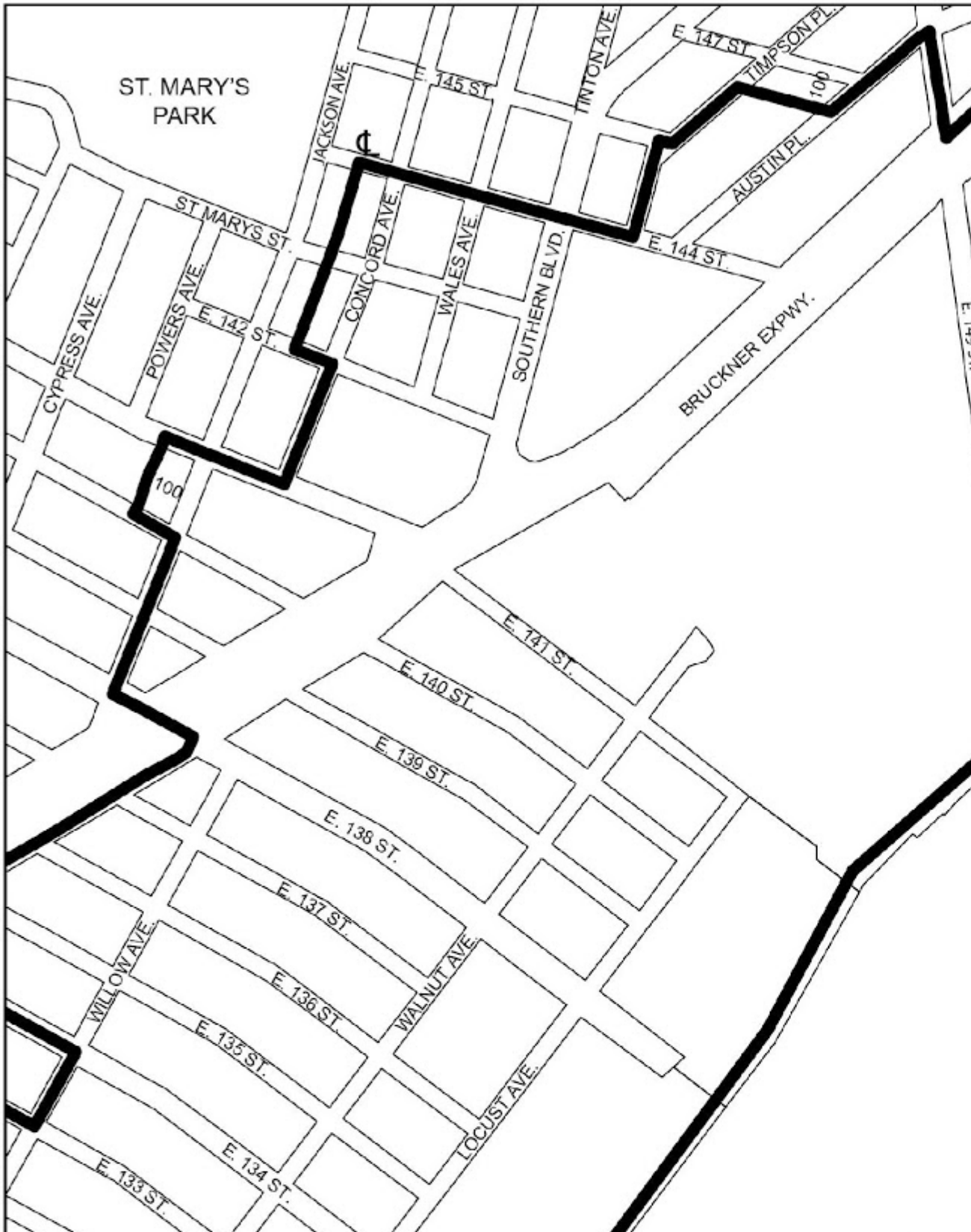
Port Morris

Map 2, Subarea 2



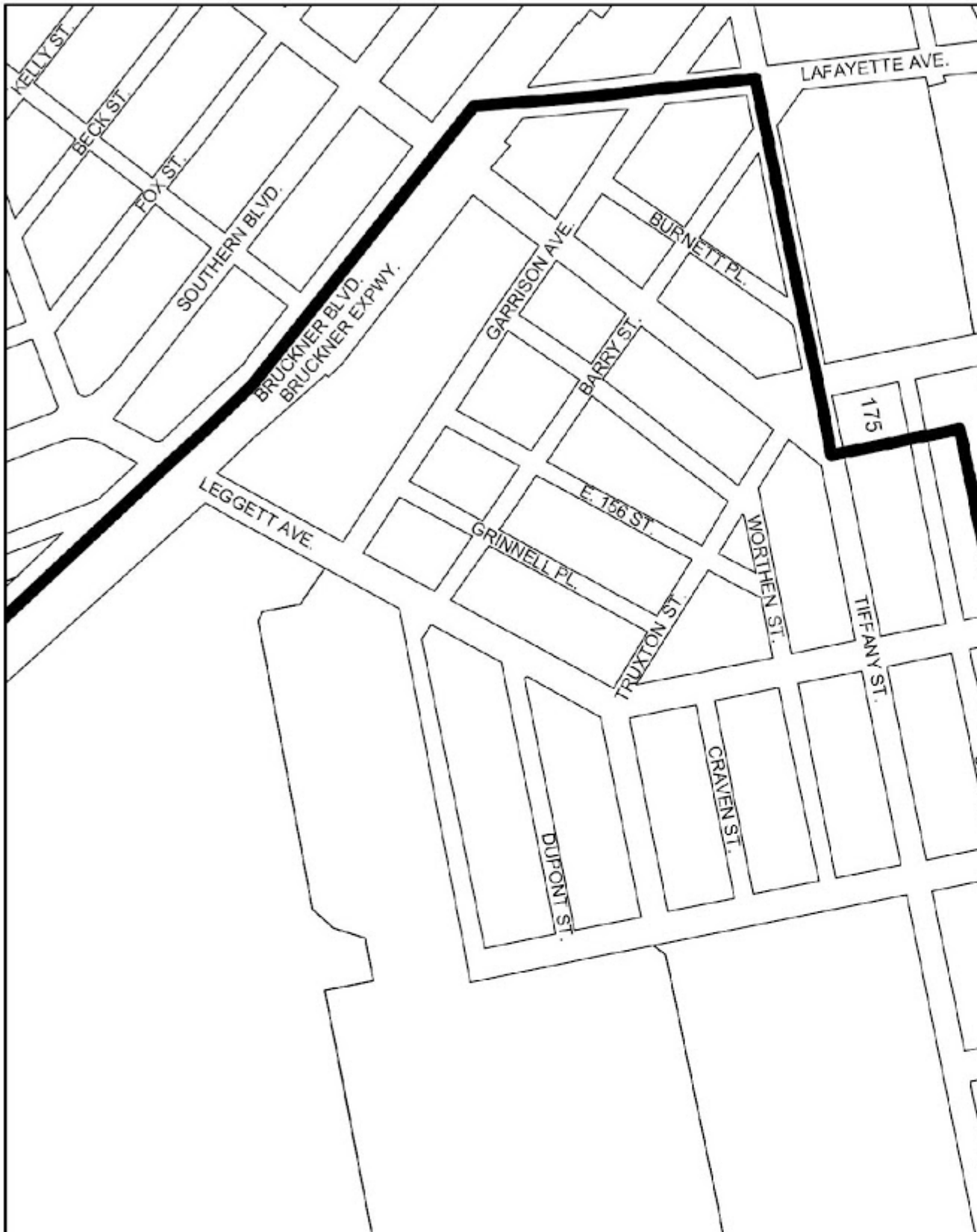
Port Morris/Hunts Point

Map 3, Subarea 2



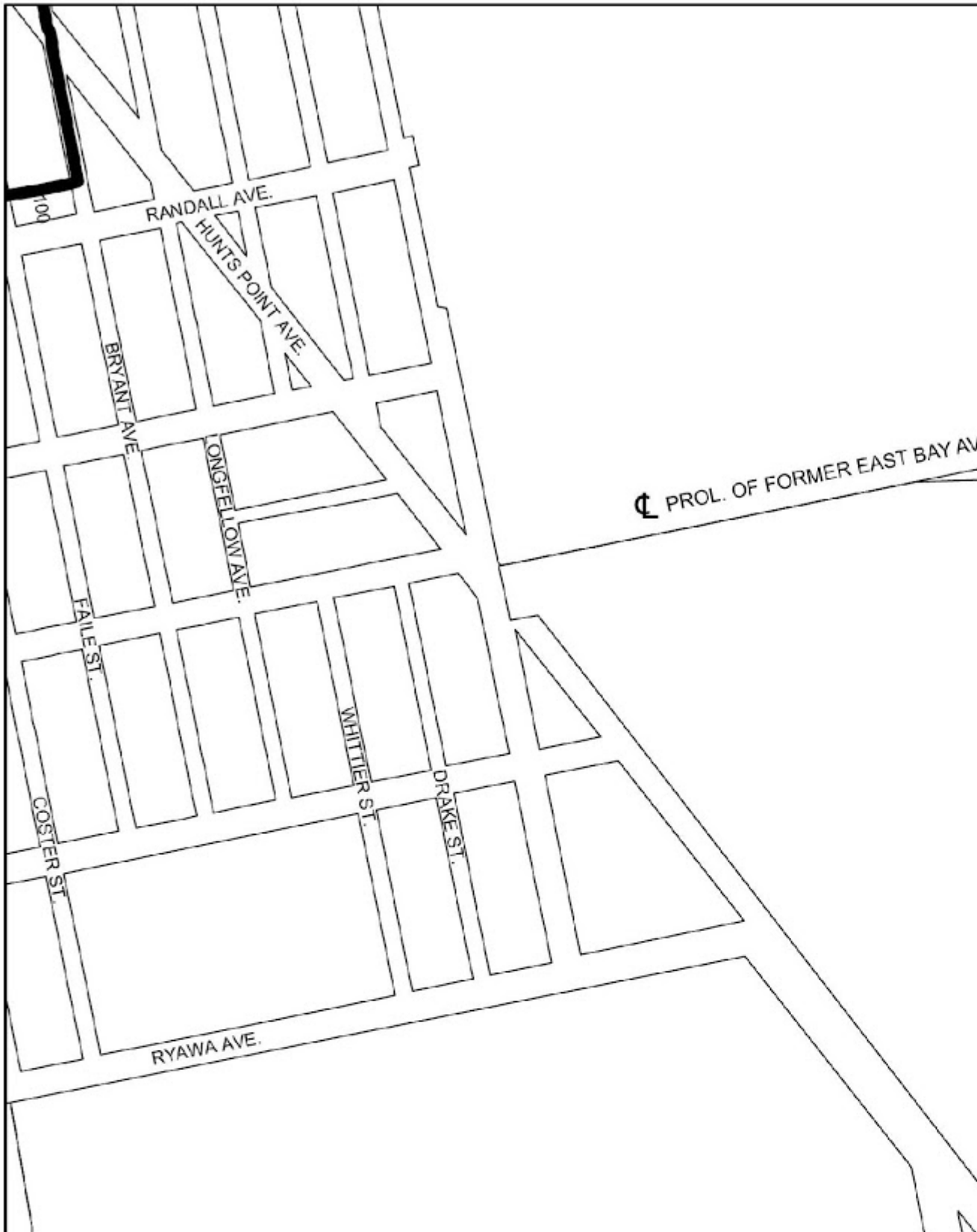
Hunts Point

Map 1, Subarea 2



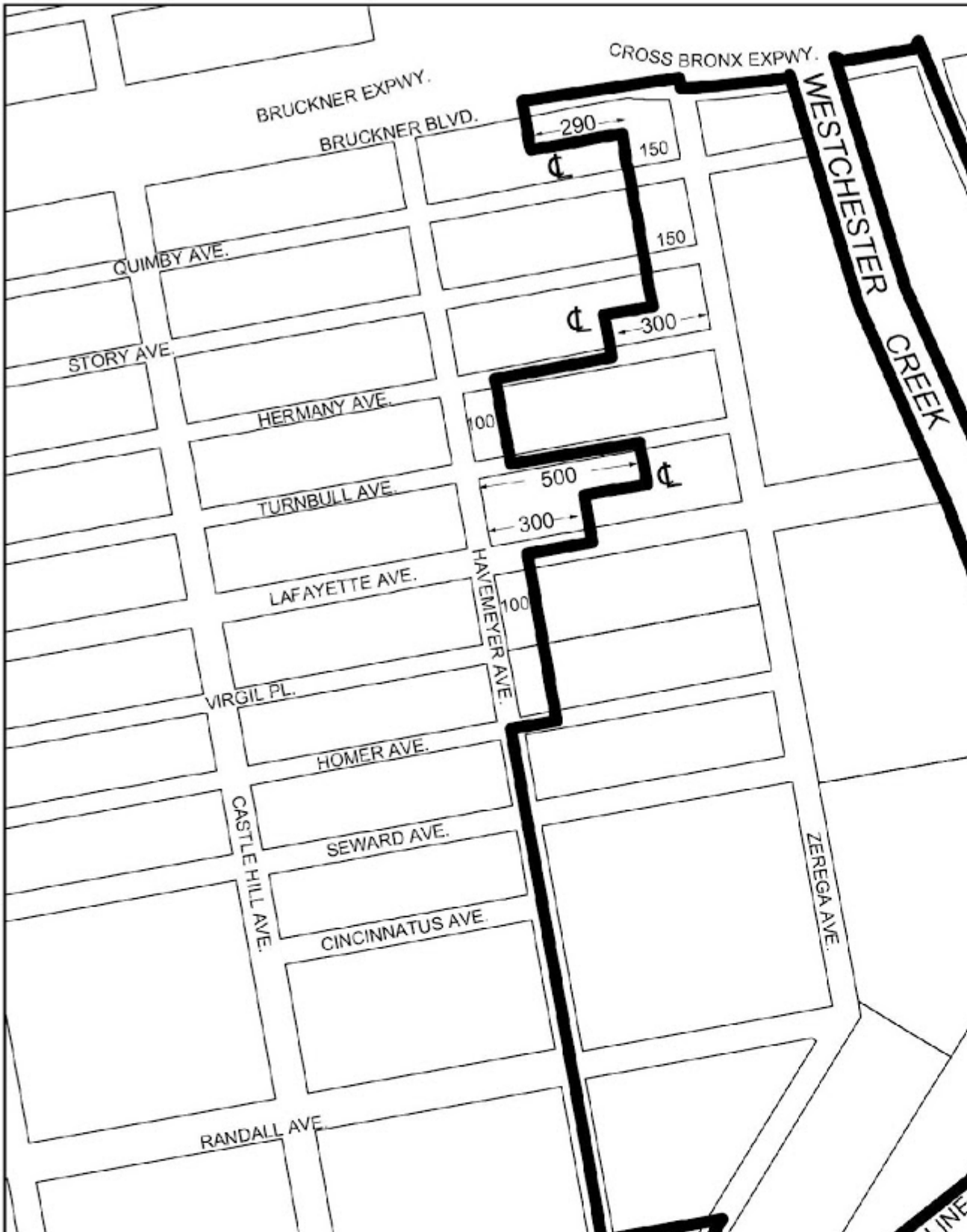
Hunts Point

Map 2, Subarea 2



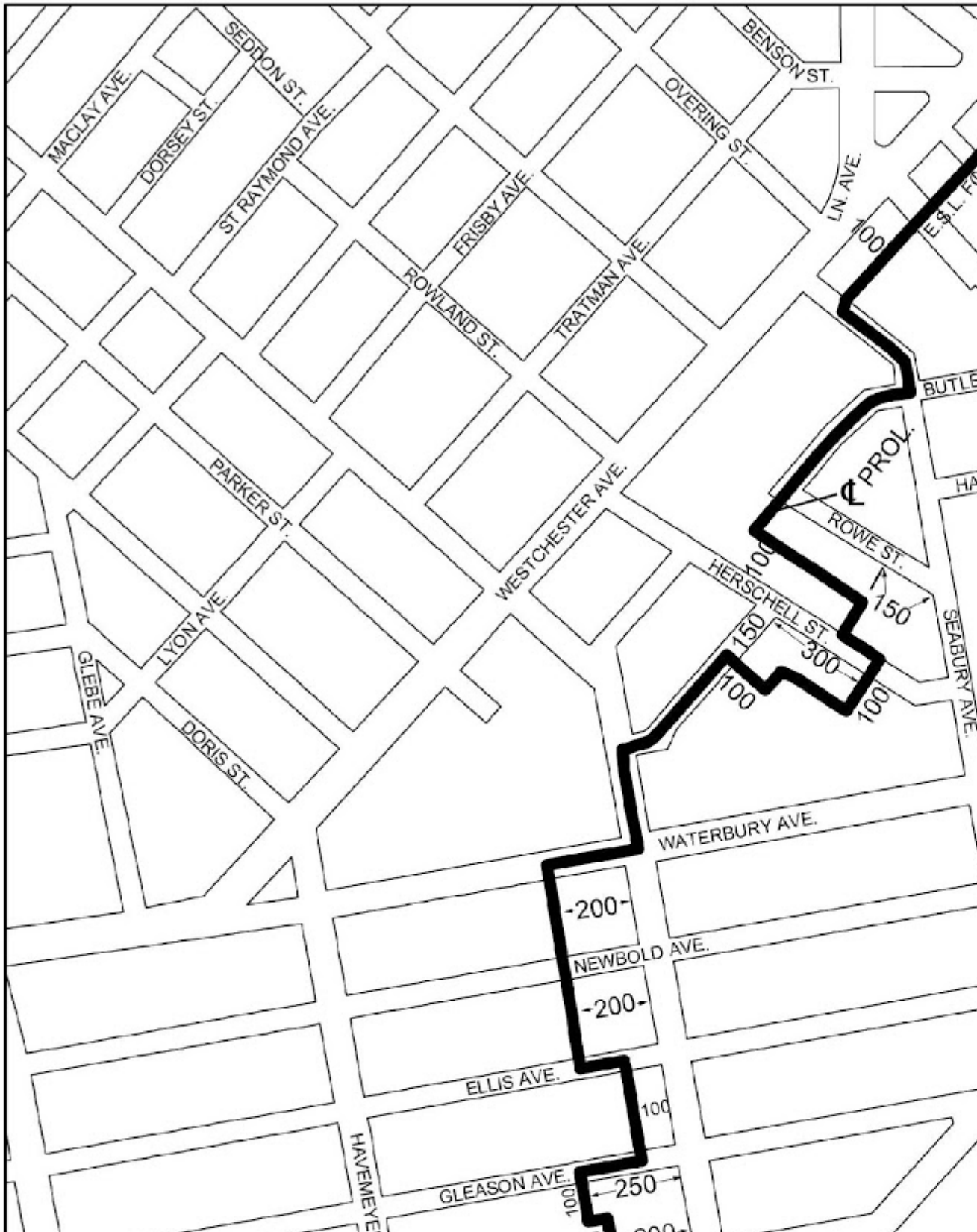
Zerega

Map 1, Subarea 2



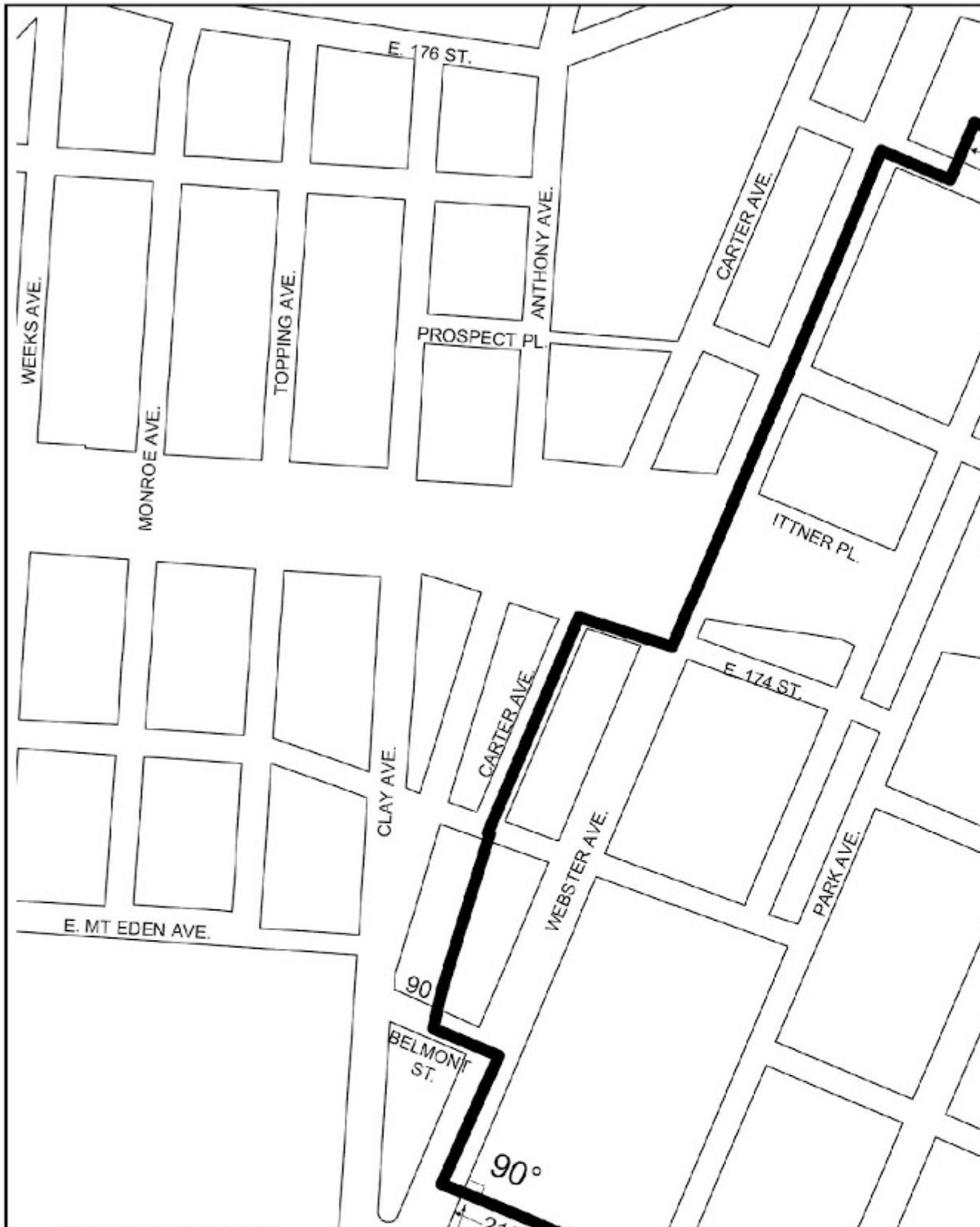
Zerega

Map 2, Subarea 2



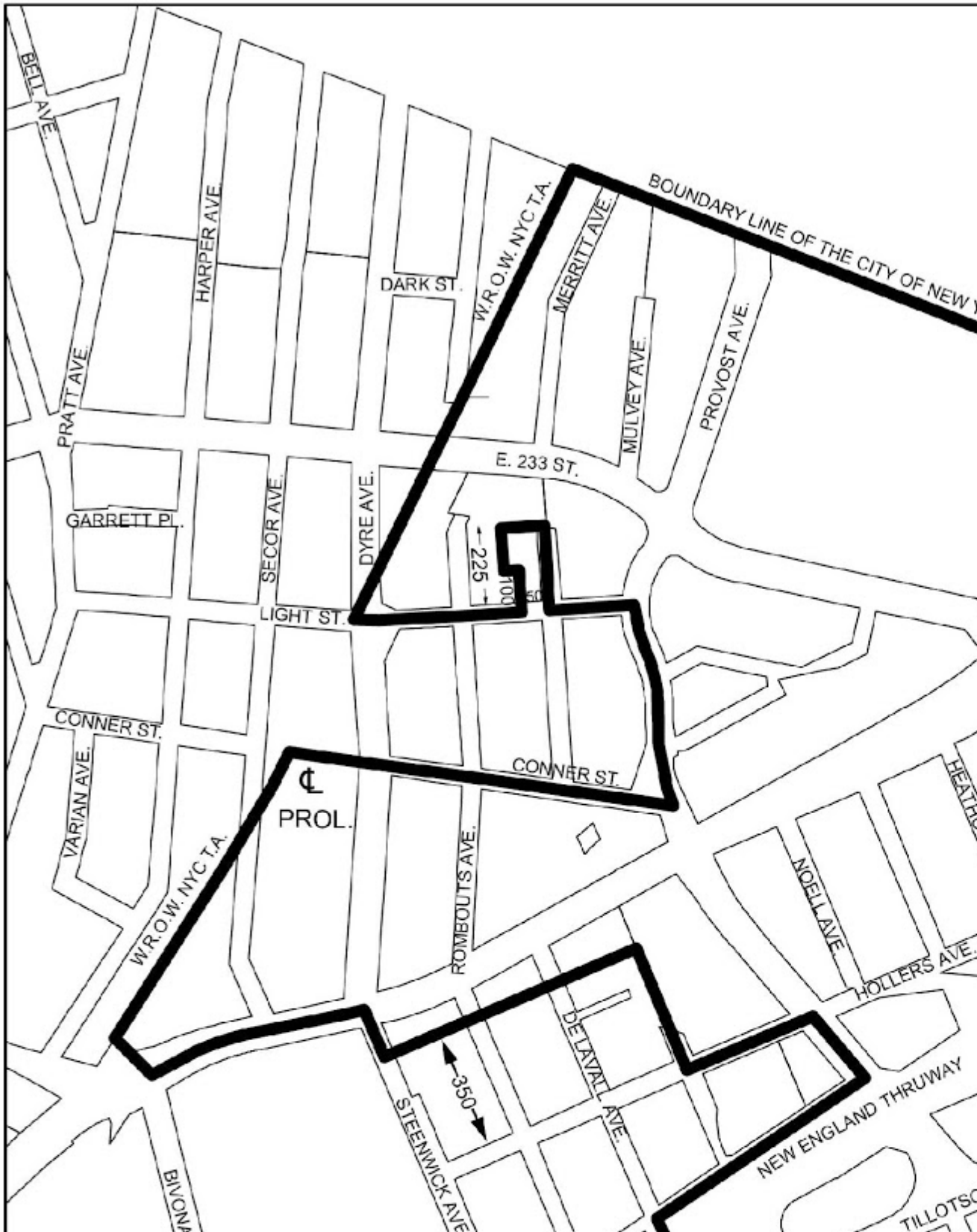
Bathgate

Map 1, Subarea 1



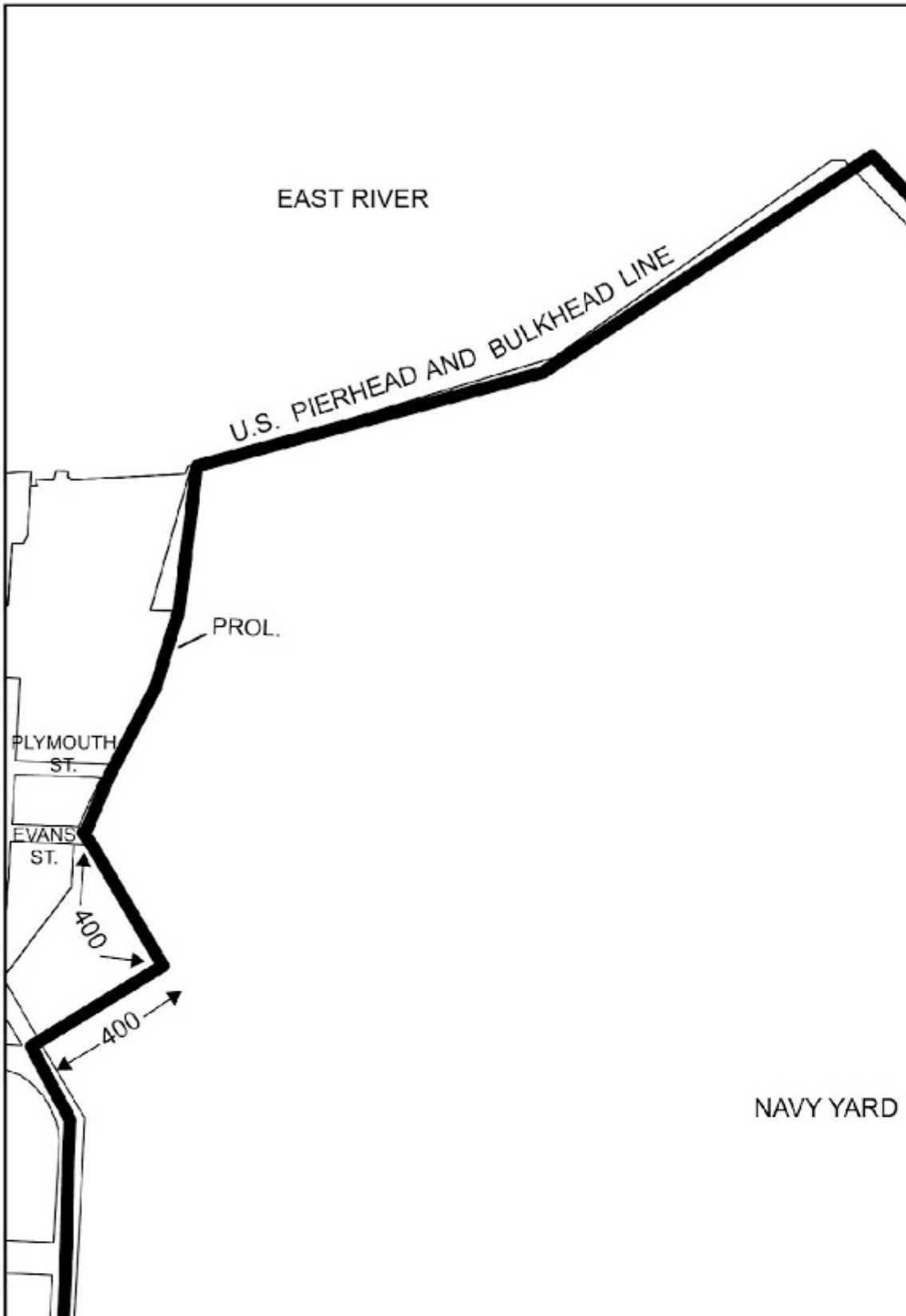
Eastchester

Map 1, Subarea 2



Brooklyn Navy Yard

Map 1, Subarea 2



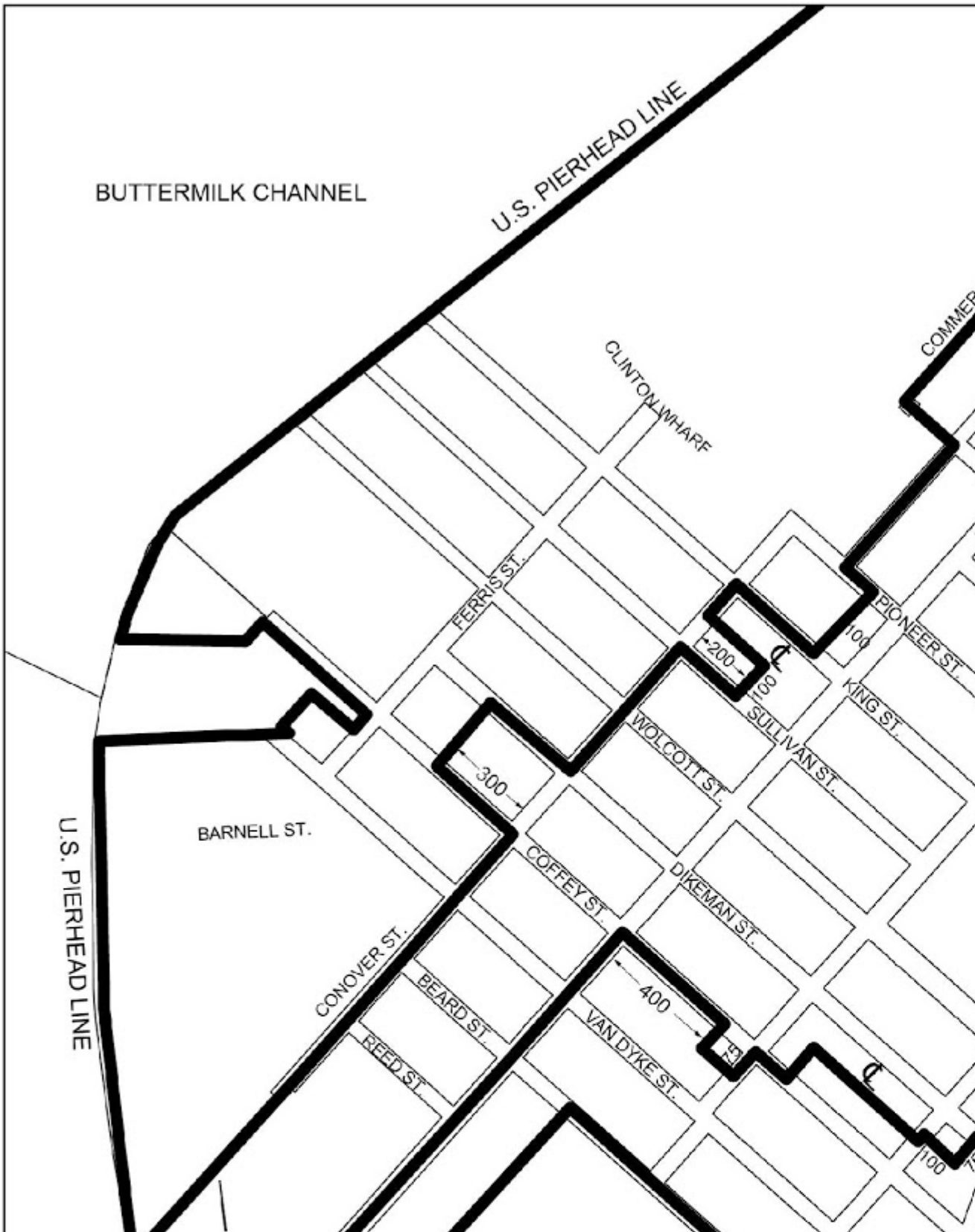
Southwest Brooklyn

Map 1, Subarea 2



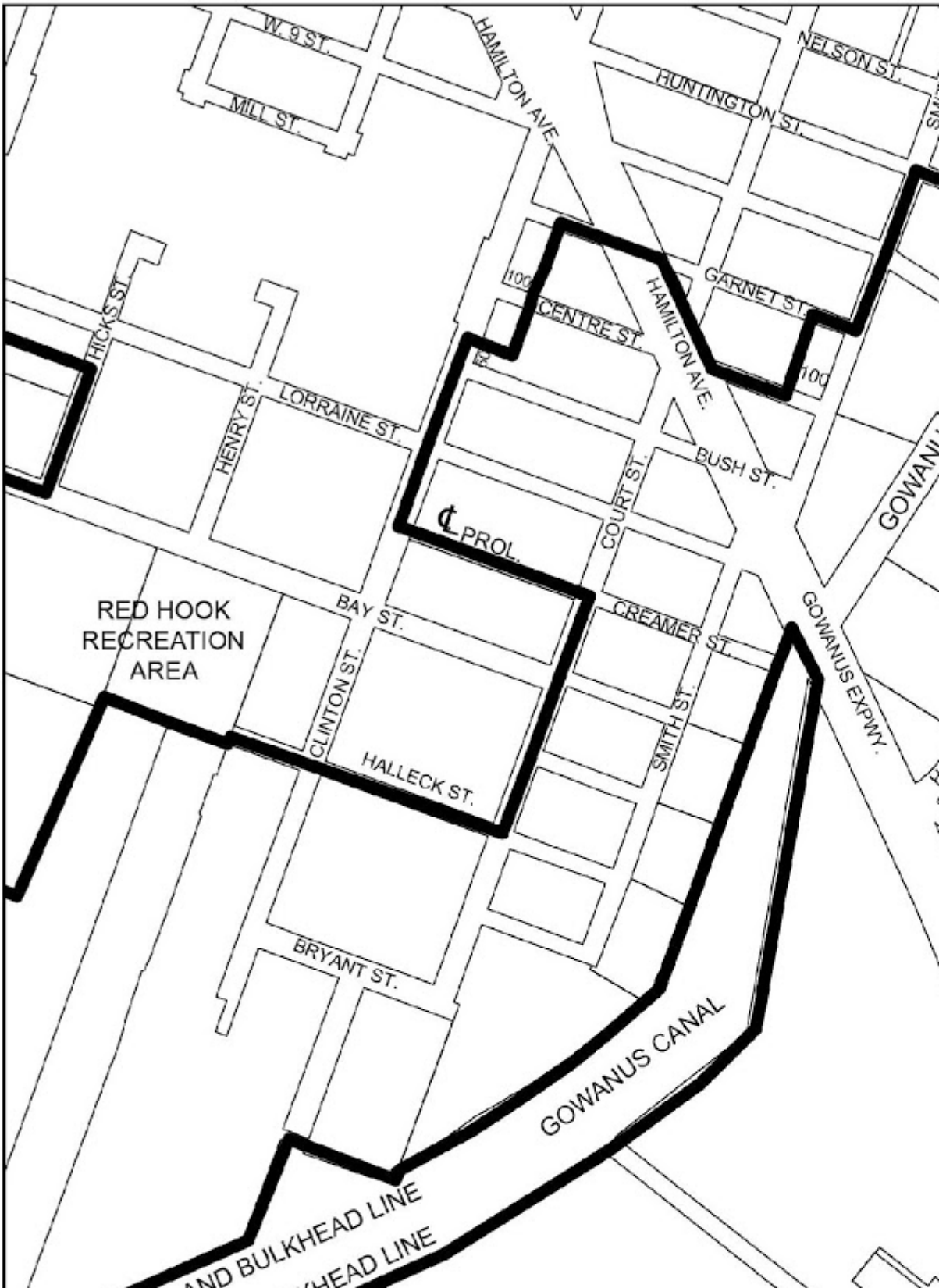
Southwest Brooklyn

Map 2, Subarea 2



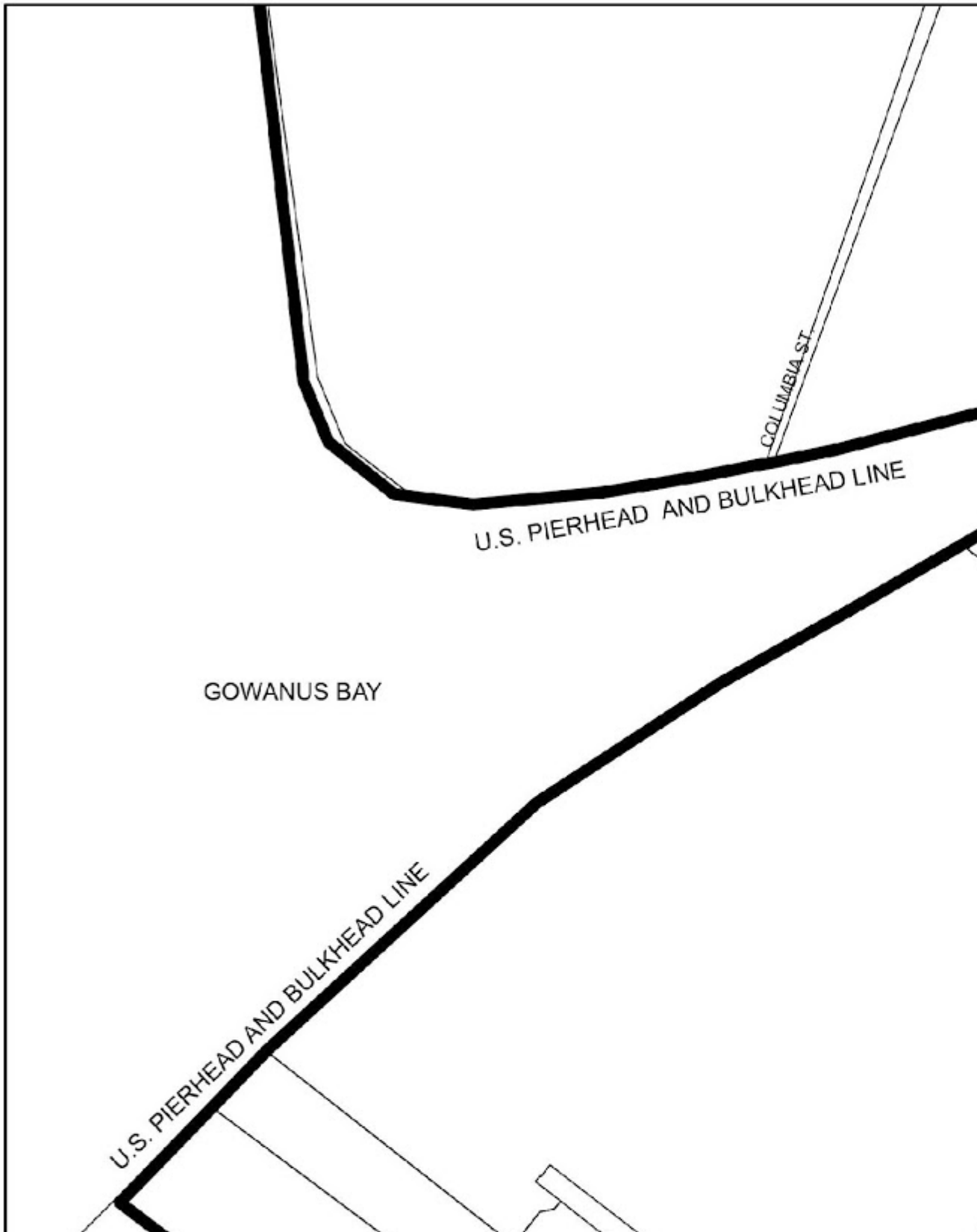
Southwest Brooklyn

Map 3, Subarea 2



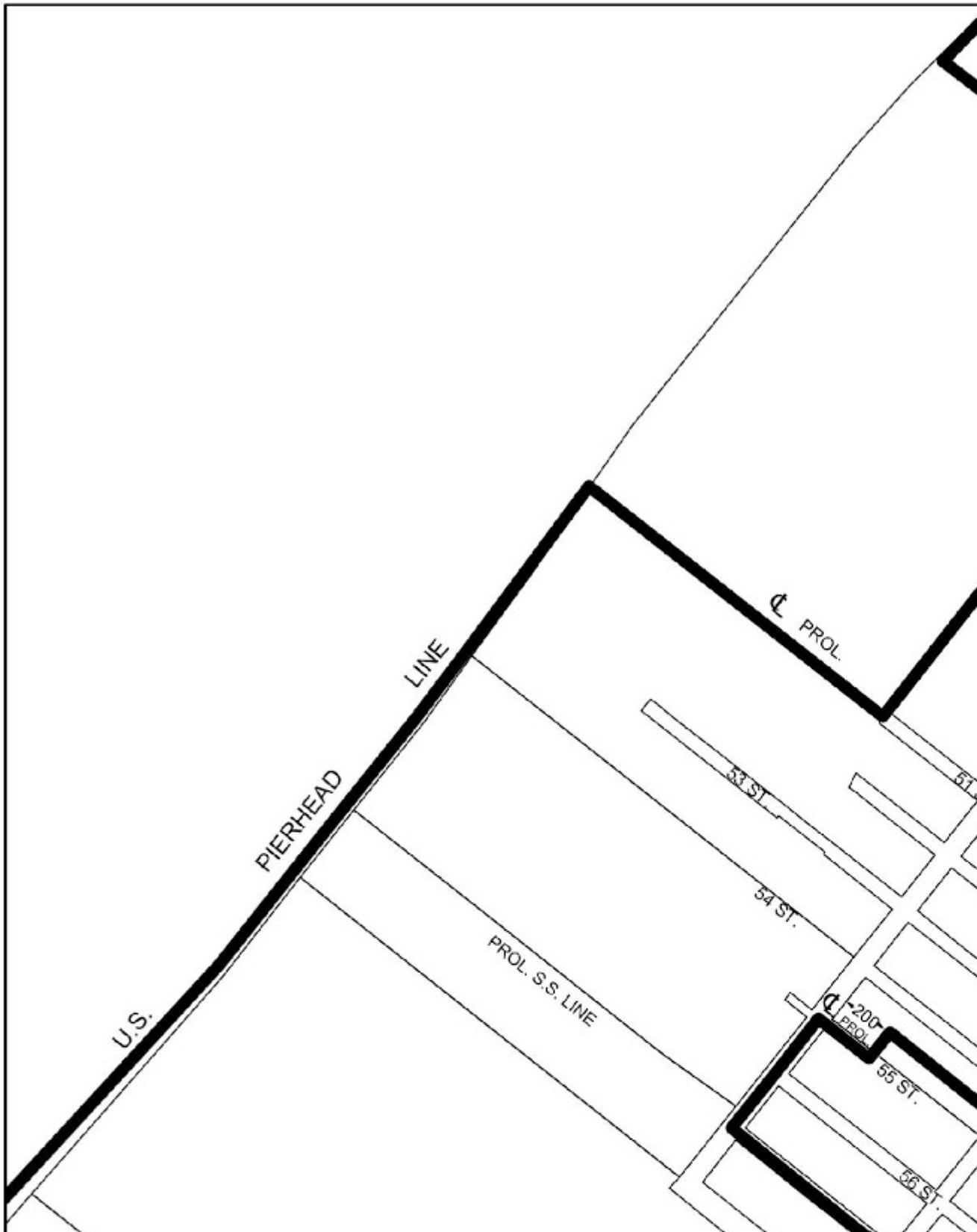
Southwest Brooklyn

Map 4, Subarea 2



Southwest Brooklyn

Map 5, Subarea 2



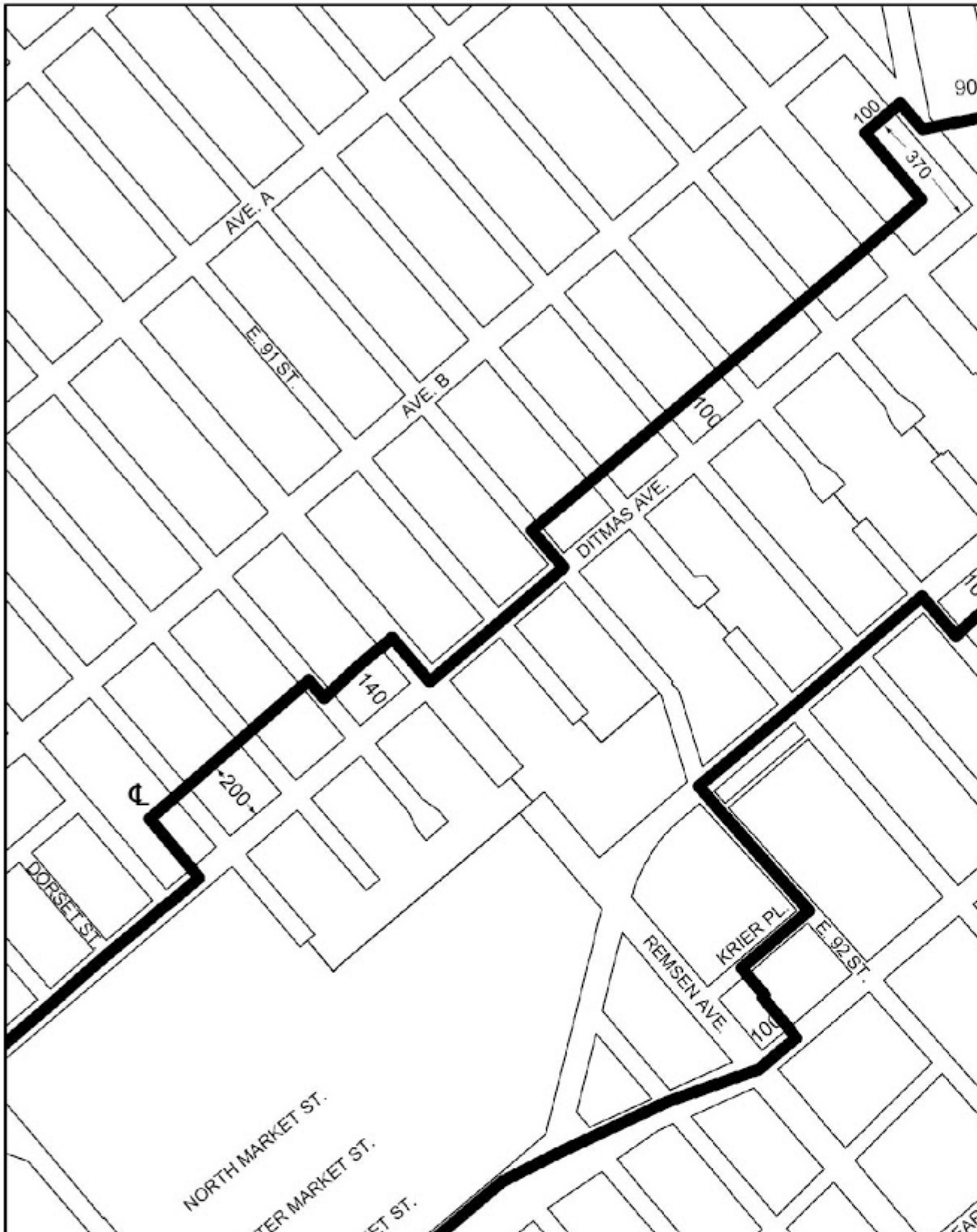
Flatlands/Fairfield

Map 1, Subarea 2



Flatlands/Fairfield

Map 2, Subarea 2



Flatlands/Fairfield

Map 4, Subarea 2



East New York

Map 1, Subarea 2



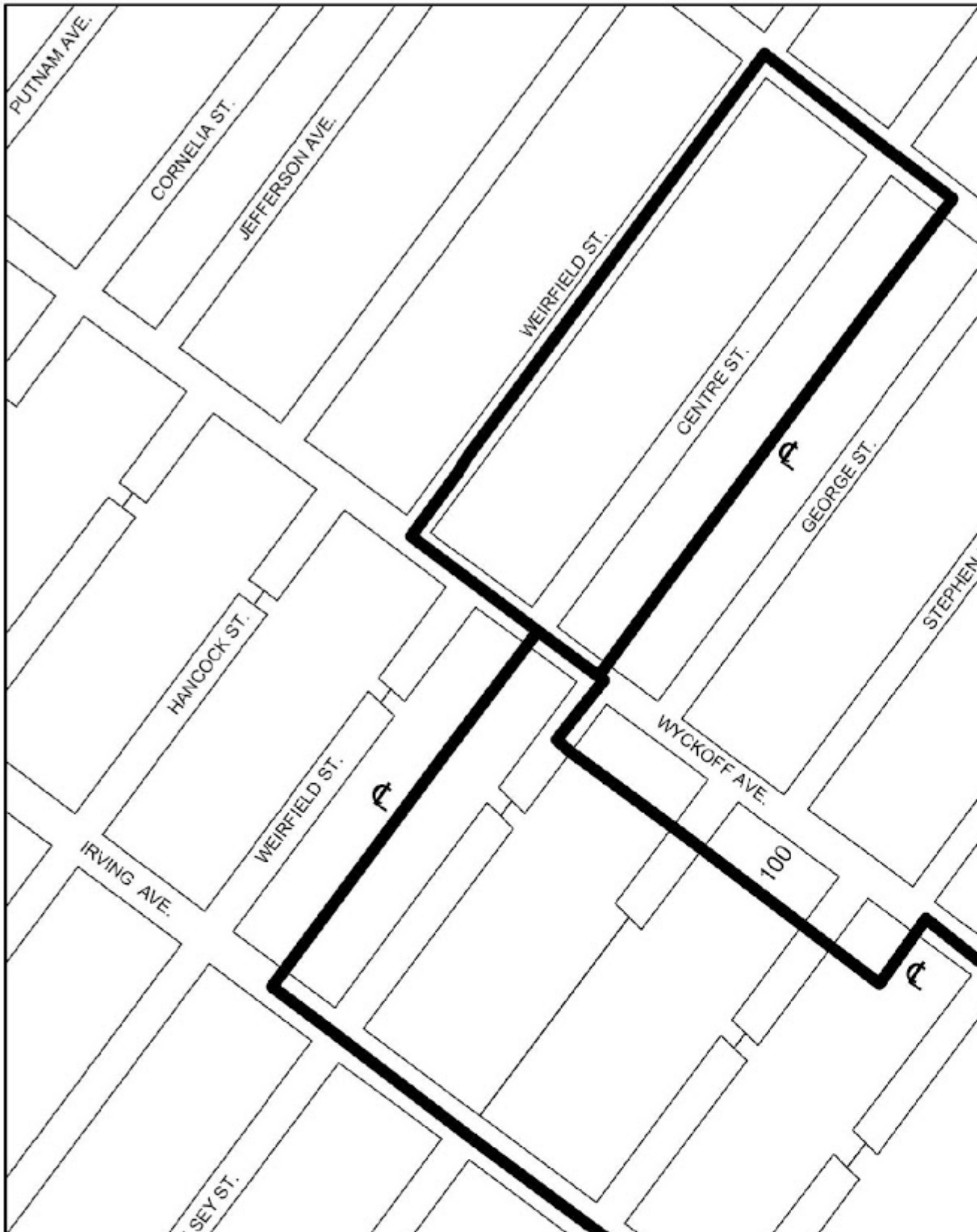
East New York

Map 2, Subarea 2



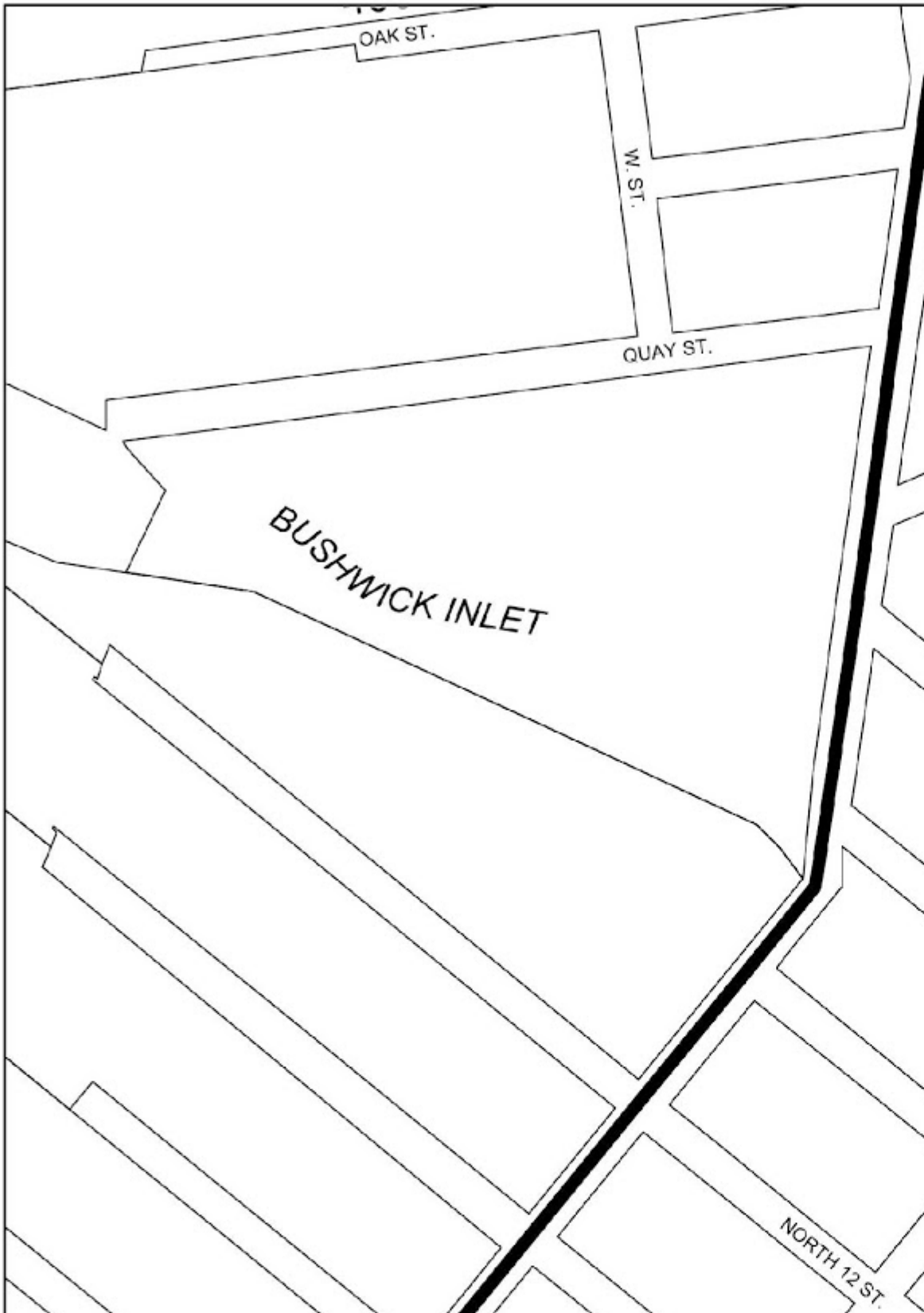
Ridgewood

Map 1, Subarea 2



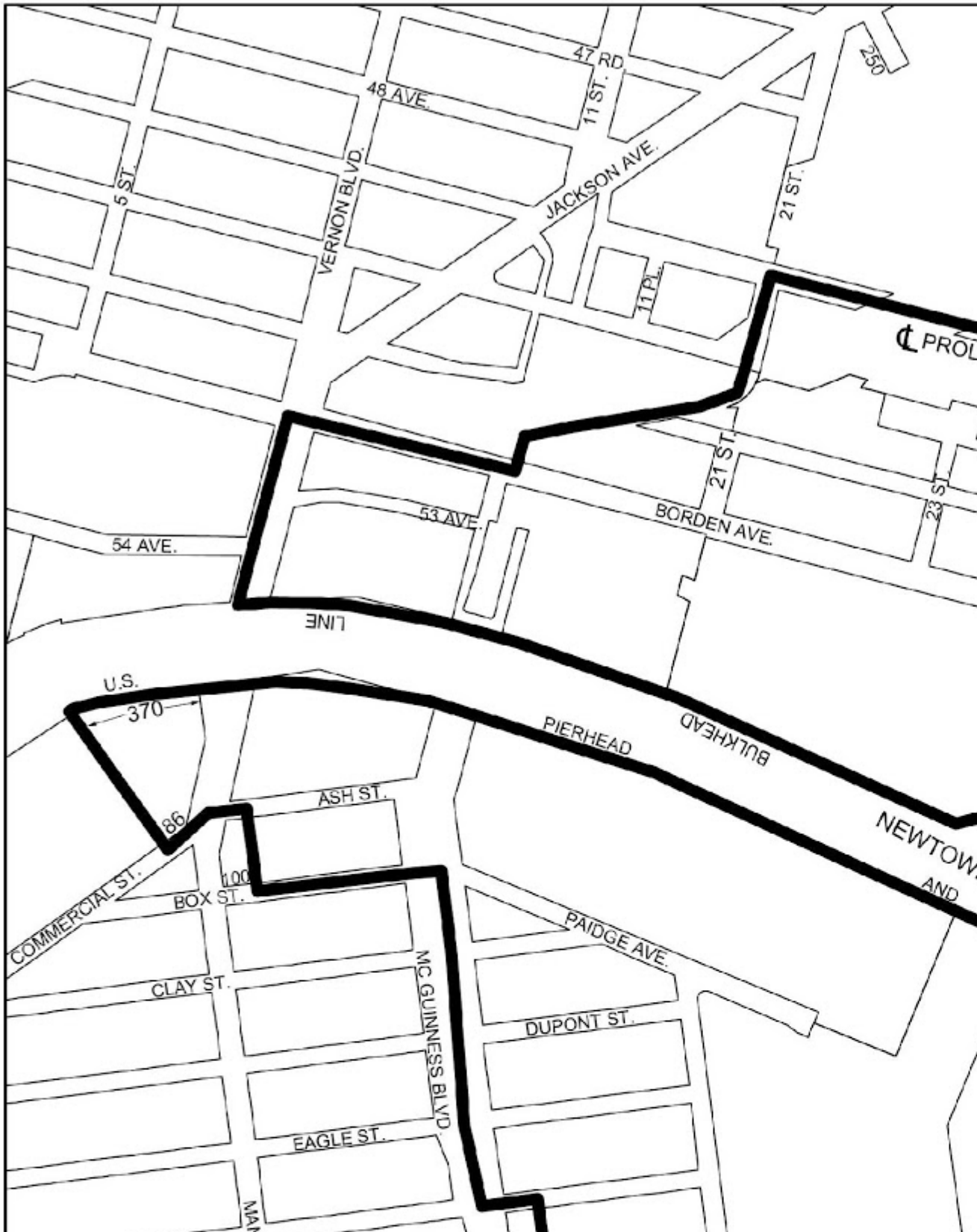
Williamsburg/Greenpoint

Map 1, Subarea 2



North Brooklyn/Long Island Cit

Map 1, Subarea 2



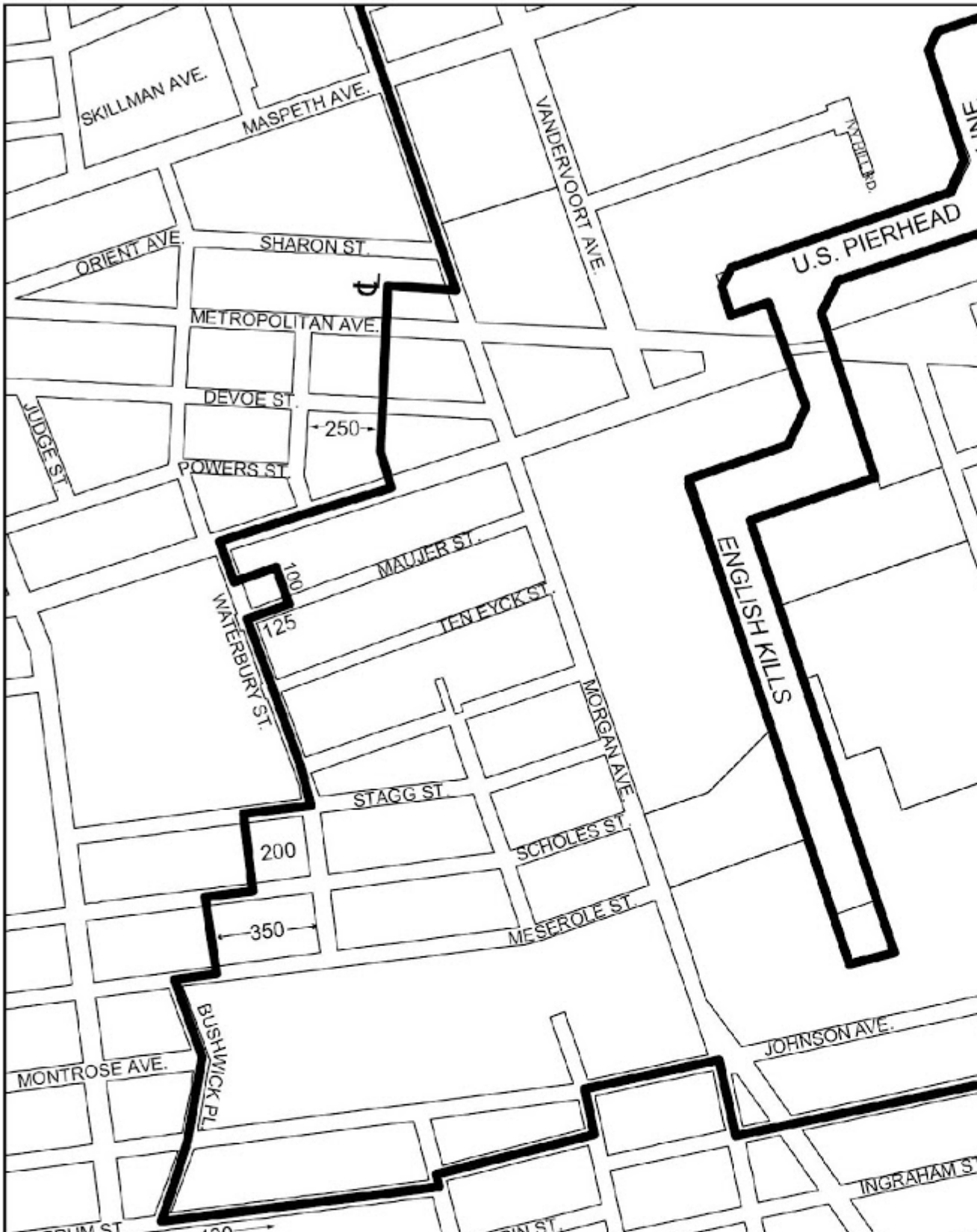
North Brooklyn/Maspeth

Map 2, Subarea 2



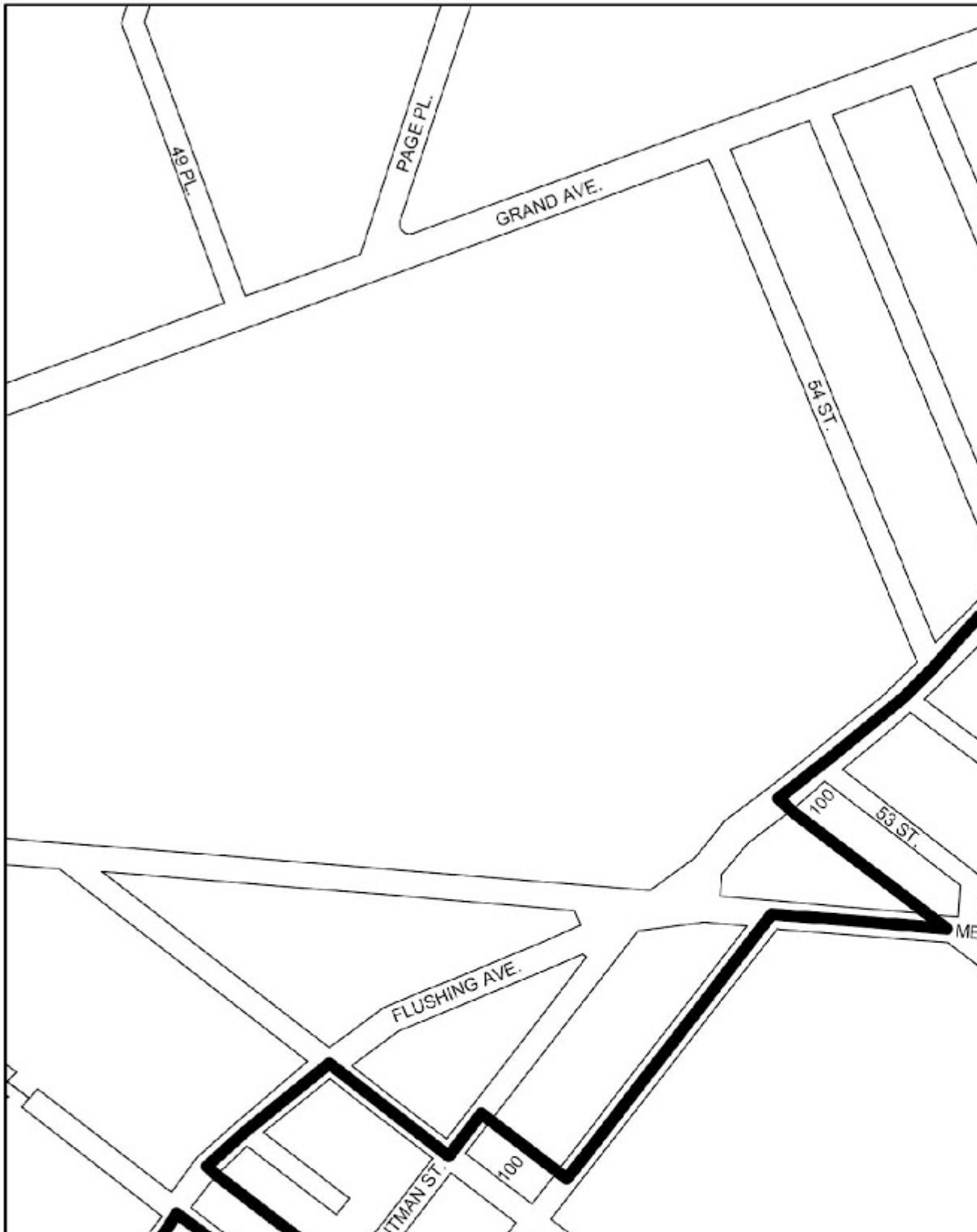
North Brooklyn

Map 3, Subarea 2



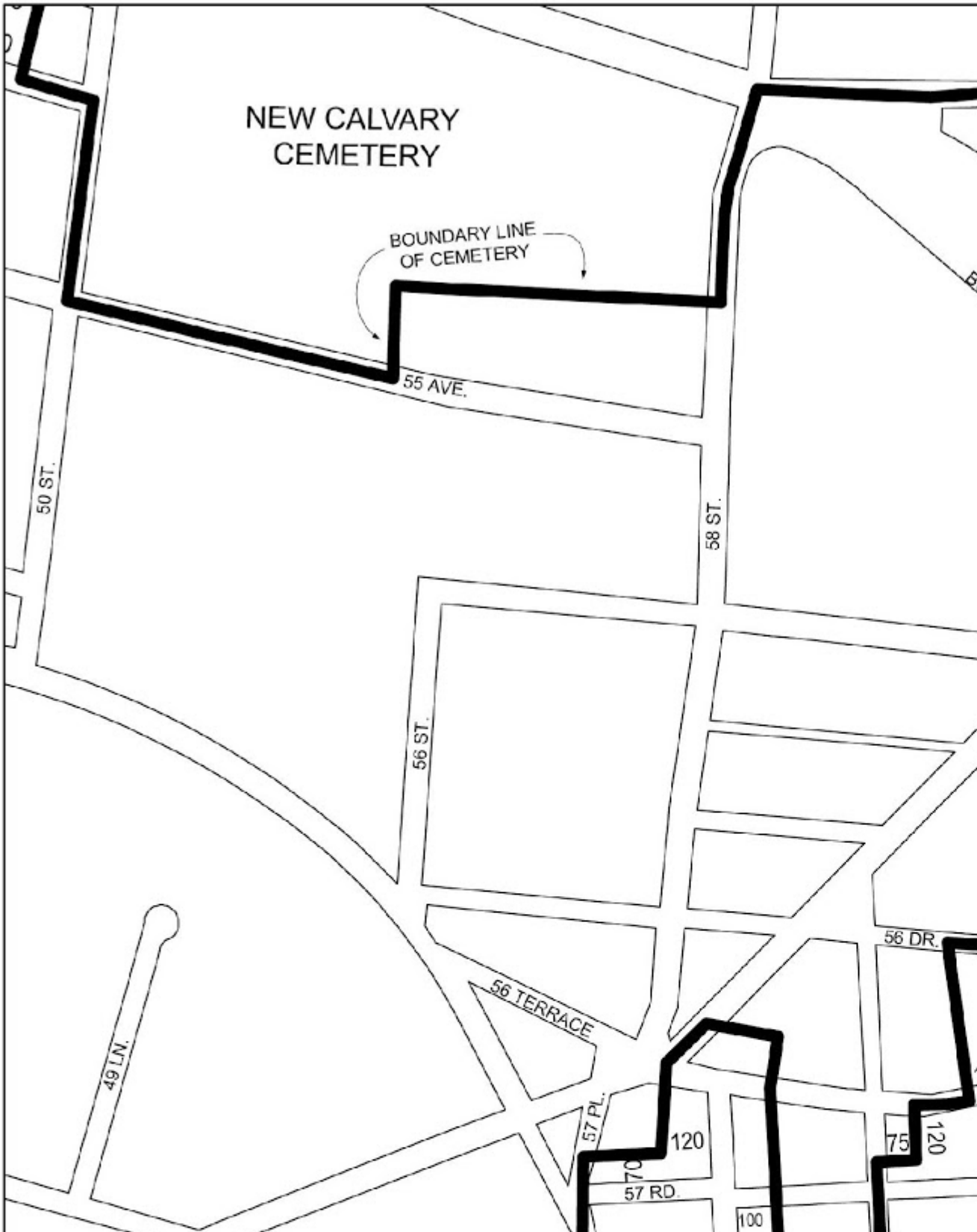
Maspeth

Map 1, Subarea 2



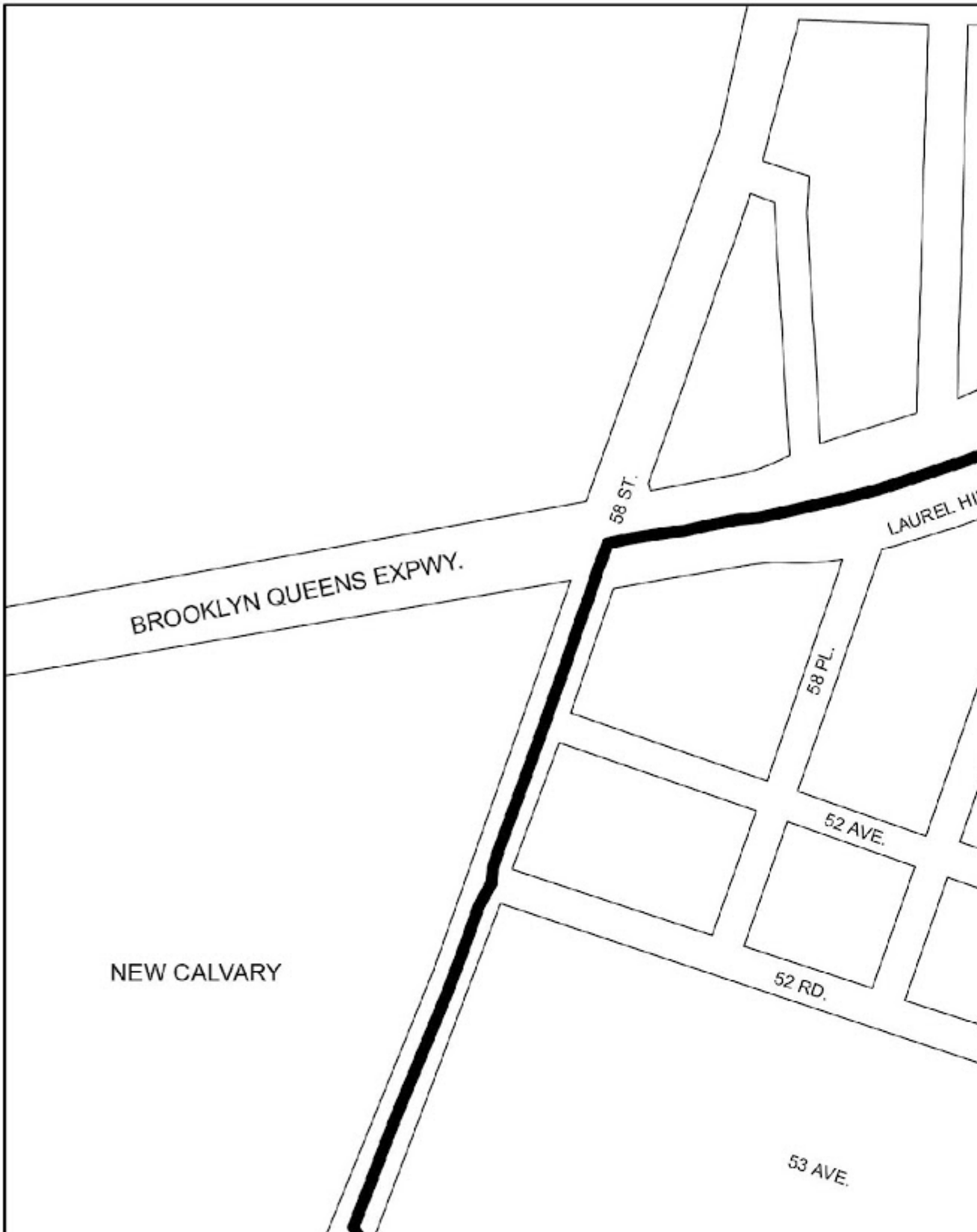
Maspeth

Map 2, Subarea 2



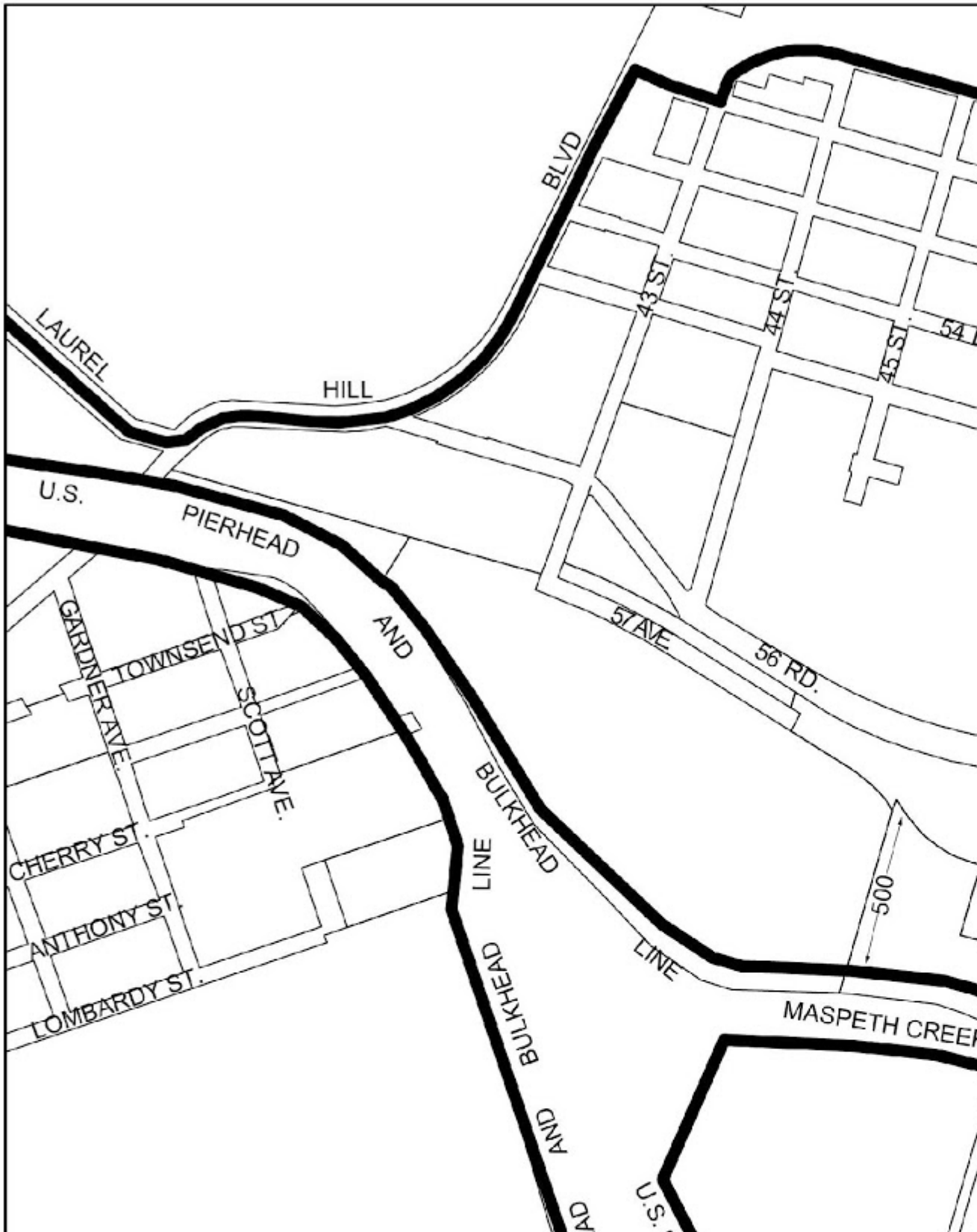
Maspeth

Map 3, Subarea 2



Maspeth/North Brooklyn

Map 4, Subarea 2



Long Island City

Map 1, Subarea 2



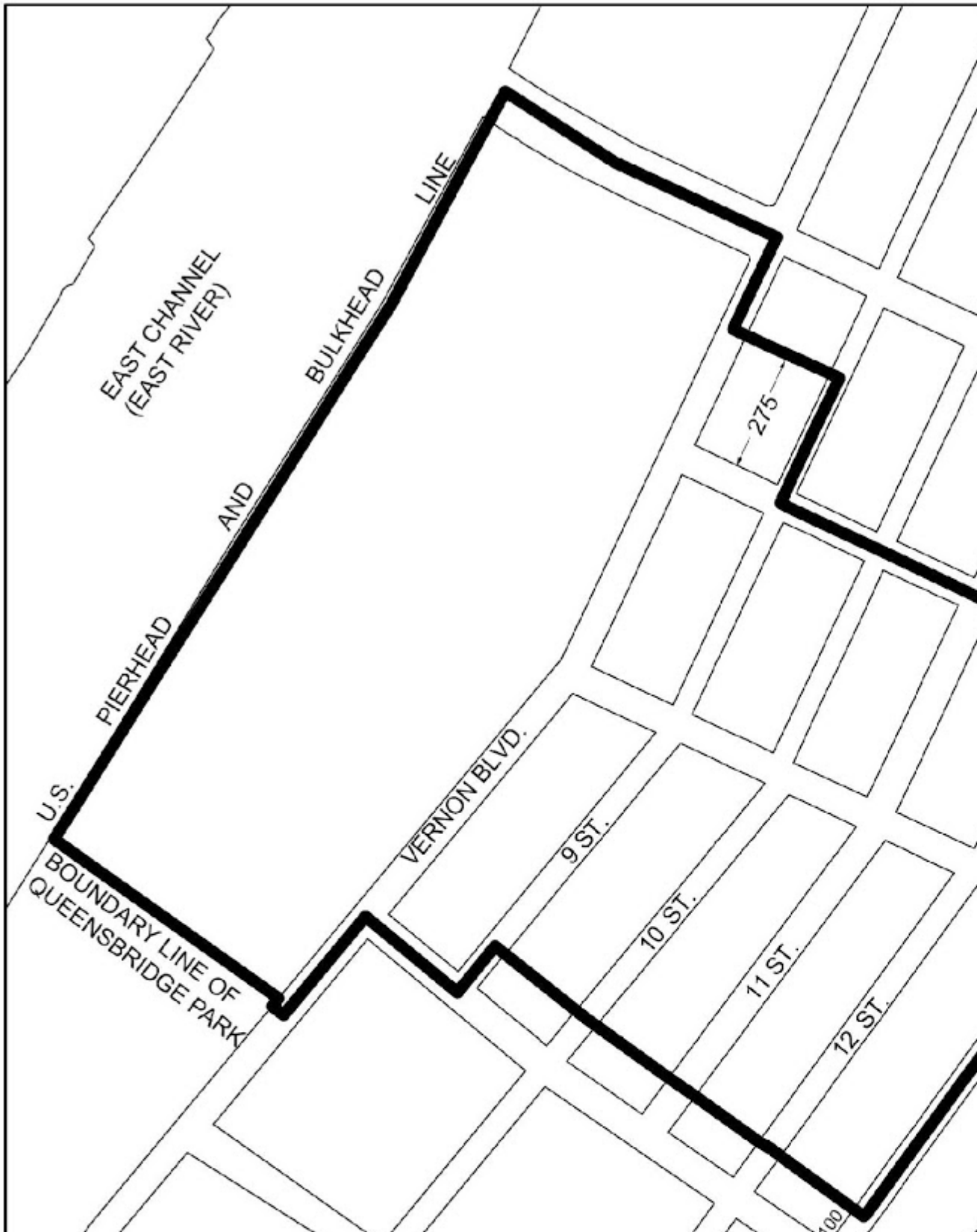
Long Island City

Map 2, Subarea 2



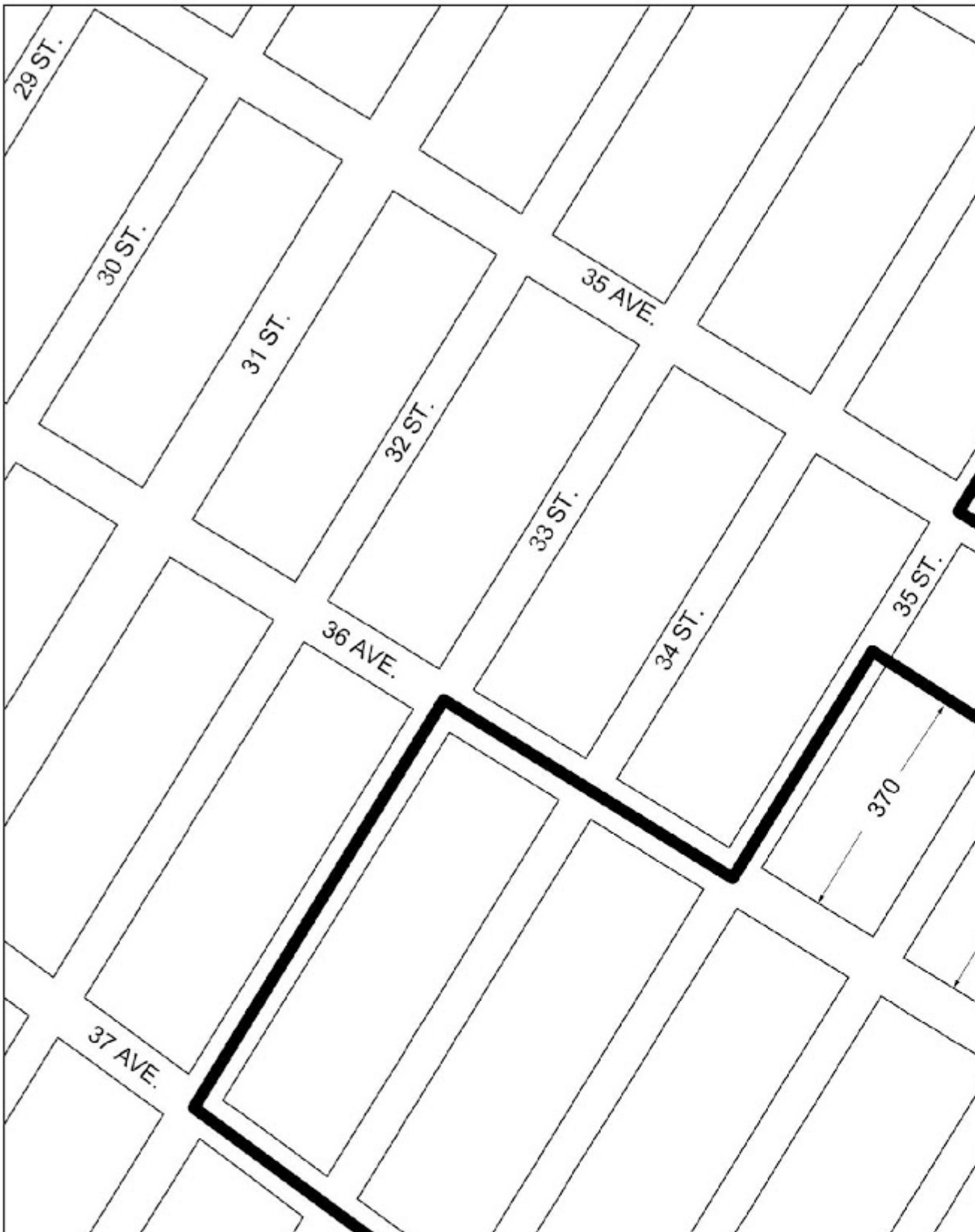
Long Island City

Map 3, Subarea 2



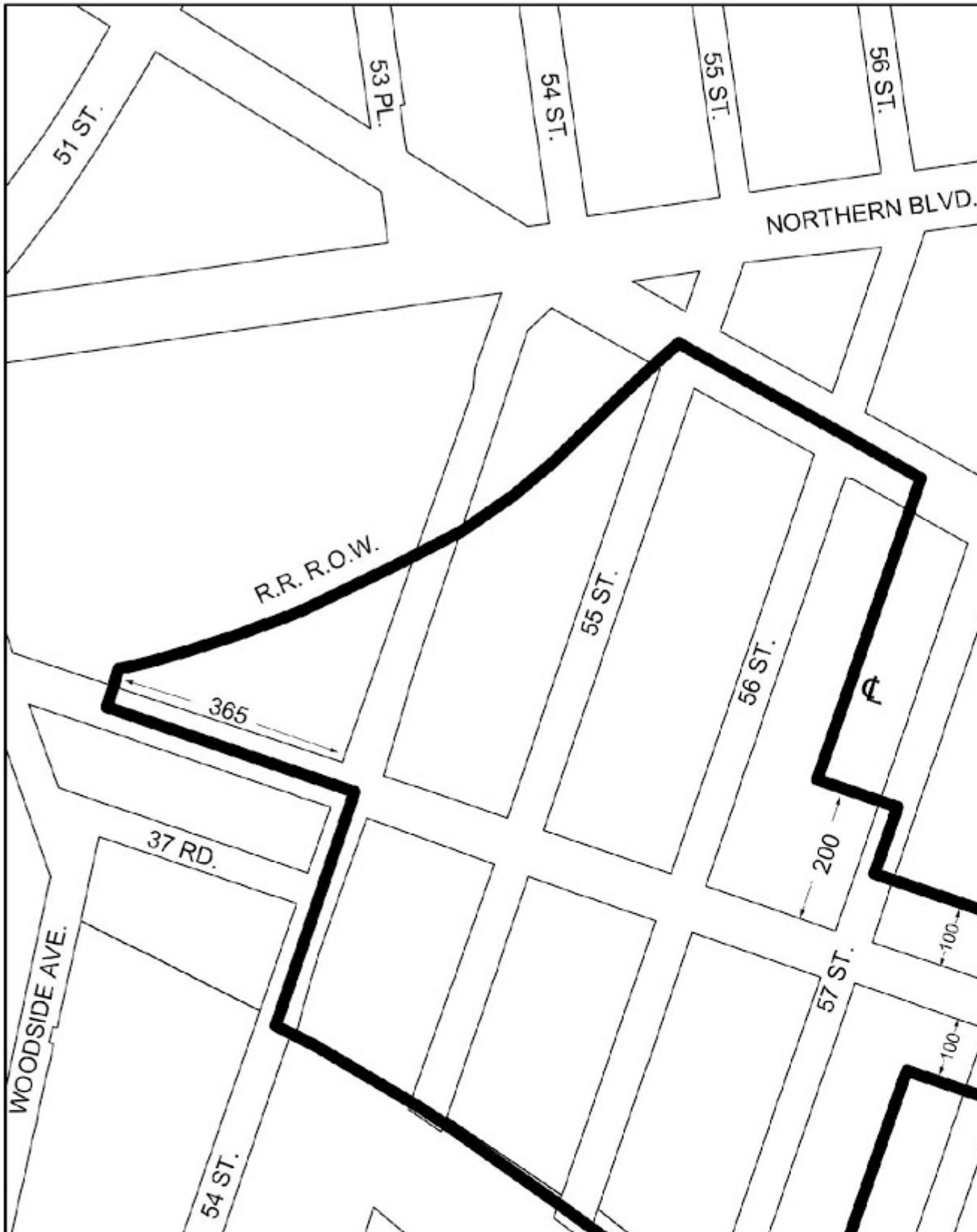
Long Island City

Map 4, Subarea 2



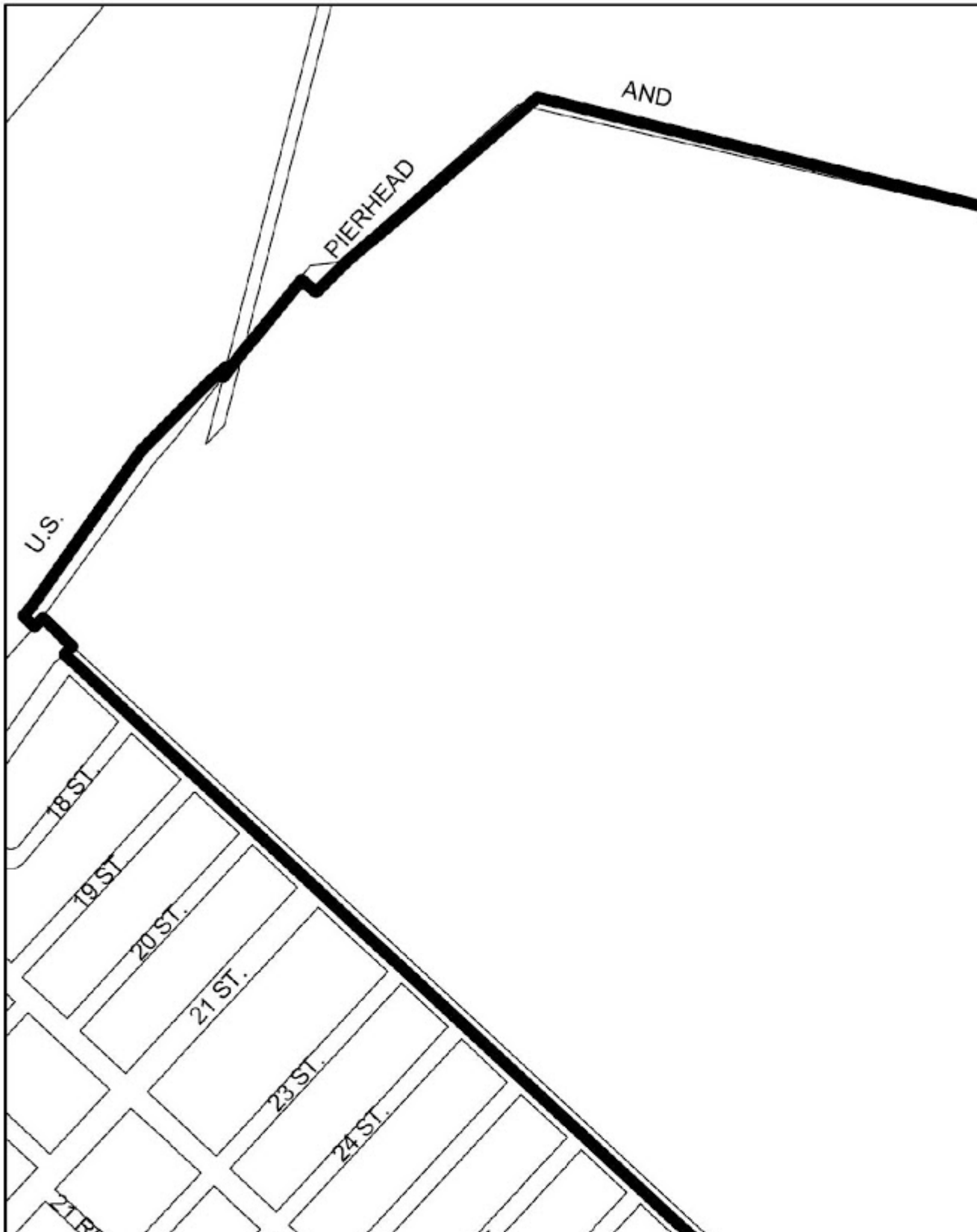
Woodside

Map 1, Subarea 2



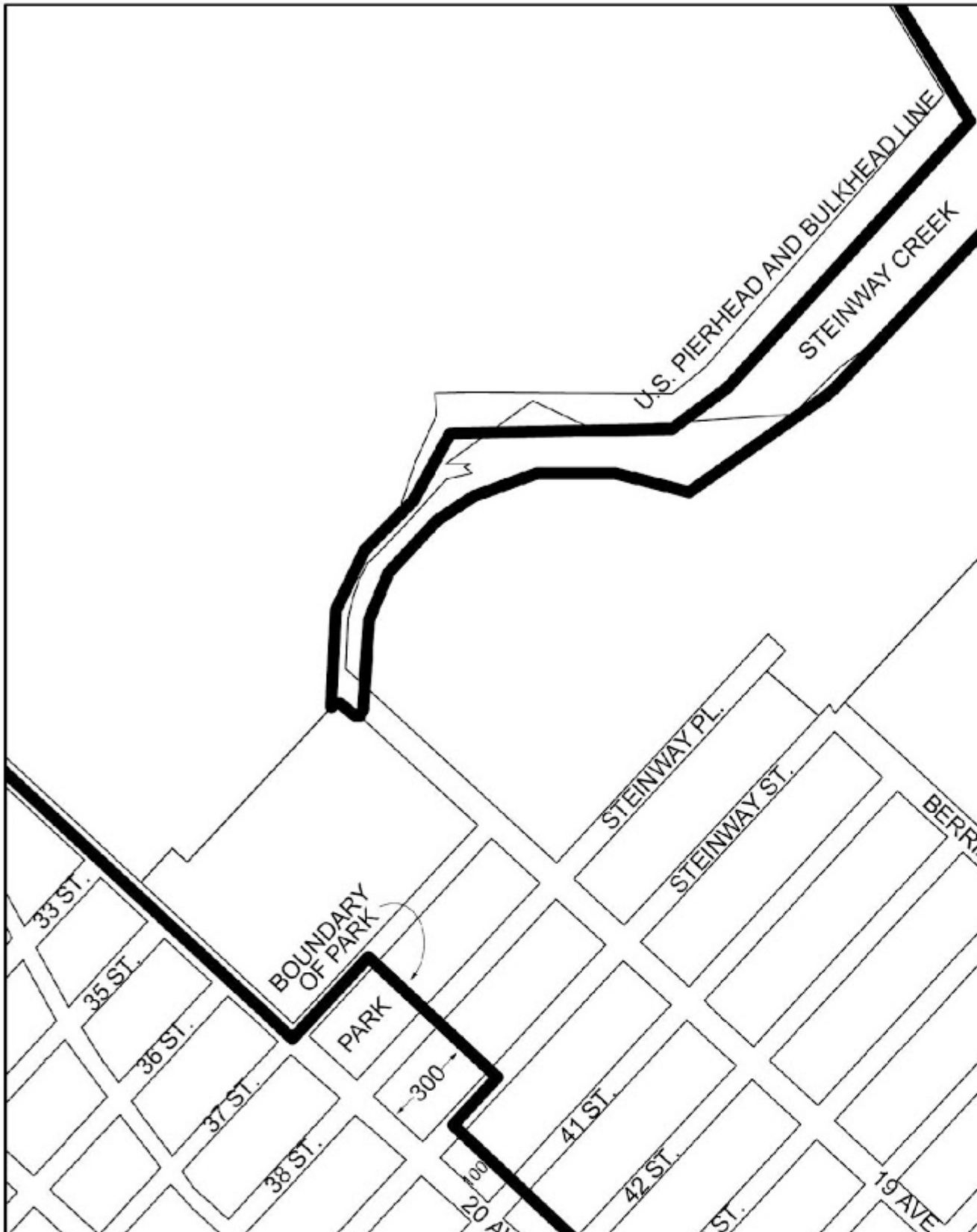
Steinway

Map 1, Subarea 1



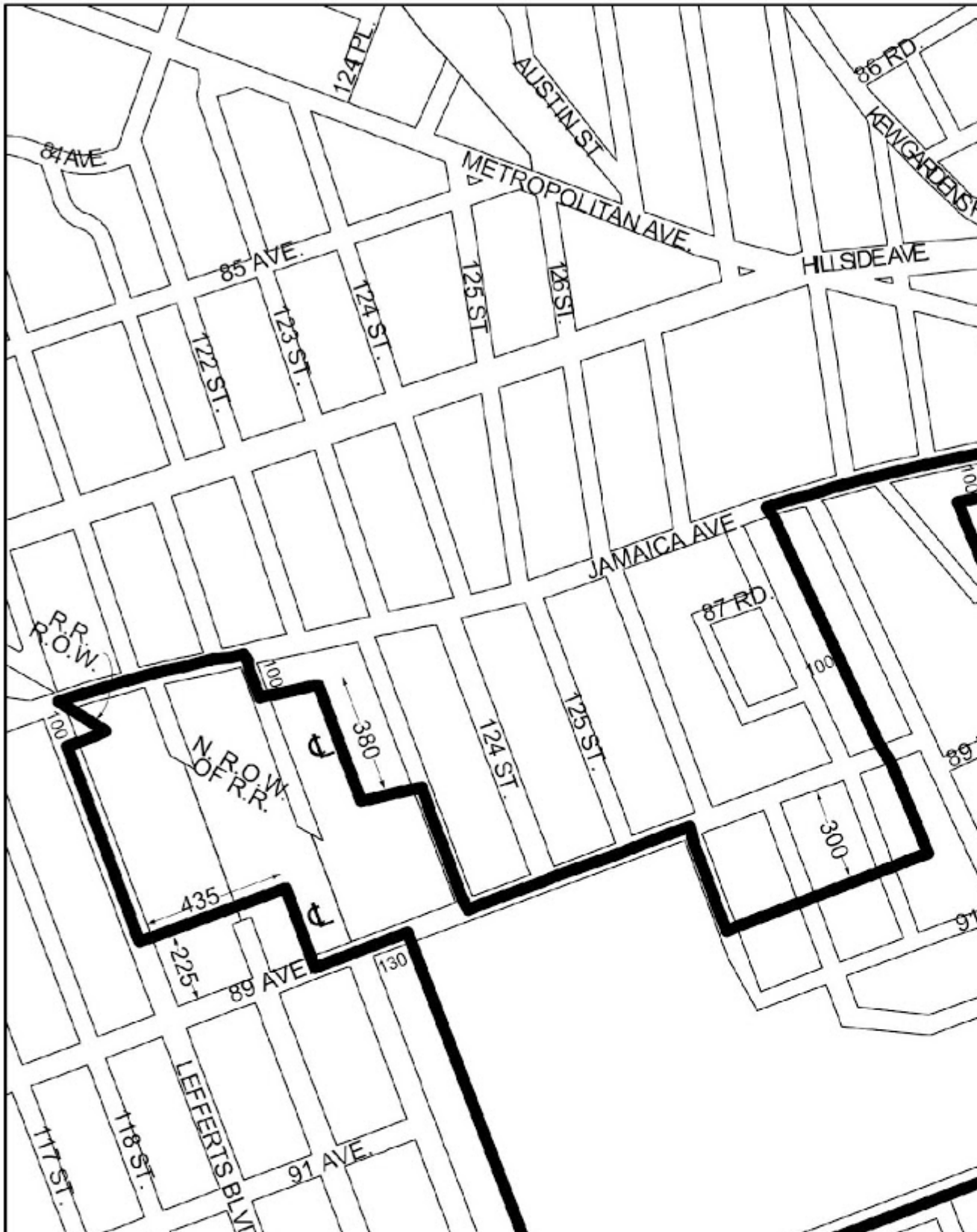
Steinway

Map 2, Subarea 1



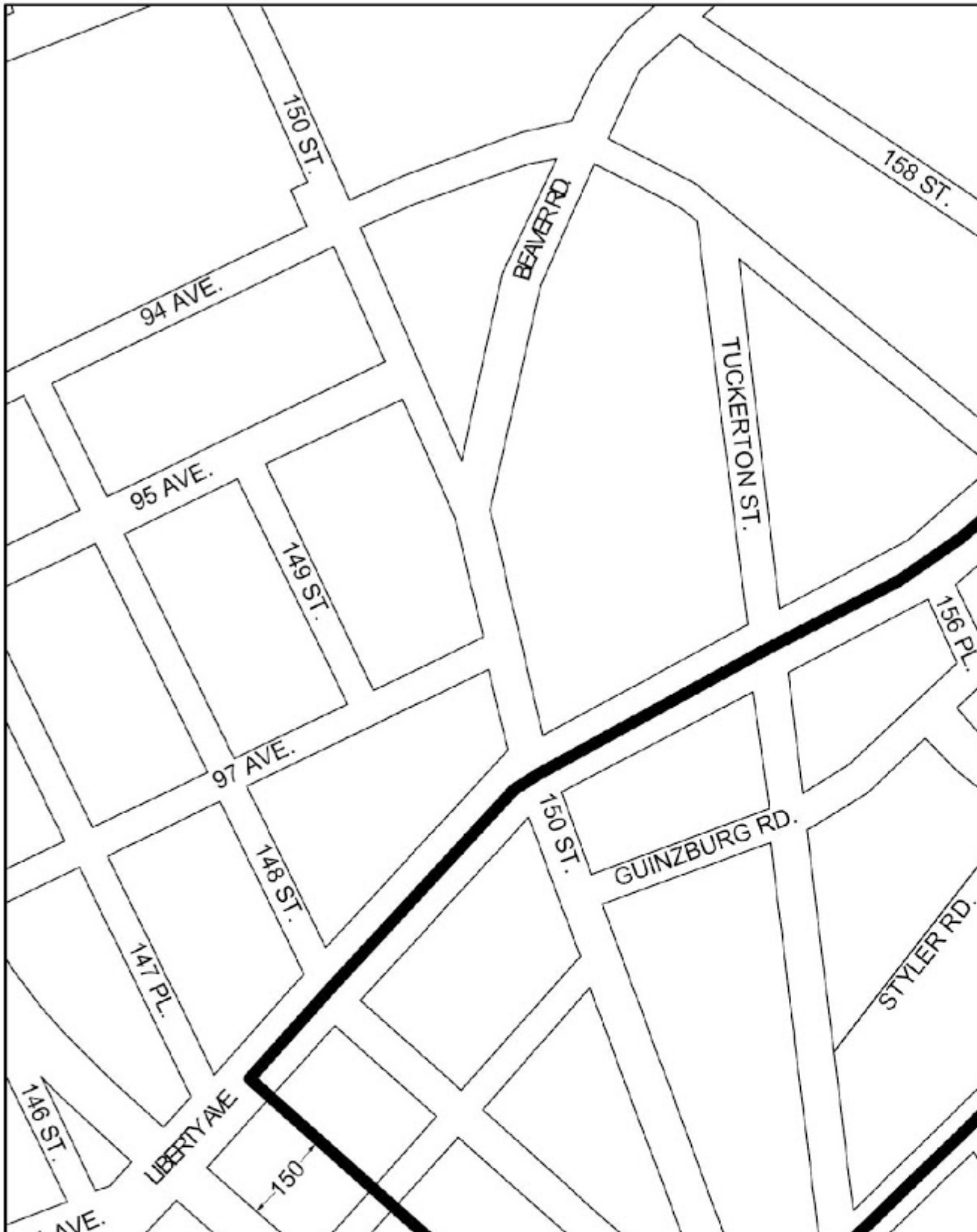
Richmond Hill

Map 1, Subarea 1



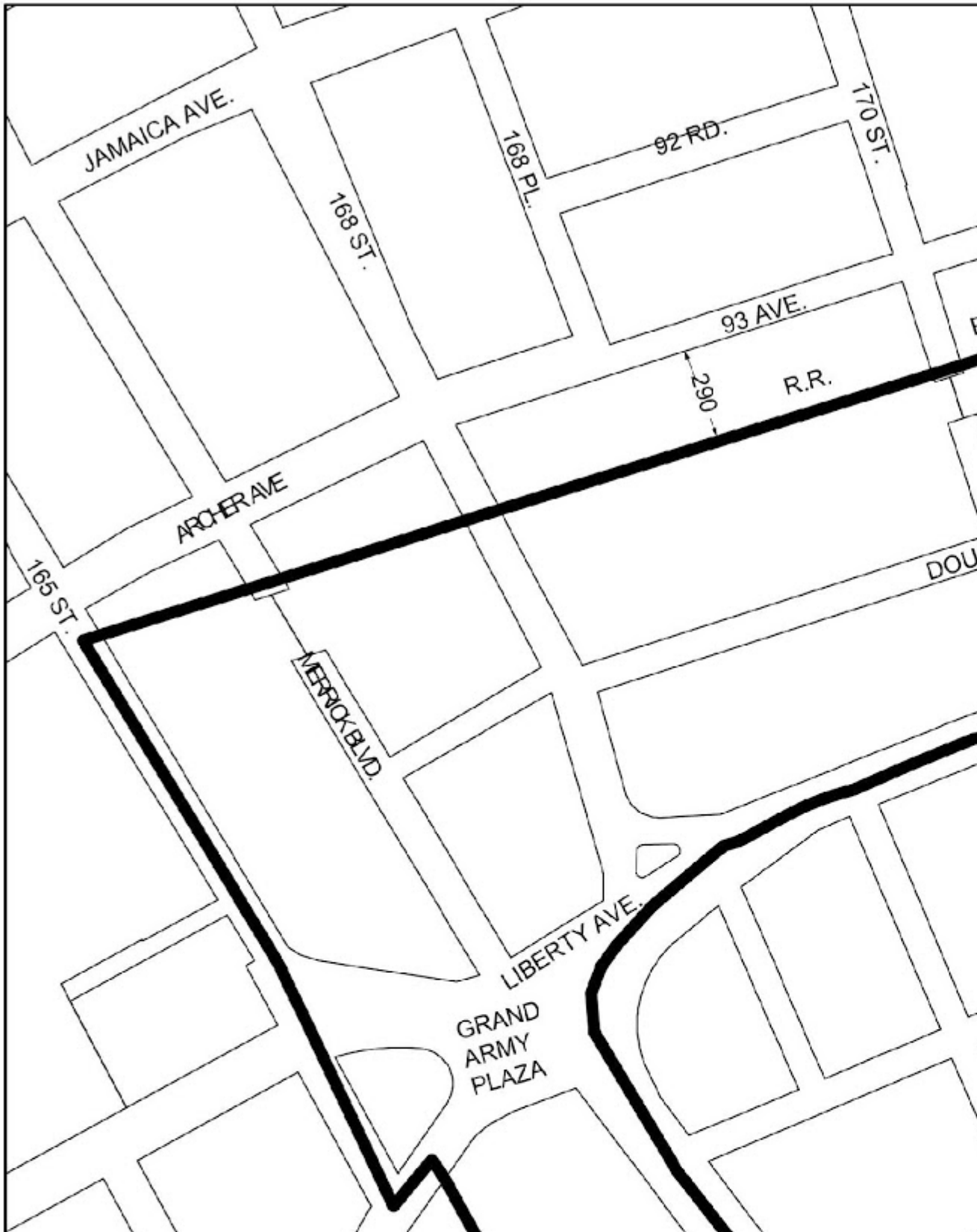
Jamaica

Map 1, Subarea 2



Jamaica

Map 2, Subarea 2



Jamaica

Map 3, Subarea 2



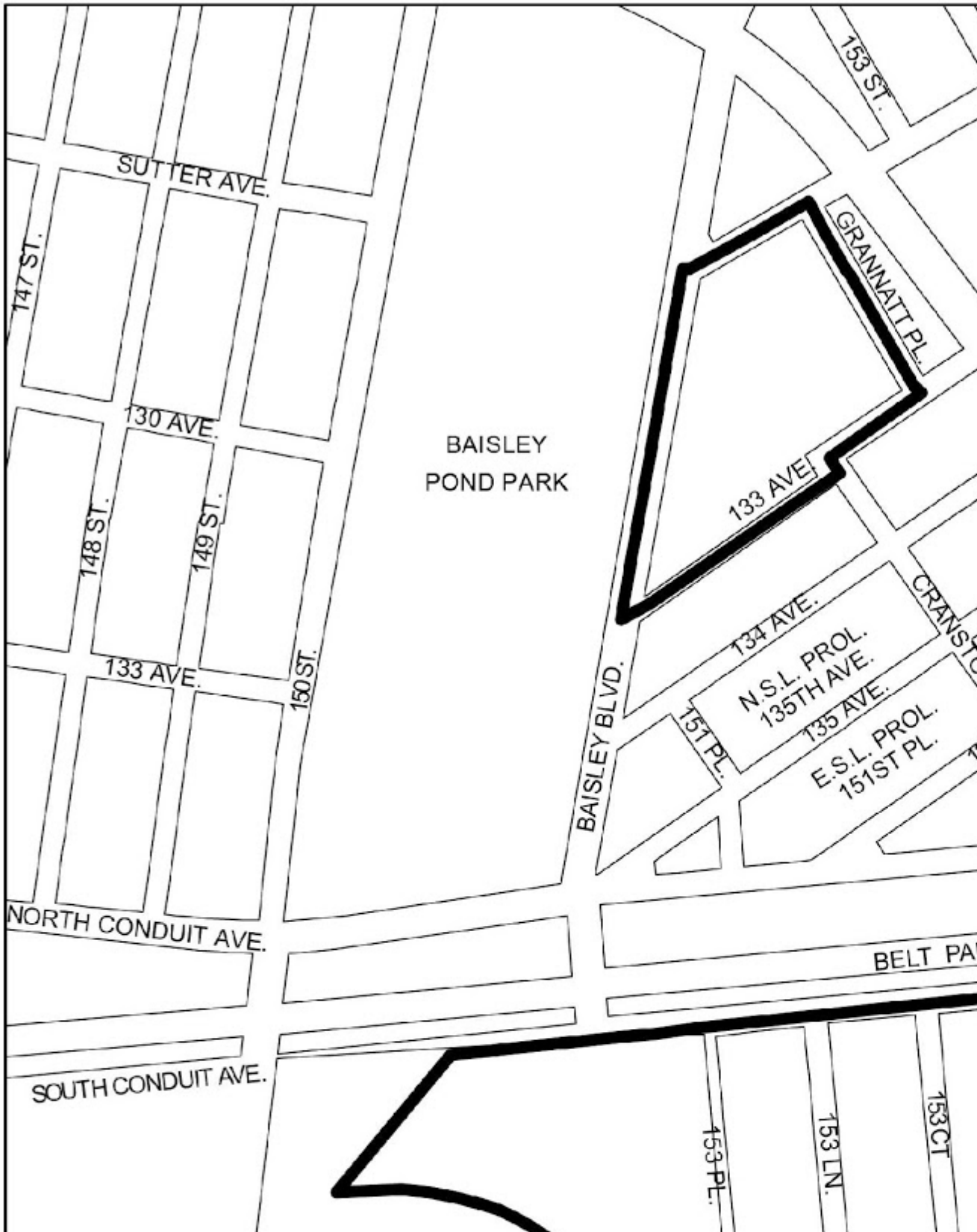
JFK

Map 1, Subarea 2



JFK

Map 2, Subarea 2



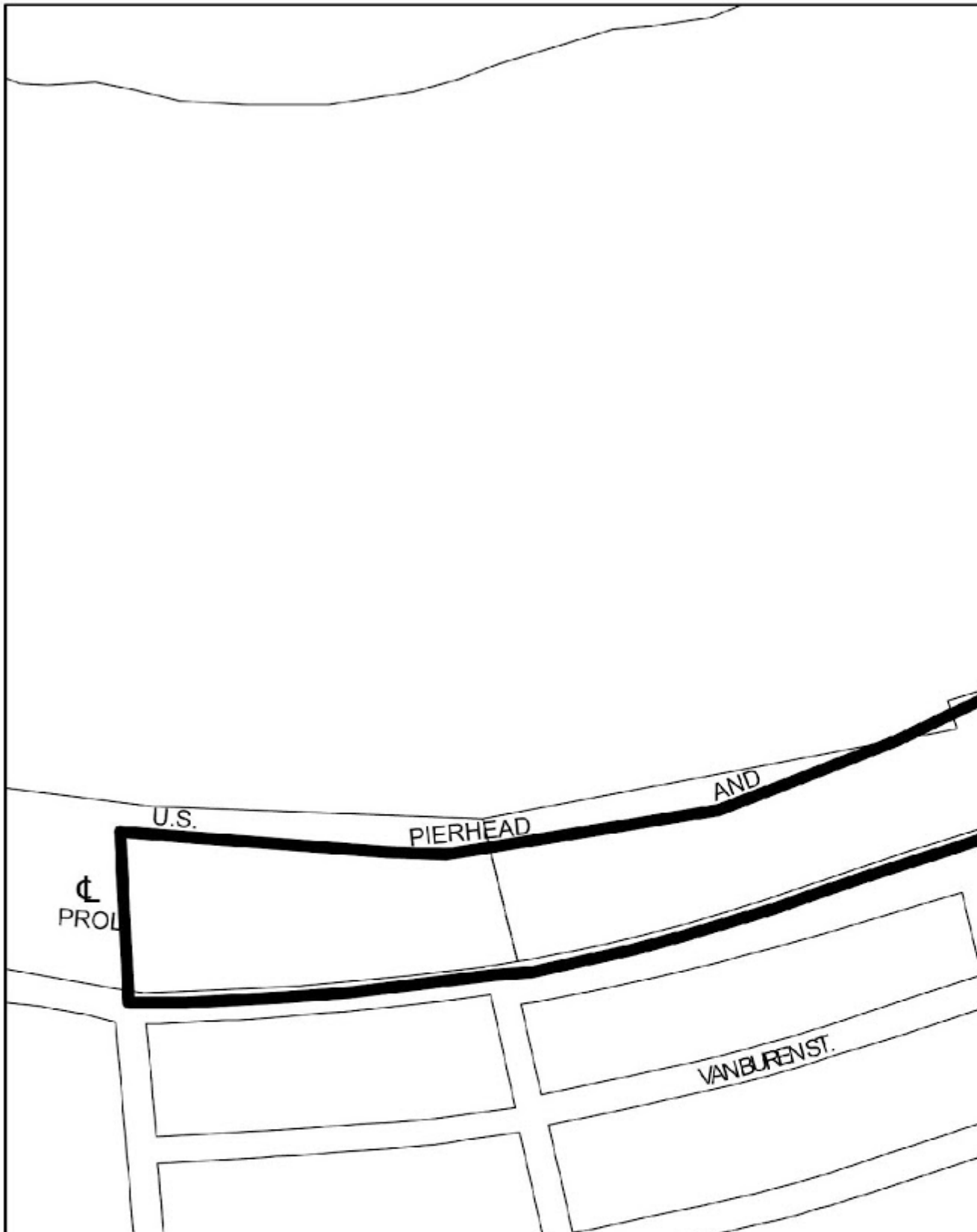
JFK

Map 3, Subarea 2



North Shore

Map 1, Subarea 2



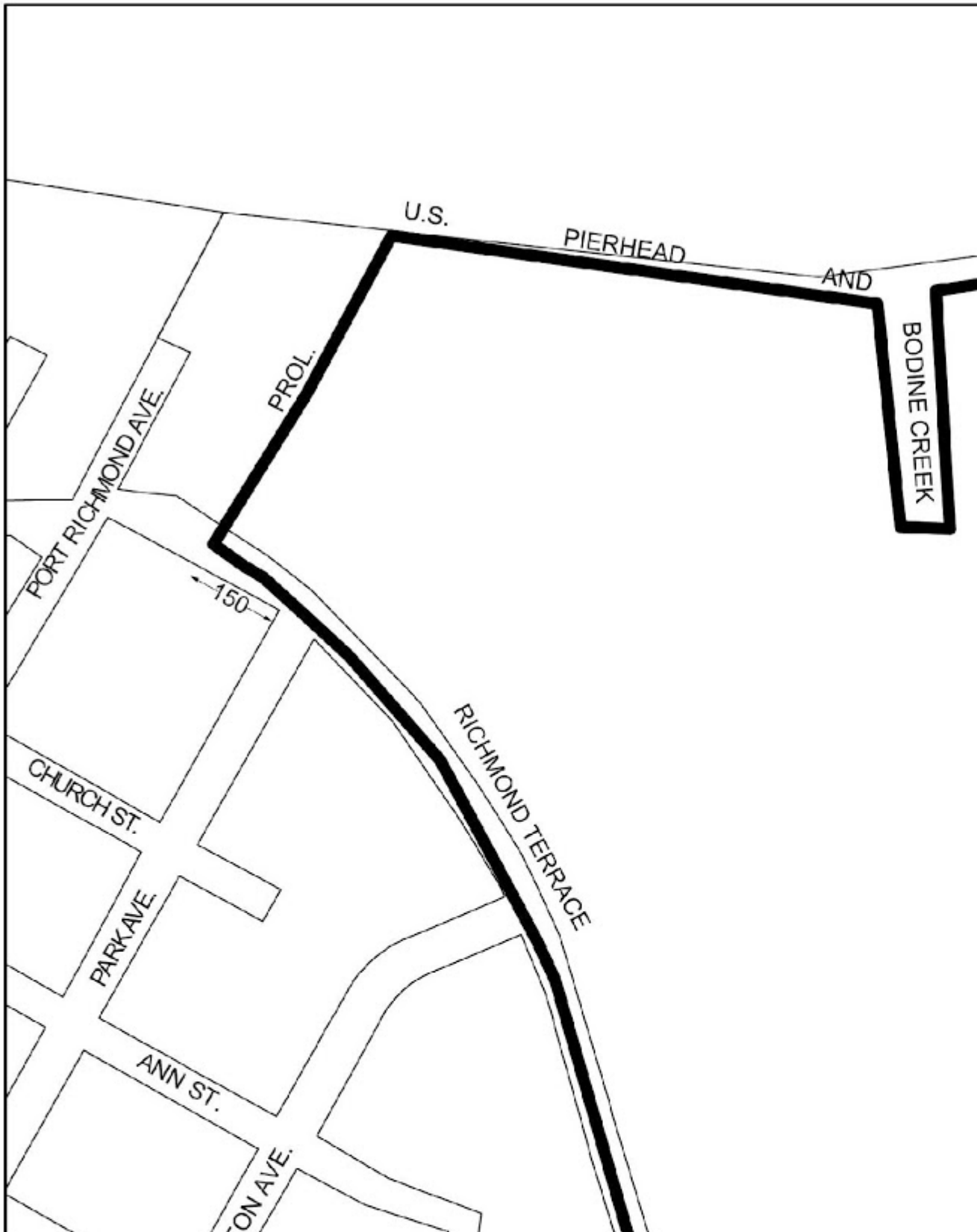
North Shore

Map 2, Subarea 2



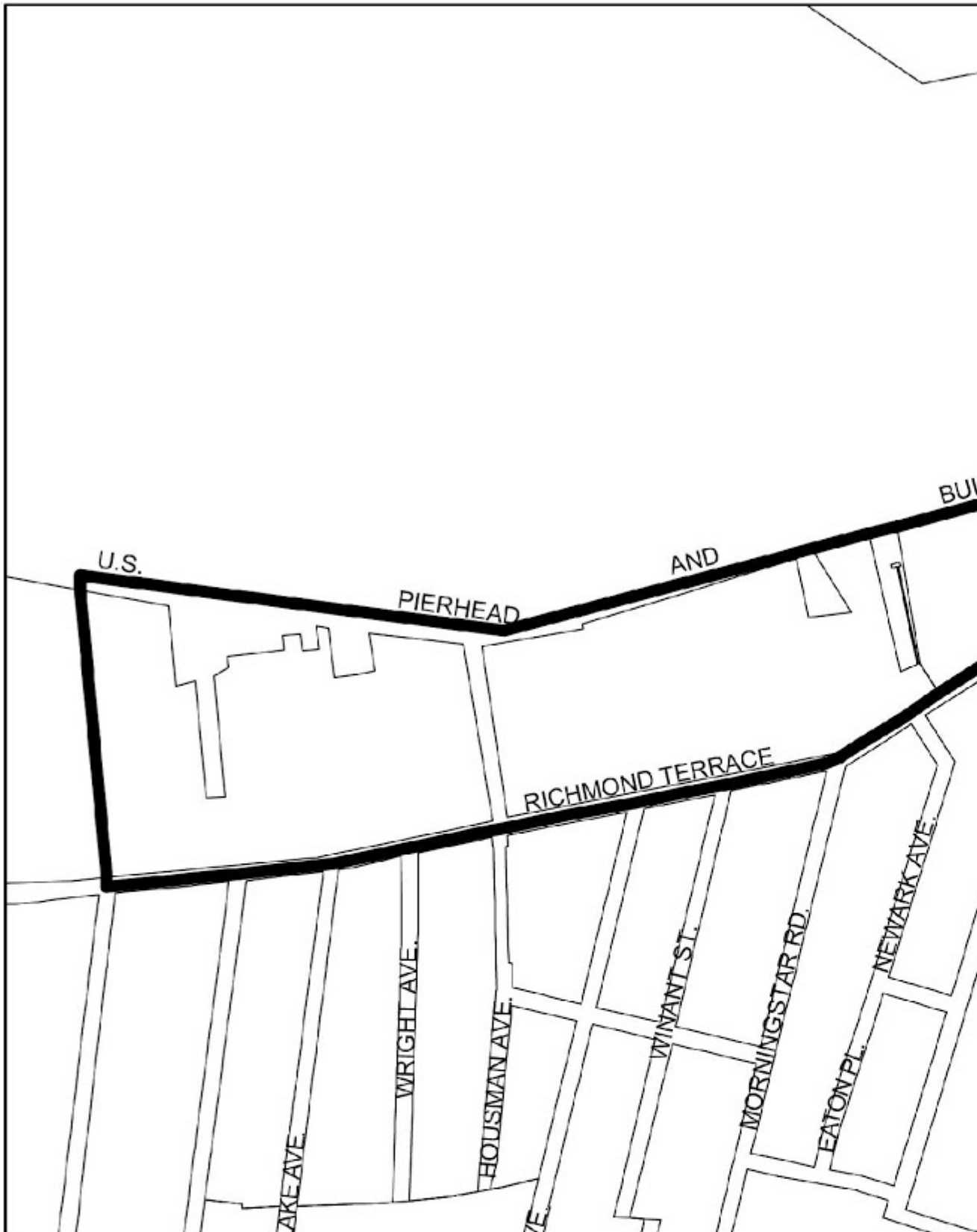
North Shore

Map 3, Subarea 2



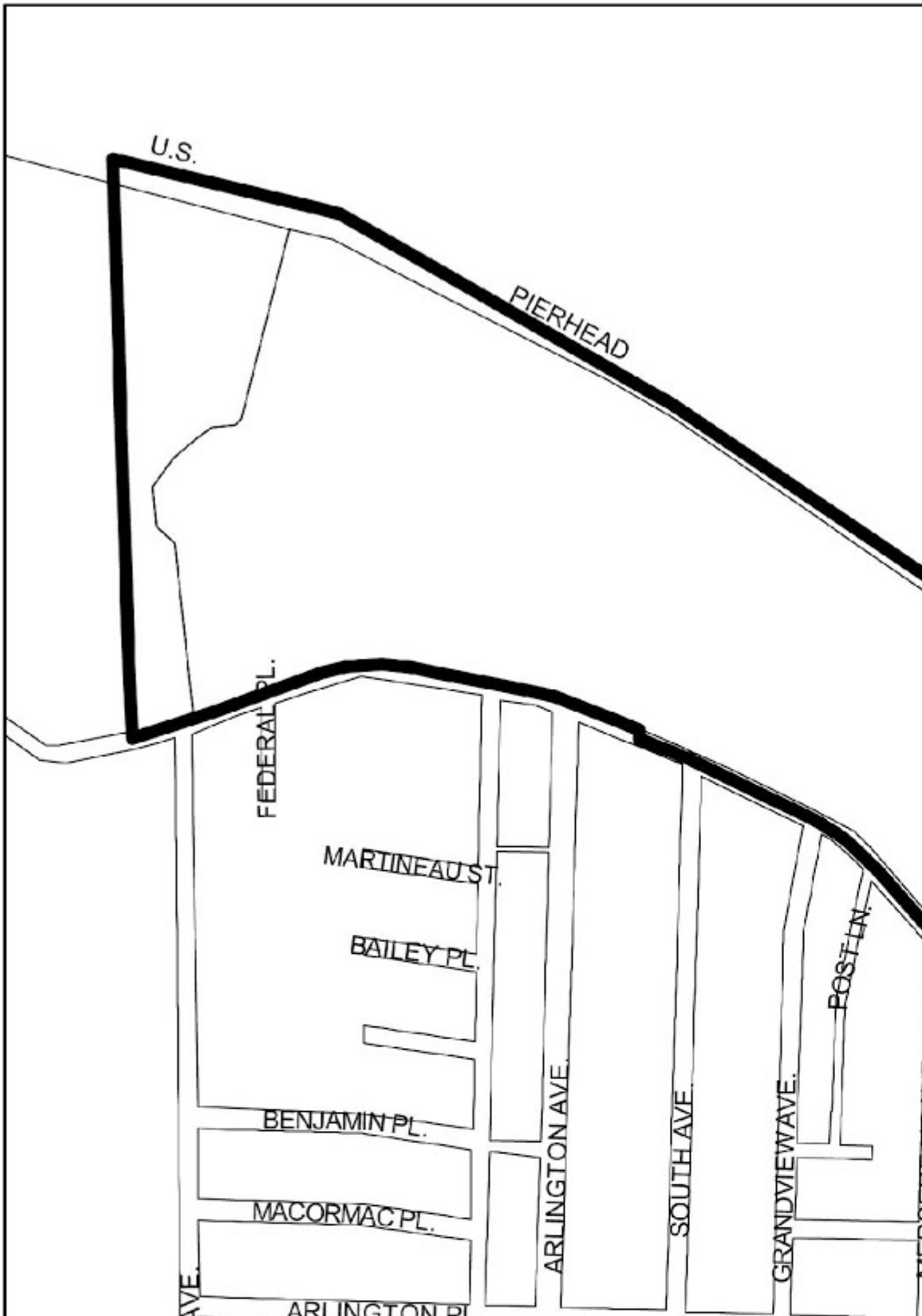
North Shore

Map 4, Subarea 2



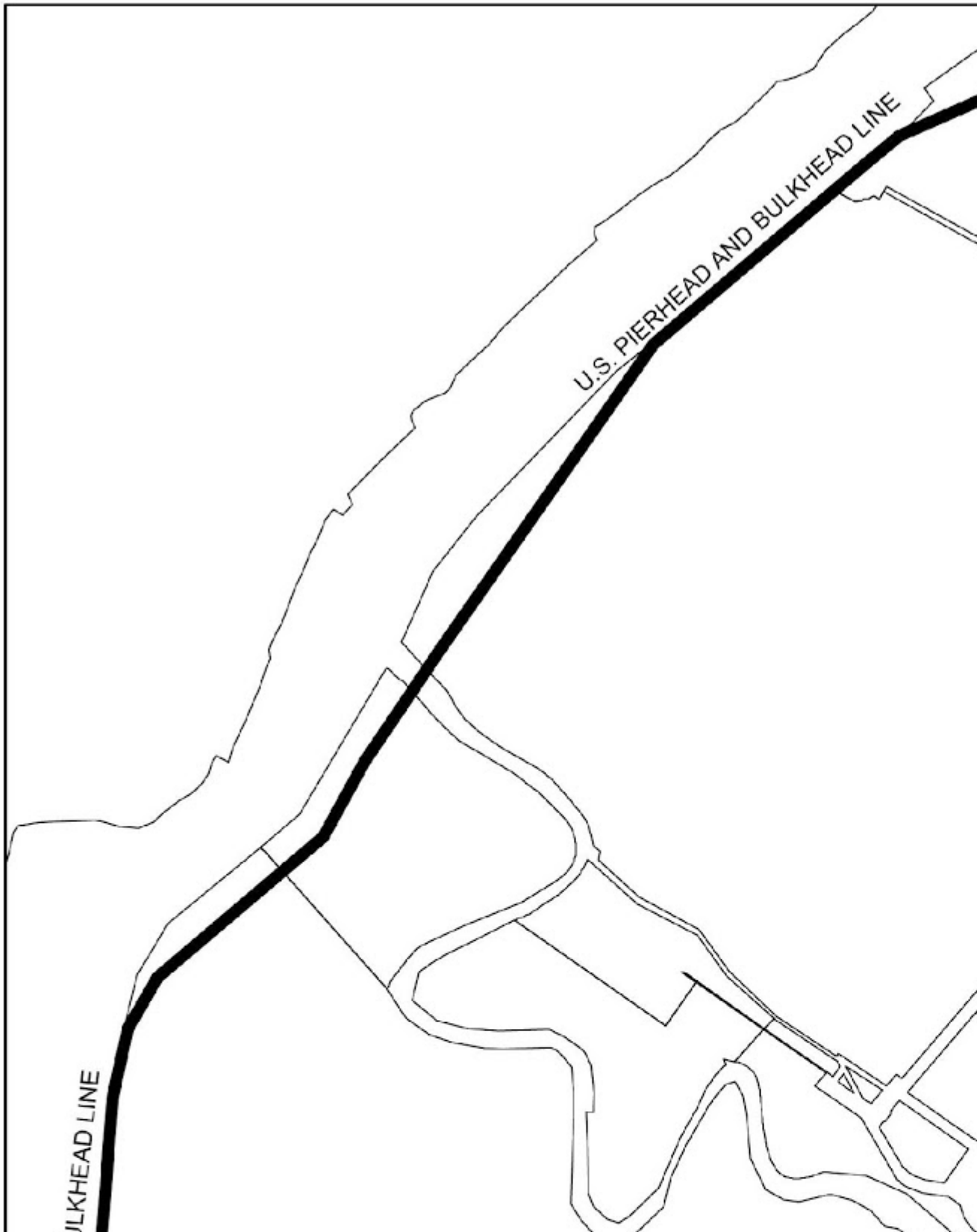
North Shore

Map 5, Subarea 2



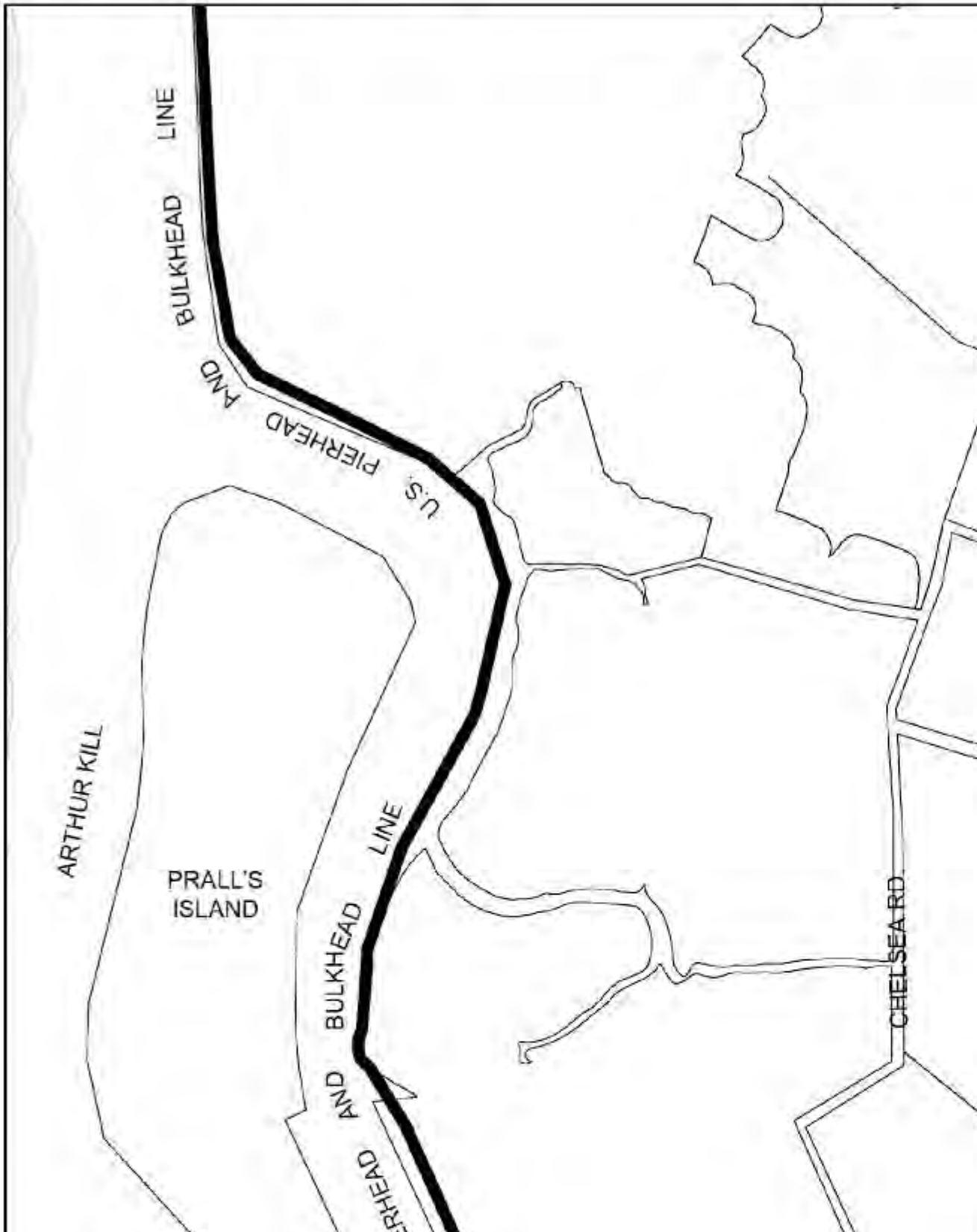
West Shore

Map 1, Subarea 1



West Shore

Map 2, Subarea 1



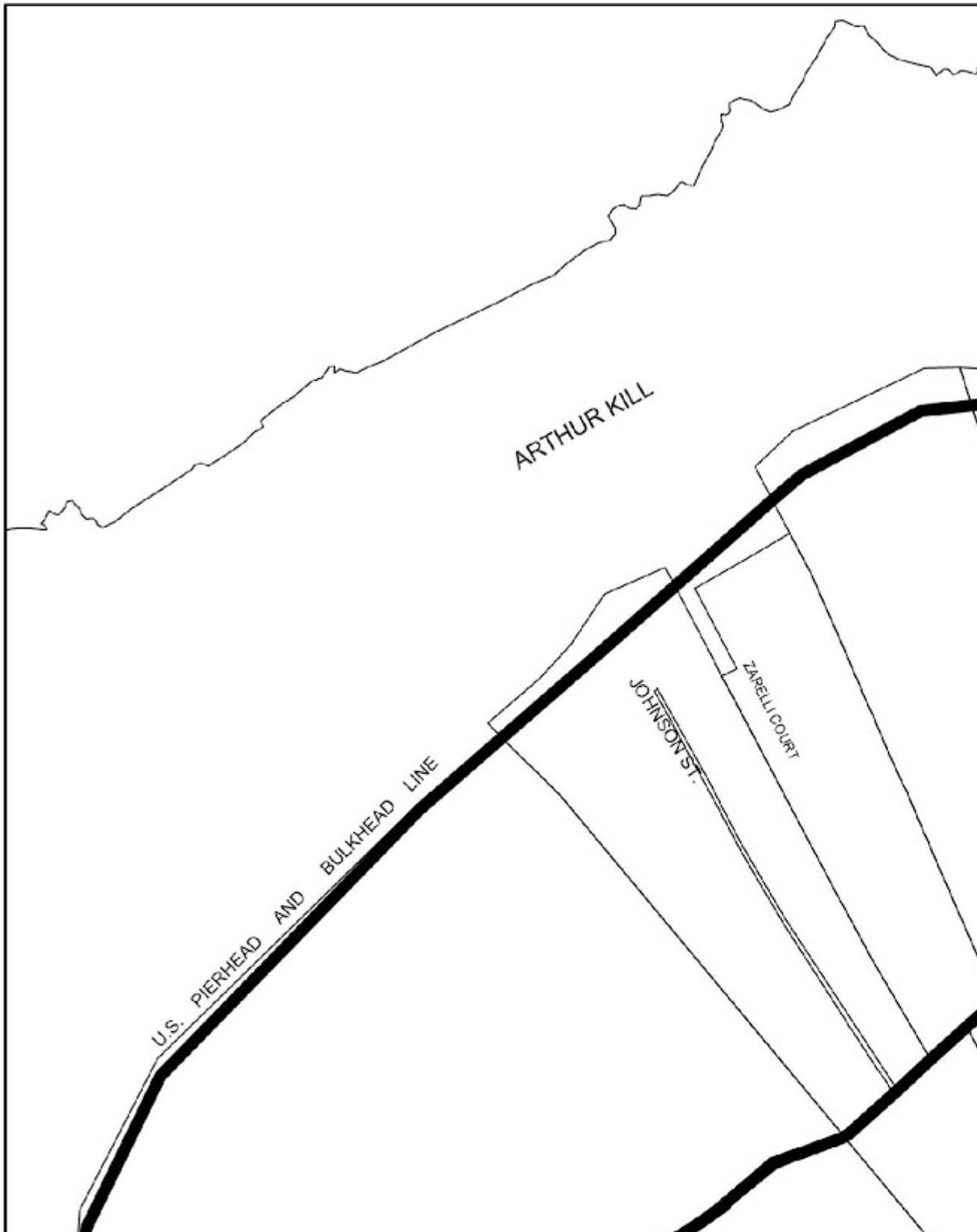
West Shore

Map 3, Subarea 1



Rossville

Map 1, Subarea 1



Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

APPENDIX K — Areas With Nursing Home Restrictions

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APPENDIX K — Areas With Nursing Home Restrictions

(6/6/24)

APPENDIX K: Areas With Nursing Home Restrictions

The areas shown on the maps in this APPENDIX, in addition to any portion of a #zoning lot# that is located within the #high-risk flood zone# as defined in Section 64-11 (Definitions), are subject to the restrictions set forth in Sections 22-133 and 32-133 (Use Group III – uses subject to additional conditions).

These areas include:

the following islands located within the Bronx Community District 10, and Manhattan Community Districts 1, 8, and 11, respectively:

City Island;

Governors Island;

Roosevelt Island; and

Randall’s Island.

all of Queens Community District 14;

portions of the Bronx Community Districts 1, 4, 5, and 7;

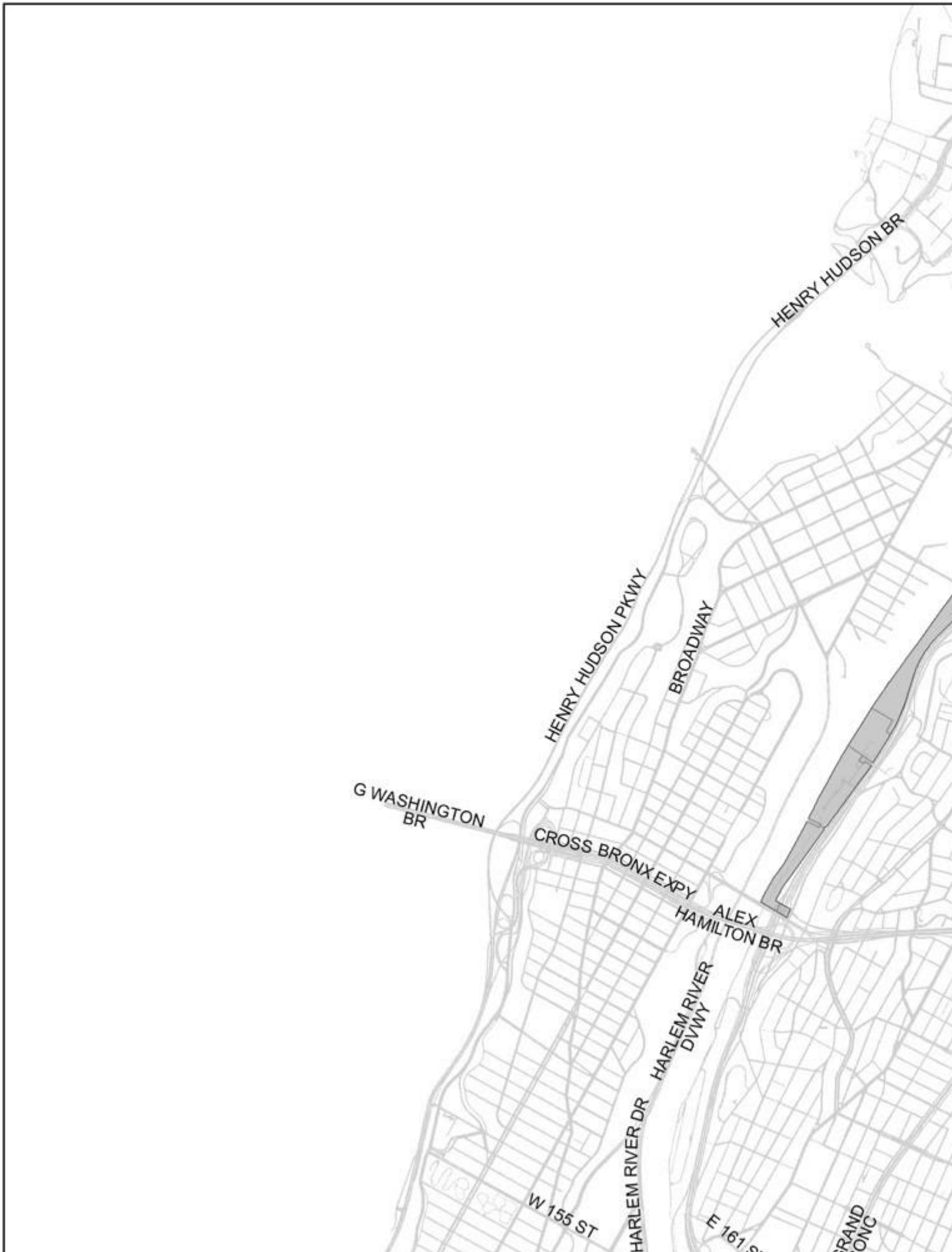
portions of Brooklyn Community Districts 11, 13, 15 and 18;

portions of Queens Community Districts 10 and 13.

Portions of Community Districts located within areas with nursing home restrictions are shown on Maps 1 through 5 in this APPENDIX.


Map 1

Map 1 – The Bronx, Community Districts 5 and 7 (5/12/21)


HENRY HUDSON BR
HENRY HUDSON PKWY
BROADWAY
G WASHINGTON BR
CROSS BRONX EXPY
ALEX HAMILTON BR
HARLEM RIVER DR
HARLEM RIVER DVWY
W 155 ST

Map 2 – Brooklyn, Community District 11, 13, 15 and 18 (5/12/21)


FT HAMILTON PKWY
65 ST
BAY PKWY
MCDONALD AVENUE
OCEAN PKWY
KINGS HWY
BELT PKW

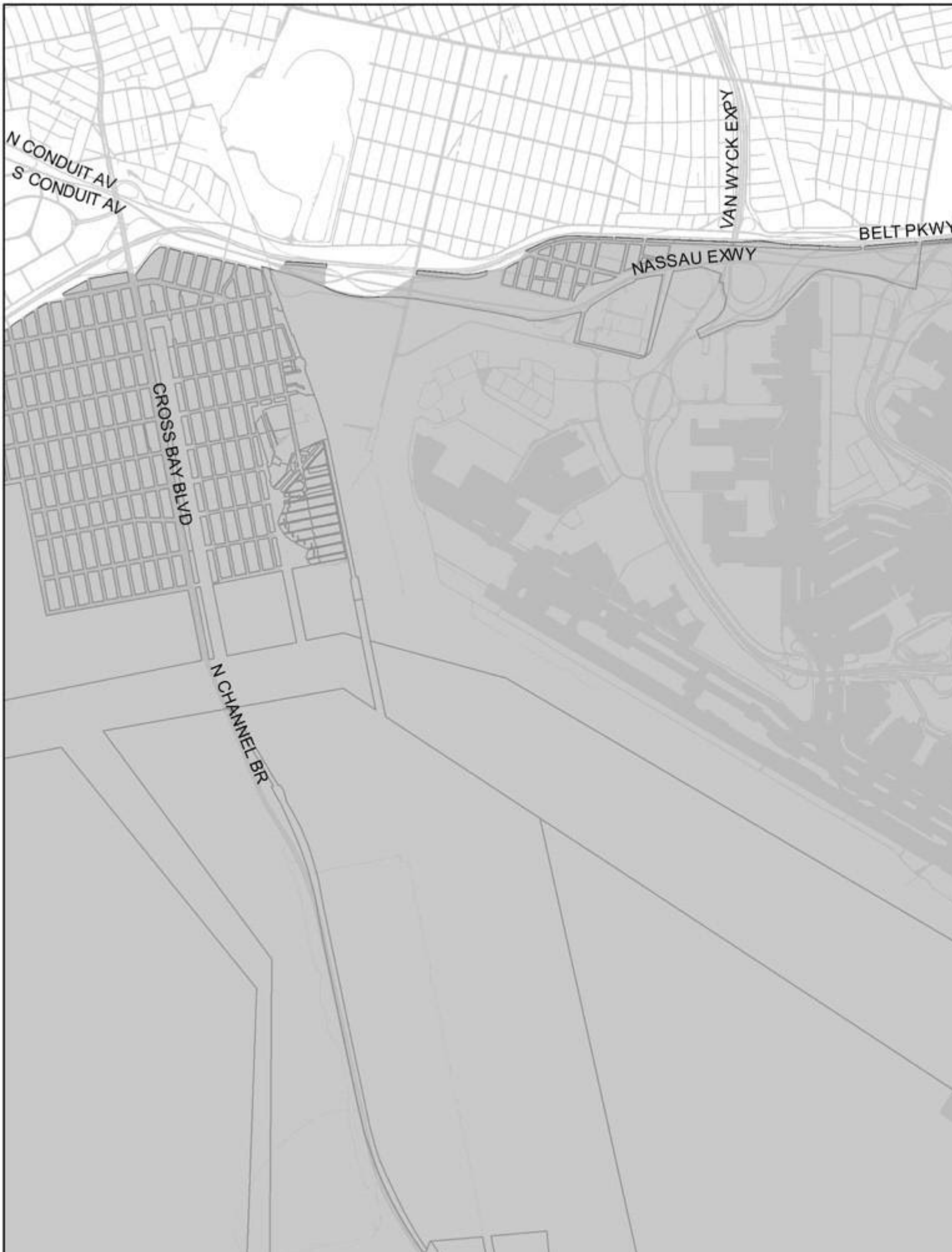
Map 3 – Brooklyn, Community District 18 (5/12/21)

PENNSYLVANIA AV
KINGS HWY
FLATLANDS AV
ROCKAWAY PKWY
UTICA AV
BELT PKWY
MILL BASIN BR
FLATBUSH AV

Map 4 – Queens, Community District 10 (5/12/21)


LINDEN BLVD
PENNSYLVANIA AV
FLATLANDS AV
BELT PKWY
ROCKAWAY PKWY

Map 5 - Queens, Community District 13 (5/12/21)


N CONDUIT AV
S CONDUIT AV
VAN WYCK EXPY
BELT PKWY
NASSAU EXWY
CROSS BAY BLVD
N CHANNEL BR